

CERTIFICATION OF ENROLLMENT
ENGROSSED SUBSTITUTE HOUSE BILL 2781

Chapter 300, Laws of 1996
(partial veto)

54th Legislature
1996 Regular Session

VETERANS' BENEFITS--REVISIONS

EFFECTIVE DATE: 6/6/96

Passed by the House February 9, 1996
Yeas 96 Nays 0

CLYDE BALLARD
**Speaker of the
House of Representatives**

Passed by the Senate February 29, 1996
Yeas 47 Nays 0

JOEL PRITCHARD
President of the Senate

Approved March 30, 1996, with the
exception of section 2, which is
vetoed.

MIKE LOWRY
Governor of the State of Washington

CERTIFICATE

I, Timothy A. Martin, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **ENGROSSED SUBSTITUTE HOUSE BILL 2781** as passed by the House of Representatives and the Senate on the dates hereon set forth.

TIMOTHY A. MARTIN
Chief Clerk

FILED

March 30, 1996 - 4:34 p.m.

**Secretary of State
State of Washington**

ENGROSSED SUBSTITUTE HOUSE BILL 2781

Passed Legislature - 1996 Regular Session

State of Washington

54th Legislature

1996 Regular Session

By House Committee on Appropriations (originally sponsored by Representatives Basich, Regala, Conway, Reams, Grant, Elliot, Quall, Linville, Chandler, Hatfield, D. Sommers, Scheuerman, Stevens, McMahan, Buck, Sheldon, Tokuda, Poulsen, Cole, Chopp, Kessler, Costa, Thompson, D. Schmidt, Robertson and Cooke)

Read first time 02/05/96.

1 AN ACT Relating to veterans' benefits; and amending RCW 41.04.005
2 and 41.04.010.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 41.04.005 and 1991 c 240 s 1 are each amended to read
5 as follows:

6 (1) As used in RCW 41.04.005, ~~((41.04.010))~~ 41.16.220, and
7 41.20.050 "veteran" includes every person, who at the time he or she
8 seeks the benefits of RCW ~~((28B.40.361))~~ 41.04.005, 41.04.010,
9 41.16.220, 41.20.050, 41.40.170, 73.04.110, or 73.08.080 has received
10 an honorable discharge or received a discharge for physical reasons
11 with an honorable record and who meets at least one of the following
12 ~~((two))~~ criteria:

13 ~~((1))~~ (a) The person has served between World War I and World War
14 II or during any period of war, as defined in subsection (2) of this
15 section, as either ~~((a))~~:

16 (i) A member in any branch of the armed forces of the United
17 States~~((, (b)))~~;

18 (ii) A member of the women's air forces service pilots~~((, or (c)))~~;

1 (iii) A U.S. documented merchant mariner with service aboard an
2 oceangoing vessel operated by the war shipping administration, the
3 office of defense transportation, or their agents, during the period of
4 armed conflict, December 7, 1941, to August 15, 1945~~((τ))~~; or

5 (iv) A civil service crewmember with service aboard a U.S. army
6 transport service or U.S. naval transportation service vessel in
7 oceangoing service during the period of armed conflict~~((τ,τ))~~, December
8 7, 1941, to August 15, 1945; or

9 ~~((τ))~~ (b) The person has received the armed forces expeditionary
10 medal, or marine corps and navy expeditionary medal, for opposed action
11 on foreign soil, for service ~~((τ))~~:

12 (i) In any branch of the armed forces of the United States; or

13 ~~((τ))~~ (ii) As a member of the women's air forces service pilots.

14 (2) A "period of war" includes:

15 (a) World War I~~((τ))~~;

16 (b) World War II~~((τ))~~;

17 (c) The Korean conflict~~((τ))~~;

18 (d) The Vietnam era, ~~((and))~~ which was the period beginning August
19 5, 1964, and ending on May 7, 1975;

20 (e) The Persian Gulf War, which was the period beginning August 2,
21 1990, and ending on the date prescribed by presidential proclamation or
22 law;

23 (f) The period beginning on the date of any future declaration of
24 war by the congress and ending on the date prescribed by presidential
25 proclamation or concurrent resolution of the congress~~((—The "Vietnam~~
26 ~~era" means the period beginning August 5, 1964, and ending on May 7,~~
27 ~~1975))~~; and

28 (g) The following armed conflicts, if the participant was awarded
29 the respective campaign badge or medal: The crisis in Lebanon; the
30 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation
31 Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation
32 Joint Endeavor.

