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**SENATE BILL 5323**

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**State of Washington 68th Legislature 2023 Regular Session**

**By** Senators MacEwen, Conway, Lovick, Mullet, and Randall; by request of Department of Veterans Affairs

AN ACT Relating to the department of veterans affairs regarding exempt staff and exempt staff appointments, removing reference to one-time use of funds, and exempting veteran discharge papers from public disclosure; amending RCW 41.06.077, 43.60A.140, 72.36.020, and 42.56.440; adding a new section to chapter 43.60A RCW; and repealing RCW 72.36.040, 72.36.050, 72.36.055, and 72.36.077.

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

**Sec.**  RCW 41.06.077 and 2001 c 84 s 1 are each amended to read as follows:

In addition to the exemptions set forth in RCW 41.06.070, the provisions of this chapter shall not apply in the department of veterans affairs to the director, the deputy director, no more than two assistant directors, administrators and directors of nursing services at each state veterans' home, a confidential secretary for the deputy director, and a confidential secretary for each assistant director.

**Sec.**  RCW 43.60A.140 and 2019 c 415 s 965 are each amended to read as follows:

(1) The veterans stewardship account is created in the custody of the state treasurer. Disbursements of funds must be on the authorization of the director or the director's designee, and only for the purposes stated in subsection (4) of this section. In order to maintain an effective expenditure and revenue control, funds are subject in all respects to chapter 43.88 RCW, but no appropriation is required to permit expenditure of the funds.

(2) The department may request and accept nondedicated contributions, grants, or gifts in cash or otherwise, including funds generated by the issuance of the armed forces license plate collection under chapter 46.18 RCW.

(3) All receipts from the sale of armed forces license plates and Purple Heart license plates as required under RCW 46.68.425(2) must be deposited into the veterans stewardship account.

(4) All moneys deposited into the veterans stewardship account must be used by the department for activities that benefit veterans or their families, including but not limited to, providing programs and services for homeless veterans; establishing memorials honoring veterans; and maintaining ((~~a future~~)) state veterans' ((~~cemetery~~)) cemeteries. Funds from the account may not be used to supplant existing funds received by the department. ((~~For the 2019-2021 fiscal biennium, moneys deposited into the veterans stewardship account may be used for the department's traumatic brain injury program.~~))

NEW SECTION. **Sec.**  The following acts or parts of acts are each repealed:

(1) RCW 72.36.040 (Colony established—Who may be admitted) and 2008 c 6 s 504 & 1977 ex.s. c 186 s 2;

(2) RCW 72.36.050 (Regulations of home applicable—Rations, medical attendance, clothing) and 2008 c 6 s 505, 1979 c 65 s 1, 1973 1st ex.s. c 154 s 103, 1967 c 112 s 1, & 1959 c 28 s 72.36.050;

(3) RCW 72.36.055 (Domiciliary and nursing care) and 2014 c 184 s 5, 2001 2nd sp.s. c 4 s 4, & 1977 ex.s. c 186 s 6; and

(4) RCW 72.36.077 (Eastern Washington veterans' home—Funding—Intent) and 2001 2nd sp.s. c 4 s 1.

**Sec.**  RCW 72.36.020 and 2018 c 45 s 3 are each amended to read as follows:

The director of the department of veterans affairs shall appoint an administrator and director of nursing services for each state veterans' home. The administrator shall exercise management and control of the institution in accordance with either policies or procedures promulgated by the director of the department of veterans affairs, or both, and rules of the department. In accordance with chapter 18.52 RCW, the individual appointed as administrator for a state veterans' home shall be a licensed nursing home administrator and the agency shall provide preference to honorably discharged veterans in accordance with RCW 73.16.010. The director of nursing services shall be a registered nurse licensed in the state of Washington and is a position exempt from chapter 41.06 RCW.

NEW SECTION. **Sec.**  A new section is added to chapter 43.60A RCW to read as follows:

(1) For the protection of applicants and clients, the department and its respective officers and employees are prohibited, except as provided in subsection (2) of this section, from disclosing veteran discharge or separation documents, such as DD Form 214 or NGB Form 22. Such records shall be confidential and not subject to disclosure except as provided in subsection (2) of this section.

(2) The provisions of this section do not apply to:

(a) A veteran requesting the veteran's own discharge or separation documents;

(b) A veteran's next of kin;

(c) A deceased veteran's properly appointed personal representative or executor;

(d) A person holding a veteran's general power of attorney;

(e) Duly designated representatives of accredited veterans service organizations; or

(f) Sharing agreements among other government entities.

(3) For purposes of this section, "next of kin" means any of the following: An unremarried widow or widower, son, daughter, father, mother, brother, or sister of a deceased veteran.

**Sec.**  RCW 42.56.440 and 2005 c 274 s 424 are each amended to read as follows:

(1) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have not been commingled with other recorded documents are exempt from disclosure under this chapter. These records will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding that veteran's general power of attorney, or to anyone else designated in writing by that veteran to receive the records.

(2) Discharge papers of a veteran of the armed forces of the United States filed at the office of the county auditor before July 1, 2002, that have been commingled with other records are exempt from disclosure under this chapter, if the veteran has recorded a "request for exemption from public disclosure of discharge papers" with the county auditor. If such a request has been recorded, these records may be released only to the veteran filing the papers, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(3) Discharge papers of a veteran filed at the office of the county auditor after June 30, 2002, are not public records, but will be available only to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

(4) For the purposes of this section, next of kin of deceased veterans have the same rights to full access to the record. Next of kin are the veteran's widow or widower who has not remarried, son, daughter, father, mother, brother, and sister.

(5) Veteran discharge or separation documents held by the department of veterans affairs are confidential and not subject to disclosure except as provided in section 5 of this act.

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