

CERTIFICATION OF ENROLLMENT

ENGROSSED SENATE BILL 5626

Chapter 292, Laws of 2002

57th Legislature
2002 Regular Session

VETERANS

EFFECTIVE DATE: 6/13/02

Passed by the Senate March 11, 2002
YEAS 46 NAYS 0

BRAD OWEN

President of the Senate

Passed by the House March 5, 2002
YEAS 92 NAYS 0

FRANK CHOPP

**Speaker of the
House of Representatives**

CERTIFICATE

I, Tony M. Cook, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **ENGROSSED SENATE BILL 5626** as passed by the Senate and the House of Representatives on the dates hereon set forth.

TONY M. COOK

Secretary

Approved April 2, 2002

FILED

April 2, 2002 - 10:14 a.m.

GARY LOCKE

Governor of the State of Washington

**Secretary of State
State of Washington**

ENGROSSED SENATE BILL 5626

AS AMENDED BY THE HOUSE

Passed Legislature - 2002 Regular Session

State of Washington 57th Legislature 2001 Regular Session

By Senators Rasmussen, Oke, Swecker, Winsley, Snyder, Shin, Roach, Patterson, McAuliffe and Benton; by request of Joint Select Committee on Veterans' and Military Affairs

Read first time 01/29/2001. Referred to Committee on State & Local Government.

1 AN ACT Relating to the definition of veteran; amending RCW
2 41.04.005, 46.20.027, 41.04.010, 72.36.035, 73.04.090, 73.08.010,
3 73.08.060, 73.08.070, and 73.24.030; adding a new section to chapter
4 41.04 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 41.04.005 and 1999 c 65 s 1 are each amended to read
7 as follows:

8 (1) As used in RCW 41.04.005, 41.16.220, (~~and~~) 41.20.050,
9 41.40.170, and 28B.15.380 "veteran" includes every person, who at the
10 time he or she seeks the benefits of RCW 41.04.005, (~~41.04.010,~~)
11 41.16.220, 41.20.050, 41.40.170, (~~73.04.110, or 73.08.080~~) or
12 28B.15.380 has received an honorable discharge or received a discharge
13 for physical reasons with an honorable record and who meets at least
14 one of the following criteria:

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

18 (i) A member in any branch of the armed forces of the United
19 States;

- 1 (ii) A member of the women's air forces service pilots;
- 2 (iii) A U.S. documented merchant mariner with service aboard an
3 oceangoing vessel operated by the war shipping administration, the
4 office of defense transportation, or their agents, from December 7,
5 1941, ((~~to~~)) through December 31, 1946; or
- 6 (iv) A civil service crewmember with service aboard a U.S. army
7 transport service or U.S. naval transportation service vessel in
8 oceangoing service from December 7, 1941, ((~~to~~)) through December 31,
9 1946; or
- 10 (b) The person has received the armed forces expeditionary medal,
11 or marine corps and navy expeditionary medal, for opposed action on
12 foreign soil, for service:
- 13 (i) In any branch of the armed forces of the United States; or
- 14 (ii) As a member of the women's air forces service pilots.
- 15 (2) A "period of war" includes:
- 16 (a) World War I;
- 17 (b) World War II;
- 18 (c) The Korean conflict;
- 19 (d) The Vietnam era, which was the period beginning August 5, 1964,
20 and ending on May 7, 1975;
- 21 (e) The Persian Gulf War, which was the period beginning August 2,
22 1990, and ending on the date prescribed by presidential proclamation or
23 law;
- 24 (f) The period beginning on the date of any future declaration of
25 war by the congress and ending on the date prescribed by presidential
26 proclamation or concurrent resolution of the congress; and
- 27 (g) The following armed conflicts, if the participant was awarded
28 the respective campaign badge or medal: The crisis in Lebanon; the
29 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation
30 Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation
31 Joint Endeavor.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW
33 to read as follows:

34 "Veteran" includes every person, who at the time he or she seeks
35 the benefits of RCW 72.36.030, 41.04.010, 73.04.090, 73.04.110,
36 73.08.010, 73.08.060, 73.08.070, or 73.08.080 has received an honorable
37 discharge or received a discharge for medical reasons with an honorable

1 record, where applicable, and who has served in at least one of the
2 following capacities:

3 (1) As a member in any branch of the armed forces of the United
4 States, including the national guard and armed forces reserves, and has
5 fulfilled his or her initial military service obligation;

6 (2) As a member of the women's air forces service pilots;

7 (3) As a member of the armed forces reserves, national guard, or
8 coast guard, and has been called into federal service by a presidential
9 select reserve call up for at least one hundred eighty cumulative days;

10 (4) As a civil service crewmember with service aboard a U.S. army
11 transport service or U.S. naval transportation service vessel in
12 oceangoing service from December 7, 1941, through December 31, 1946; or

13 (5) As a member of the Philippine armed forces/scouts during the
14 period of armed conflict from December 7, 1941, through August 15,
15 1945.