33 ***Sec. 2. RCW 41.04.010 and 1974 ex.s. c 170 s 1 are each amended**
34 **to read as follows:**

35 ~~((In all competitive examinations, unless otherwise provided~~
36 ~~herein, to determine the qualifications of applicants for public~~
37 ~~offices, positions or employment, the state, and all of its political~~
38 ~~subdivisions and all municipal corporations, shall give a preference~~

1 ~~status to all veterans as defined in RCW 41.04.005, by adding to the~~
2 ~~passing mark, grade or rating only, based upon a possible rating of one~~
3 ~~hundred points as perfect a percentage in accordance with the~~
4 ~~following:)) For purposes of this section only, "veteran" is defined to~~
5 ~~include veterans as defined in RCW 41.04.005(1) and to include every~~
6 ~~person who, at the time the person seeks the benefits of this section,~~
7 ~~has served more than one hundred eighty days of active duty not for~~
8 ~~training, or if less than one hundred eighty days, must be receiving~~
9 ~~compensation for a service-connected disability, in any branch of the~~
10 ~~armed forces of the United States and who was discharged or released~~
11 ~~under conditions other than dishonorable.~~

12 A veteran participating in all competitive and certain designated
13 promotional examinations with the state or any of its political
14 subdivisions and all municipal corporations shall receive a veteran's
15 preference. To receive a veteran's preference, the veteran must
16 receive a passing examination mark, grade, or rating. The veteran's
17 preference shall be a percentage of the passing examination mark,
18 grade, or rating as follows:

19 (1) Ten percent to a veteran who served in a combat zone during a
20 period of war as defined in RCW 41.04.005 and who is not receiving
21 ((any veterans)) military retirement ((payments and said)). The
22 percentage shall be ((utilized in said veteran's)) added to the passing
23 mark, grade, or rating of competitive examinations ((and not in any
24 promotional examination)) until ((one of such examinations results in
25 said)) the veteran's first appointment((: PROVIDED, That said)). The
26 percentage shall not be utilized in ((any)) promotional examinations
27 unless the veteran was called to active military service from
28 employment with the state or any of its political subdivisions or
29 municipal corporations, then the percentage shall be added to the first
30 promotional examination only, after compliance with RCW 73.16.035;

31 (2) Five percent to a veteran who did not serve in a combat zone
32 during a war period as defined in RCW 41.04.005 or who is receiving
33 ((any veterans retirement payments and said percentage shall be
34 utilized in said veteran's)) military retirement. The percentage shall
35 be added to the mark, grade, or rating of competitive examinations
36 ((only and not in any promotional examination)) until ((one of such
37 examinations results in said)) the veteran's first appointment((: PROVIDED, That said)). The percentage shall not be utilized in ((any))
38 promotional examination((:
39

1 ~~(3) Five percent to a veteran who, after having previously~~
2 ~~received)) unless the veteran was called to active military service~~
3 ~~from employment with the state or any of its political subdivisions or~~
4 ~~municipal corporations((, shall be called, or recalled, to active~~
5 ~~military service for a period of one year, or more, during any period~~
6 ~~of war, for his)). Then the percentage shall be added to the first~~
7 ~~promotional examination only((, upon)) after compliance with RCW~~
8 ~~73.16.035 ((as it now exists or may hereafter be amended));~~

9 ~~((4) There shall be no examination preferences other than those~~
10 ~~which have been specifically provided for above and all)) (3) A~~
11 ~~veteran's preference((s above)) specified in subsections (1)((,)) and~~
12 ~~(2) ((and (3))) of this section must be claimed ((by a veteran)) within~~
13 ~~((eight)) ten years of the date of ((his)) release from active military~~
14 ~~service.~~

15 *Sec. 2 was vetoed. See message at end of chapter.

Passed the House February 9, 1996.

Passed the Senate February 29, 1996.

Approved by the Governor March 30, 1996, with the exception of
certain items that were vetoed.

Filed in Office of Secretary of State March 30, 1996.

1 Note: Governor's explanation of partial veto is as follows:

2 "I am returning herewith, without my approval as to section 2,
3 Engrossed Substitute House Bill No. 2781 entitled:

4 "AN ACT Relating to veterans' benefits;"

5 Engrossed Substitute House Bill No. 2781 amends statutes that give
6 preference in public employment to veterans who have served during
7 specific armed conflicts since the Vietnam era. This bill also adds
8 categories of veterans to those who currently receive preferences.

9 Section 1 of the bill recognizes veterans who have served in armed
10 conflicts since 1975 for the purpose of receiving public employment
11 preferences in the form of additional percentage points on competitive
12 and promotional exams. I am very supportive of this portion of the
13 bill, which provides well-deserved recognition to these men and women.

14 Because section 2 of Engrossed Substitute House Bill No. 2781
15 contains substantial ambiguities which would make implementation
16 extremely difficult, I have reluctantly vetoed this section.
17 Furthermore, inconsistent interpretation and application by the public
18 entities covered by the statute would make application of this section
19 unnecessarily susceptible to legal challenges. Clear and consistent
20 laws are particularly critical for those programs granting rights and
21 benefits to any identified group.

22 The legislature should make the updating of these statutes relating
23 to our state's veterans an early priority in the next legislative

1 session. Carefully tailored language based on the goals of this
2 legislation should be enacted at the earliest opportunity.

3 For these reasons, I have vetoed section 2 of Engrossed Substitute
4 House Bill No. 2781.

5 With the exception of section 2, Engrossed Substitute House Bill
6 No. 2781 is approved."