
SENATE BILL 5391

State of Washington 65th Legislature 2017 Regular Session

By Senators Zeiger, Hobbs, O'Ban, Conway, Chase, and Hunt; by request of Department of Veterans Affairs

Read first time 01/23/17. Referred to Committee on State Government.

1 AN ACT Relating to clarifying the powers, duties, and functions
2 of the department of veterans affairs; amending RCW 43.60A.020,
3 43.60A.100, 43.60A.151, 43.60A.154, 43.60A.155, 43.60A.190,
4 72.36.115, and 73.08.005; reenacting and amending RCW 43.60A.150; and
5 decodifying RCW 43.60A.901, 43.60A.902, and 43.60A.905.

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

7 **Sec. 1.** RCW 43.60A.020 and 1975-'76 2nd ex.s. c 115 s 2 are each
8 amended to read as follows:

9 There is hereby created a department of state government to be
10 known as the department of veterans affairs. (~~All powers, duties,~~
11 ~~and functions now or through action of this legislature vested by law~~
12 ~~in the department of social and health services relating to veterans~~
13 ~~and veteran affairs are transferred to the department, except those~~
14 ~~powers, duties, and functions which are expressly directed elsewhere~~
15 ~~by law.)) Powers, duties, and functions to be (~~transferred~~) vested
16 in the department shall include, but not be limited to, all those
17 powers, duties, and functions involving cooperation with other
18 governmental units, such as cities and counties, or with the federal
19 government, in particular those concerned with participation in
20 federal grants-in-aid programs relating to veterans and veteran
21 affairs. (~~Also transferred to the department shall be the powers,~~~~

1 duties, and functions of the bonus division of the treasurer's
2 office: PROVIDED, That such transfer shall not occur until the bonus
3 division completes its current duties of accepting and processing
4 bonus claims arising from the Vietnam conflict. This section shall
5 not be construed to continue the powers, duties and functions of said
6 bonus division beyond a time when such powers, duties or functions
7 would otherwise cease.))

8 **Sec. 2.** RCW 43.60A.100 and 1991 c 55 s 1 are each amended to
9 read as follows:

10 The department of veterans affairs, to the extent funds are made
11 available, shall: (1) Contract with professional counseling
12 specialists to provide a range of direct treatment services to ((war-
13 affected)) state veterans ((and to those national guard and
14 reservists who served in the Middle East)), including national guard
15 and reservists, with military-related mental health needs, and their
16 family members; (2) provide additional treatment services to
17 Washington state Vietnam veterans for posttraumatic stress disorder,
18 particularly for those veterans whose posttraumatic stress disorder
19 has intensified or initially emerged due to ((the)) war ((in the
20 Middle East)) or combat-related stress; (3) provide an educational
21 program designed to train primary care professionals, such as mental
22 health professionals, about the effects of war-related stress
23 ((and)), trauma, and traumatic brain injury; (4) provide
24 informational and counseling services for the purpose of establishing
25 and fostering peer-support networks throughout the state for families
26 of deployed members of the reserves and the Washington national
27 guard; (5) provide for veterans' families, a referral network of
28 community mental health providers who are skilled in treating
29 deployment stress, combat stress, ((and)) posttraumatic stress, and
30 traumatic brain injury.

31 **Sec. 3.** RCW 43.60A.150 and 2007 c 451 s 2 and 2007 c 241 s 6 are
32 each reenacted and amended to read as follows:

33 (1) The Washington veterans conservation corps is created. The
34 department shall establish enrollment procedures for the program.
35 Enrollees may choose to participate in either or both the volunteer
36 projects list authorized in subsection (2) of this section, and the
37 training, certification, ecotherapy, and placement program authorized
38 in RCW 43.60A.151.

1 (2) The department shall create a list of veterans who are
2 interested in working on projects that restore Washington's natural
3 habitat. The department shall promote the opportunity to volunteer
4 for the veterans conservation corps through its local counselors and
5 representatives. Only veterans who grant their approval may be
6 included on the list. The department shall consult with the salmon
7 recovery board, the recreation and conservation funding board, the
8 department of natural resources, the department of fish and wildlife,
9 the department of agriculture, conservation districts, and the state
10 parks and recreation commission to determine the most effective ways
11 to market the veterans conservation corps to agencies and (~~local~~
12 ~~sponsors of habitat restoration projects~~) natural resource partners.

