
SENATE BILL 5429

State of Washington 52nd Legislature 1991 Regular Session

By Senators Oke, Patterson, Thorsness, Bailey and Bauer.

Read first time January 31, 1991. Referred to Committee on Ways & Means.

1 AN ACT Relating to Vietnam veterans; adding a new section to
2 chapter 73.04 RCW; prescribing penalties; and making an appropriation.

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

4 NEW SECTION. **Sec. 1.** A new section is added to chapter 73.04 RCW
5 to read as follows:

6 (1) There shall be paid to each person who has received the Vietnam
7 service medal or armed forces expeditionary medal (Vietnam) or who has
8 been on active federal service as a member of the armed military or
9 naval forces of the United States between August 5, 1964, and March 28,
10 1973, and who has been honorably separated or discharged from such
11 service, and who for a period of one year immediately prior to the date
12 of entry into such service was a bona fide citizen or resident of the
13 state of Washington, for such service between said dates the sum of two
14 hundred fifty dollars for service in the Vietnam combat zone. However,
15 persons otherwise eligible who have been continuously in the armed

1 services for a period of five years or more immediately prior to August
2 5, 1964, are not eligible to receive compensation under the terms of
3 this section, except that prisoners of war, dependents of persons
4 missing in action, and survivors of those persons who have been
5 continuously in the armed services for a period of five years or more
6 immediately prior to August 5, 1964, are eligible to receive
7 compensation under this section. Persons otherwise eligible who were on
8 active duty for training only, excepting persons who received the
9 Vietnam service medal or armed forces expeditionary medal (Vietnam),
10 are not eligible to receive compensation under this section. Persons
11 who have already received extra compensation or other benefits based
12 upon claimed residence at the time of entry into such active service
13 from any other state or territory is not entitled to compensation under
14 this chapter. No person is eligible to receive compensation under this
15 section having prior thereto applied for and received compensation
16 under prior law.

17 (2) In lieu of awaiting receipt of the amount as provided in
18 subsection (1) of this section, any qualified person may elect to
19 receive credit for tuition, incidental fees, or other fees in such
20 amount at any state institution of higher education, including
21 community colleges and vocational-technical institutions, or at private
22 institutions of higher education within the state, such credit to be
23 immediately available upon the processing of the person's claim under
24 this section. Institutions of higher education entering into the
25 program under this section shall be reimbursed at such time as the
26 bonus payment would otherwise be made.

27 (3) In case of the death of any such person prior to the
28 termination date referred to in subsection (1) of this section, or at
29 such time as the person would have been eligible for benefits under
30 this section, an equal amount shall be paid to his or her surviving

1 widow if not remarried at the time compensation is requested, or in
2 case he or she left no widow or in case the widow remarried and he or
3 she has left children, then to the surviving children, or in the event
4 he or she left no widow eligible for payment under this section, or
5 children surviving on such date, then to the surviving parent or
6 parents. If he or she left no widow eligible for payment, or children
7 surviving on such date, or parent or parents surviving on such date,
8 then payment shall be made to the surviving grandparent or
9 grandparents. However, no parent who has been deprived of custody of
10 the child by a decree of a court of competent jurisdiction shall be
11 entitled to any compensation under this section. