

CERTIFICATION OF ENROLLMENT

SENATE BILL 5323

Chapter 327, Laws of 2023

68th Legislature
2023 Regular Session

DEPARTMENT OF VETERANS AFFAIRS—VARIOUS PROVISIONS

EFFECTIVE DATE: July 23, 2023

Passed by the Senate February 15,
2023

Yeas 46 Nays 1

DENNY HECK

President of the Senate

Passed by the House April 12, 2023

Yeas 96 Nays 1

Laurie Jinkins

**Speaker of the House of
Representatives**

Approved May 4, 2023 4:07 PM

CERTIFICATE

I, Sarah Bannister, Secretary of the Senate of the State of Washington, do hereby certify that the attached is **SENATE BILL 5323** as passed by the Senate and the House of Representatives on the dates hereon set forth.

SARAH BANNISTER

Secretary

FILED

May 5, 2023

JAY INSLEE

Governor of the State of Washington

**Secretary of State
State of Washington**

SENATE BILL 5323

Passed Legislature - 2023 Regular Session

State of Washington

68th Legislature

2023 Regular Session

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

Read first time 01/12/23. Referred to Committee on State Government & Elections.

1 AN ACT Relating to the department of veterans affairs regarding
2 exempt staff and exempt staff appointments, removing reference to
3 one-time use of funds, and exempting veteran discharge papers from
4 public disclosure; amending RCW 41.06.077, 43.60A.140, 72.36.020, and
5 42.56.440; adding a new section to chapter 43.60A RCW; and repealing
6 RCW 72.36.040, 72.36.050, 72.36.055, and 72.36.077.

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

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

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

17 **Sec. 2.** RCW 43.60A.140 and 2019 c 415 s 965 are each amended to
18 read as follows:

19 (1) The veterans stewardship account is created in the custody of
20 the state treasurer. Disbursements of funds must be on the

1 authorization of the director or the director's designee, and only
2 for the purposes stated in subsection (4) of this section. In order
3 to maintain an effective expenditure and revenue control, funds are
4 subject in all respects to chapter 43.88 RCW, but no appropriation is
5 required to permit expenditure of the funds.

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

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

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

22 NEW SECTION. **Sec. 3.** The following acts or parts of acts are
23 each repealed:

24 (1) RCW 72.36.040 (Colony established—Who may be admitted) and
25 2008 c 6 s 504 & 1977 ex.s. c 186 s 2;

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

29 (3) RCW 72.36.055 (Domiciliary and nursing care) and 2014 c 184 s
30 5, 2001 2nd sp.s. c 4 s 4, & 1977 ex.s. c 186 s 6; and

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

33 **Sec. 4.** RCW 72.36.020 and 2018 c 45 s 3 are each amended to read
34 as follows:

35 The director of the department of veterans affairs shall appoint
36 an administrator and director of nursing services for each state
37 veterans' home. The administrator shall exercise management and

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

10 NEW SECTION. **Sec. 5.** A new section is added to chapter 43.60A
11 RCW to read as follows:

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

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

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

21 (b) A veteran's next of kin;

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

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

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

27 (f) Sharing agreements among other government entities.

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

31 **Sec. 6.** RCW 42.56.440 and 2005 c 274 s 424 are each amended to
32 read as follows:

33 (1) Discharge papers of a veteran of the armed forces of the
34 United States filed at the office of the county auditor before July
35 1, 2002, that have not been commingled with other recorded documents
36 are exempt from disclosure under this chapter. These records will be
37 available only to the veteran, the veteran's next of kin, a deceased
38 veteran's properly appointed personal representative or executor, a

1 person holding that veteran's general power of attorney, or to anyone
2 else designated in writing by that veteran to receive the records.

3 (2) Discharge papers of a veteran of the armed forces of the
4 United States filed at the office of the county auditor before July
5 1, 2002, that have been commingled with other records are exempt from
6 disclosure under this chapter, if the veteran has recorded a "request
7 for exemption from public disclosure of discharge papers" with the
8 county auditor. If such a request has been recorded, these records
9 may be released only to the veteran filing the papers, the veteran's
10 next of kin, a deceased veteran's properly appointed personal
11 representative or executor, a person holding the veteran's general
12 power of attorney, or anyone else designated in writing by the
13 veteran to receive the records.

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

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

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

Passed by the Senate February 15, 2023.

Passed by the House April 12, 2023.

Approved by the Governor May 4, 2023.

Filed in Office of Secretary of State May 5, 2023.

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