13 **Sec. 4.** RCW 43.60A.151 and 2012 c 229 s 820 are each amended to
14 read as follows:

15 (1) The department shall assist veterans enrolled in the veterans
16 conservation corps with obtaining employment in conservation programs
17 and projects that restore Washington's natural habitat, maintain and
18 steward local, state, and federal forestlands and other outdoor
19 lands, maintain and improve urban and suburban storm water management
20 facilities and other water management facilities, and other
21 environmental maintenance, stewardship, and restoration projects. The
22 department shall consult with the workforce training and education
23 coordinating board, the state board for community and technical
24 colleges, the employment security department, and other state
25 agencies administering conservation corps programs, to incorporate
26 training, education, ecotherapy, and certification in environmental
27 restoration and management fields into the program. The department
28 may enter into agreements with community colleges, private schools,
29 conservation districts, state or local agencies, or other entities to
30 provide training, internships, and educational courses as part of the
31 enrollee benefits from the program.

32 (2) The department may receive gifts, grants, federal funds, or
33 other moneys from public or private sources, for the use and benefit
34 of the veterans conservation corps program. The funds shall be
35 deposited to the veterans conservation corps account created in RCW
36 43.60A.153.

37 (~~(3) The department shall submit a report to the appropriate~~
38 ~~committees of the legislature by December 1, 2008, on the status of~~
39 ~~the veterans conservation corps program, including the number of~~

1 enrollees employed in projects, training provided, certifications
2 earned, employment placements achieved, program funding provided from
3 all sources, and the results of the pilot project authorized in
4 section 4, chapter 451, Laws of 2007.)

5 **Sec. 5.** RCW 43.60A.154 and 2007 c 451 s 7 are each amended to
6 read as follows:

7 ~~((1))~~ The department shall seek to enter agreements with the
8 bureau of land management, the national park service, the United
9 States forest service, the United States fish and wildlife service,
10 and other federal agencies managing lands or waterways in Washington,
11 for the employment of veterans conservation corps enrollees in
12 maintenance, restoration, and stewardship projects. ~~((Up to twenty~~
13 ~~percent of the costs of the veterans conservation corps enrollees~~
14 ~~participation in a federal project may be provided by the department,~~
15 ~~including the costs of training provided on the project.~~

16 ~~(2) By September 30, 2008, the department shall provide a report~~
17 ~~to the governor and appropriate committees of the senate and house of~~
18 ~~representatives regarding agreements entered with federal agencies to~~
19 ~~employ veteran conservation corps enrollees on federal land projects,~~
20 ~~and any revisions to the program needed to increase the number of~~
21 ~~these agreements.))~~

22 **Sec. 6.** RCW 43.60A.155 and 2007 c 451 s 8 are each amended to
23 read as follows:

24 ~~((1) During calendar years 2007 and 2008))~~ The salmon recovery
25 funding board shall cooperate with the department of veterans affairs
26 to inform salmon habitat project sponsors of the availability of
27 veterans conservation corps enrollees to perform project work. From
28 applications submitted, the board and the department shall identify
29 projects that propose work suitable for corps enrollees and located
30 near where enrollees are based or may be created. The department may
31 provide the project applicants with information regarding the
32 benefits of employing a veterans conservation corps enrollee in the
33 project, ~~((including funding that the department may make available~~
34 ~~to assist with the project. Such funding shall be considered by the~~
35 ~~salmon recovery funding board as matched funding in evaluating the~~
36 ~~project for salmon recovery funding board funding.~~

37 ~~(2) As an element of the report required under RCW 43.60A.151(3),~~
38 ~~the salmon recovery funding board and the department shall jointly~~

1 ~~report to the governor and the appropriate committees of the senate~~
2 ~~and house of representatives regarding projects funded during the~~
3 ~~2007 and 2008 grant cycles that employ veterans conservation corps~~
4 ~~enrollees. The report shall include recommendations for increasing~~
5 ~~the use of veterans conservation corps enrollees in salmon habitat~~
6 ~~projects that receive funding from the salmon recovery funding~~
7 ~~board)) as well as training to increase the success of hiring a~~
8 ~~veteran.~~

9 **Sec. 7.** RCW 43.60A.190 and 2014 c 182 s 1 are each amended to
10 read as follows:

11 (1) The department shall:

12 (a) Maintain a current list of certified veteran-owned
13 businesses; and

14 (b) Make the list of certified veteran-owned businesses available
15 on the department's public web site.