16 **Sec. 3.** RCW 46.20.027 and 1999 c 199 s 1 are each amended to read
17 as follows:

18 A Washington state motor vehicle driver's license issued to any
19 (~~person serving in the armed forces of the United States,~~) service
20 member if valid and in force and effect while such person is serving in
21 the armed forces, shall remain in full force and effect so long as such
22 service continues unless the same is sooner suspended, canceled, or
23 revoked for cause as provided by law and for not to exceed ninety days
24 following the date on which the holder of such driver's license is
25 honorably separated from service in the armed forces of the United
26 States. A Washington state driver's license issued to the spouse or
27 dependent child of such service member likewise remains in full force
28 and effect if the person is residing with the service member.

29 For purposes of this section, "service member" means every person
30 serving in the armed forces whose branch of service as of the date of
31 application for the driver's license is included in the definition of
32 veteran pursuant to section 2 of this act or the person will meet the
33 definition of veteran at the time of discharge.

34 **Sec. 4.** RCW 41.04.010 and 2000 c 140 s 1 are each amended to read
35 as follows:

36 In all competitive examinations, unless otherwise provided in this
37 section, to determine the qualifications of applicants for public

1 offices, positions or employment, the state, and all of its political
2 subdivisions and all municipal corporations, shall give a scoring
3 criteria status to all veterans as defined in ((RCW 41.04.005)) section
4 2 of this act, by adding to the passing mark, grade or rating only,
5 based upon a possible rating of one hundred points as perfect a
6 percentage in accordance with the following:

7 (1) Ten percent to a veteran who served during a period of war or
8 in an armed conflict as defined in RCW 41.04.005 and does not receive
9 military retirement. The percentage shall be added to the passing
10 mark, grade, or rating of competitive examinations until the veteran's
11 first appointment. The percentage shall not be utilized in promotional
12 examinations;

13 (2) Five percent to a veteran who did not serve during a period of
14 war or in an armed conflict as defined in RCW 41.04.005 or is receiving
15 military retirement. The percentage shall be added to the passing
16 mark, grade, or rating of competitive examinations until the veteran's
17 first appointment. The percentage shall not be utilized in promotional
18 examinations;

19 (3) Five percent to a veteran who was called to active military
20 service for one or more years from employment with the state or any of
21 its political subdivisions or municipal corporations. The percentage
22 shall be added to the first promotional examination only;

23 (4) All veterans' scoring criteria specified in subsections (1),
24 (2), and (3) of this section must be claimed within fifteen years of
25 the date of release from active military service. This period may be
26 extended for valid and extenuating reasons to include but not be
27 limited to:

28 (a) Documented medical reasons beyond control of the veteran;

29 (b) United States department of veterans' affairs documented
30 disabled veteran; or

31 (c) Any veteran who has his or her employment terminated through no
32 fault or action of his or her own and whose livelihood is adversely
33 affected may seek scoring criteria employment consideration under this
34 section.

35 **Sec. 5.** RCW 72.36.035 and 2001 2nd sp.s. c 4 s 2 are each amended
36 to read as follows:

37 For purposes of this chapter, unless the context clearly indicates
38 otherwise:

1 (1) "Actual bona fide residents of this state" means persons who
2 have a domicile in the state of Washington immediately prior to
3 application for admission to a state veterans' home.

4 (2) "Department" means the Washington state department of veterans
5 affairs.

6 (3) "Domicile" means a person's true, fixed, and permanent home and
7 place of habitation, and shall be the place where the person intends to
8 remain, and to which the person expects to return when the person
9 leaves without intending to establish a new domicile elsewhere.

10 (4) "State veterans' homes" means the Washington soldiers' home and
11 colony in Orting, the Washington veterans' home in Retsil, and the
12 eastern Washington veterans' home.

13 (5) "Veteran" has the same meaning established in ((RCW 41.04.005))
14 section 2 of this act.

15 **Sec. 6.** RCW 73.04.090 and 1991 c 240 s 3 are each amended to read
16 as follows:

17 All benefits, advantages or emoluments, not available upon equal
18 terms to all citizens, including but not being limited to preferred
19 rights to public employment, civil service preference, exemption from
20 license fees or other impositions, preference in purchasing state
21 property ((and special pension or retirement rights)), which by any law
22 of this state have been made specially available to war veterans or to
23 persons who have served in the armed forces or defense forces of the
24 United States, shall be available only to persons who have been subject
25 to full and continuous military control and discipline as actual
26 members of the federal armed forces or to persons defined as "veterans"
27 in ((RCW 41.04.005)) section 2 of this act. Service with such forces
28 in a civilian capacity, or in any capacity wherein a person retained
29 the right to terminate his or her service or to refuse full obedience
30 to military superiors, shall not be the basis for eligibility for such
31 benefits. Service in any of the following shall not for purposes of
32 this section be considered as military service: The office of
33 emergency services or any component thereof; the American Red Cross;
34 the United States Coast Guard Auxiliary; United States Coast Guard
35 Reserve Temporary; United States Coast and Geodetic Survey; American
36 Field Service; Civil Air Patrol; Cadet Nurse Corps, and any other
37 similar organization.

