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**SENATE BILL 5391**

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**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

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

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

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

There is hereby created a department of state government to be known as the department of veterans affairs. ((~~All powers, duties, and functions now or through action of this legislature vested by law in the department of social and health services relating to veterans and veteran affairs are transferred to the department, except those powers, duties, and functions which are expressly directed elsewhere by law.~~)) Powers, duties, and functions to be ((~~transferred~~)) vested in the department shall include, but not be limited to, all those powers, duties, and functions involving cooperation with other governmental units, such as cities and counties, or with the federal government, in particular those concerned with participation in federal grants-in-aid programs relating to veterans and veteran affairs. ((~~Also transferred to the department shall be the powers, duties, and functions of the bonus division of the treasurer's office: PROVIDED, That such transfer shall not occur until the bonus division completes its current duties of accepting and processing bonus claims arising from the Vietnam conflict. This section shall not be construed to continue the powers, duties and functions of said bonus division beyond a time when such powers, duties or functions would otherwise cease.~~))

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

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

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

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

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

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

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

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

((~~(3) The department shall submit a report to the appropriate committees of the legislature by December 1, 2008, on the status of the veterans conservation corps program, including the number of enrollees employed in projects, training provided, certifications earned, employment placements achieved, program funding provided from all sources, and the results of the pilot project authorized in section 4, chapter 451, Laws of 2007.~~))

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

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

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

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

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

~~(2) As an element of the report required under RCW 43.60A.151(3), the salmon recovery funding board and the department shall jointly report to the governor and the appropriate committees of the senate and house of representatives regarding projects funded during the 2007 and 2008 grant cycles that employ veterans conservation corps enrollees. The report shall include recommendations for increasing the use of veterans conservation corps enrollees in salmon habitat projects that receive funding from the salmon recovery funding board~~)) as well as training to increase the success of hiring a veteran.

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

(1) The department shall:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(5)(a) "Veteran" means:

(i) A person who served in the active military, naval, or air service; a member of the women's air forces service pilots during World War II; a United States documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration; the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or a civil service crewmember with service aboard a United States army transport service or United States naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946, who meets one of the following criteria:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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