16 (2) To qualify as a certified veteran-owned business, the
17 business must:

18 (a) Be at least fifty-one percent owned and controlled by:

19 (i) A veteran as defined as every person who at the time he or
20 she seeks certification has received a discharge with an honorable
21 characterization or received a discharge for medical reasons with an
22 honorable record, where applicable, and who has served in at least
23 one of the capacities listed in RCW 41.04.007; ((~~or~~))

24 (ii) A person who is in receipt of disability compensation or
25 pension from the department of veterans affairs; or

26 (iii) An active or reserve member in any branch of the armed
27 forces of the United States, including the national guard, coast
28 guard, and armed forces reserves; and

29 (b) Be either an enterprise which is incorporated in the state of
30 Washington as a Washington domestic corporation, or an enterprise
31 whose principal place of business is located within the state of
32 Washington for enterprises which are not incorporated.

33 (3) To participate in the linked deposit program under chapter
34 43.86A RCW, a veteran-owned business qualified under this section
35 must be certified by the department as a business:

36 (a) In which the veteran owner possesses and exercises sufficient
37 expertise specifically in the business's field of operation to make
38 decisions governing the long-term direction and the day-to-day
39 operations of the business;

1 (b) That is organized for profit and performing a commercially
2 useful function; and

3 (c) That meets the criteria for a small business concern as
4 established under chapter 39.19 RCW.

5 (4) The department shall create a logo for the purpose of
6 identifying veteran-owned businesses to the public. The department
7 shall put the logo on an adhesive sticker or decal suitable for
8 display in a business window and distribute the stickers or decals to
9 veteran-owned businesses listed with the department.

10 (5)(a) Businesses may submit an application on a form prescribed
11 by the department to apply for certification under this section.

12 (b) The department must notify the state treasurer of veteran-
13 owned businesses who have participated in the linked deposit program
14 and are no longer certified under this section. The written
15 notification to the state treasurer must contain information
16 regarding the reasons for the decertification and information on
17 financing provided to the veteran-owned business under RCW
18 43.86A.060.

19 (6) The department may adopt rules necessary to implement this
20 section.

21 **Sec. 8.** RCW 72.36.115 and 2009 c 521 s 169 are each amended to
22 read as follows:

23 (1) The department shall establish and maintain in this state an
24 eastern Washington state veterans' cemetery.

25 (2) All honorably discharged veterans(~~(, as defined by RCW~~
26 ~~41.04.007,))~~ and their spouses or state registered domestic partners
27 who meet eligibility requirements under 38 C.F.R. Sec. 38.620 are
28 eligible for interment in the eastern Washington state veterans'
29 cemetery.

30 (3) The department shall collect all federal veterans' burial
31 benefits and other available state or county resources.

32 (4) The department shall adopt rules defining the services
33 available, eligibility, fees, and the general operations associated
34 with the eastern Washington state veterans' cemetery.

35 **Sec. 9.** RCW 73.08.005 and 2016 c 76 s 1 are each amended to read
36 as follows:

37 The definitions in this section apply throughout this chapter
38 unless the context clearly requires otherwise.

1 (1) "Direct costs" includes those allowable costs that can be
2 readily assigned to the statutory objectives of this chapter,
3 consistent with the cost principles promulgated by the federal office
4 of management and budget in circular No. A-87, dated May 10, 2004.

5 (2) "Family" means the spouse or domestic partner, surviving
6 spouse, surviving domestic partner, and dependent children of a
7 living or deceased veteran, or a servicemember who was killed in the
8 line of duty regardless of the number of days served.