1 **Sec. 7.** RCW 73.08.010 and 1983 c 295 s 1 are each amended to read
2 as follows:

3 For the relief of indigent and suffering veterans as defined in
4 ((~~RCW 41.04.005~~)) section 2 of this act and their families or the
5 families of those deceased, who need assistance in any city, town or
6 precinct in this state, the legislative authority of the county in
7 which the city, town or precinct is situated shall provide such sum or
8 sums of money as may be necessary, to be drawn upon by the commander
9 and quartermaster, or commander and adjutant or commander and service
10 officer of any post, camp or chapter of any national organization of
11 veterans now, or which may hereafter be, chartered by an act of
12 congress in the city or town upon recommendation of the relief
13 committee of said post, camp or chapter: PROVIDED, Said veteran or the
14 families of those deceased are and have been residents of the state for
15 at least twelve months, and the orders of said commander and
16 quartermaster, or commander and adjutant or commander and service
17 officer shall be the proper voucher for the expenditure of said sum or
18 sums of money.

19 **Sec. 8.** RCW 73.08.060 and 1983 c 295 s 4 are each amended to read
20 as follows:

21 County legislative authorities are hereby prohibited from sending
22 indigent or disabled veterans as defined in ((~~RCW 41.04.005~~)) section
23 2 of this act or their families or the families of the deceased to any
24 almshouse (or orphan asylum) without the concurrence and consent of the
25 commander and relief committee of the post, camp or chapter of any
26 national organization of veterans now, or which may hereafter be,
27 chartered by an act of congress as provided in RCW 73.08.010 and
28 73.08.030. Indigent veterans shall, whenever practicable, be provided
29 for and relieved at their homes in such city, town or precinct in which
30 they shall have a residence, in the manner provided in RCW 73.08.010
31 and 73.08.030. Indigent or disabled veterans as defined in ((~~RCW~~
32 ~~41.04.005~~)) section 2 of this act, who are not insane and have no
33 families or friends with whom they may be domiciled, may be sent to any
34 soldiers' home.

35 **Sec. 9.** RCW 73.08.070 and 1997 c 286 s 1 are each amended to read
36 as follows:

1 It shall be the duty of the legislative authority in each of the
2 counties in this state to designate some proper authority other than
3 the one designated by law for the care of paupers and the custody of
4 criminals who shall cause to be interred at the expense of the county
5 the body of any honorably discharged veterans as defined in ((RCW
6 41.04.005)) section 2 of this act and the wives, husbands, minor
7 children, widows or widowers of such veterans, who shall hereafter die
8 without leaving means sufficient to defray funeral expenses; and when
9 requested so to do by the commanding officer of any post, camp or
10 chapter of any national organization of veterans now, or which may
11 hereafter be, chartered by an act of congress or the relief committee
12 of any such posts, camps or chapters: PROVIDED, HOWEVER, That such
13 interment shall not cost more than the limit established by the county
14 legislative authority nor less than three hundred dollars. If the
15 deceased has relatives or friends who desire to conduct the burial of
16 such deceased person, then upon request of said commander or relief
17 committee a sum not to exceed the limit established by the county
18 legislative authority nor less than three hundred dollars shall be paid
19 to said relatives or friends by the county treasurer, upon due proof of
20 the death and burial of any person provided for by this section and
21 proof of expenses incurred.

22 **Sec. 10.** RCW 73.24.030 and 1977 c 31 s 4 are each amended to read
23 as follows:

24 The said plot shall be available, to the extent such space is
25 available, without charge or cost for the burial of persons who have
26 served in the army, navy, or marine corps in the United States, in the
27 Spanish-American war, Philippine insurrection, or the Chinese Relief
28 Expedition, or who served in any said branches of said service at any
29 time between April 21, 1898 and July 4, 1902 and any veteran as defined
30 in ((RCW 41.04.005)) section 2 of this act.

31 NEW SECTION. **Sec. 11.** The higher education coordinating board and
32 the joint committee on pension policy shall each conduct a study as to
33 the eligibility of veterans for benefits provided, respectively, by
34 higher education and the state retirement system if the definition of
35 veteran is modified in the manner provided in section 2 of this act and
36 report their findings to the legislature by December 1, 2002.

Passed the Senate March 11, 2002.
Passed the House March 5, 2002.
Approved by the Governor April 2, 2002.
Filed in Office of Secretary of State April 2, 2002.