9 (3) "Indigent" means a person who is defined as such by the
10 county legislative authority using one or more of the following
11 definitions:

12 (a) Receiving one of the following types of public assistance:
13 Temporary assistance for needy families, aged, blind, or disabled
14 assistance benefits, pregnant women assistance benefits, poverty-
15 related veterans' benefits, food stamps or food stamp benefits
16 transferred electronically, refugee resettlement benefits, medicaid,
17 medical care services, or supplemental security income;

18 (b) Receiving an annual income, after taxes, of up to one hundred
19 fifty percent or less of the current federally established poverty
20 level, or receiving an annual income not exceeding a higher
21 qualifying income established by the county legislative authority; or

22 (c) Unable to pay reasonable costs for shelter, food, utilities,
23 and transportation because his or her available funds are
24 insufficient.

25 (4) "Indirect costs" includes those allowable costs that are
26 generally associated with carrying out the statutory objectives of
27 this chapter, but the identification and tracking of those costs
28 cannot be readily assigned to a specific statutory objective without
29 an accounting effort that is disproportionate to the benefit
30 received. A county legislative authority may allocate allowable
31 indirect costs to its veterans' assistance fund if it is accomplished
32 in a manner consistent with the cost principles promulgated by the
33 federal office of management and budget in circular No. A-87, dated
34 May 10, 2004.

35 (5)(a) "Veteran" means:

36 (i) A person who served in the active military, naval, or air
37 service; a member of the women's air forces service pilots during
38 World War II; a United States documented merchant mariner with
39 service aboard an oceangoing vessel operated by the war shipping
40 administration; the office of defense transportation, or their

1 agents, from December 7, 1941, through December 31, 1946; or a civil
2 service crewmember with service aboard a United States army transport
3 service or United States naval transportation service vessel in
4 oceangoing service from December 7, 1941, through December 31, 1946,
5 who meets one of the following criteria:

6 (A) Served on active duty for at least one hundred eighty days
7 and who was released with an honorable discharge;

8 (B) Received an honorable or general under honorable
9 characterization of service with a medical reason for separation for
10 a condition listed as non-existed prior to service, regardless of
11 number of days served; or

12 (C) Received an honorable discharge and has received a rating for
13 a service connected disability from the United States department of
14 veterans affairs regardless of number of days served;

15 (ii) A current member honorably serving in the armed forces
16 reserve or national guard who has been activated by presidential call
17 up for purposes other than training;

18 (iii) A former member of the armed forces reserve or national
19 guard who has fulfilled his or her initial military service
20 obligation and was released with an honorable discharge;

21 (iv) A former member of the armed forces reserve or national
22 guard who (~~was released before their term ended and was released~~
23 ~~with an honorable discharge~~) does not have over one hundred seventy-
24 nine days of active duty service, but meets the federal definition of
25 a veteran having completed twenty years of service.

26 (b) At the discretion of the county legislative authority and in
27 consultation with the veterans' advisory board, counties may expand
28 eligibility for the veterans assistance fund as the county determines
29 necessary, which may include serving veterans with additional
30 discharge characterizations.

31 (6) "Veterans' advisory board" means a board established by a
32 county legislative authority under the authority of RCW 73.08.035.

33 (7) "Veterans' assistance fund" means an account in the custody
34 of the county auditor, or the chief financial officer in a county
35 operating under a charter, that is funded by taxes levied under the
36 authority of RCW 73.08.080.

37 (8) "Veterans' assistance program" means a program approved by
38 the county legislative authority under the authority of RCW 73.08.010
39 that is fully or partially funded by the veterans' assistance fund
40 authorized by RCW 73.08.080.

1 NEW SECTION. **Sec. 10.** The following sections are decodified:

2 (1) RCW 43.60A.901 (Transfer of property, records, funds, assets
3 of agencies whose functions are transferred to department);

4 (2) RCW 43.60A.902 (Rules and regulations, pending business,
5 contracts, of agencies whose functions are transferred to department
6 to be continued—Savings); and

7 (3) RCW 43.60A.905 (Savings—1975-'76 2nd ex.s. c 115).

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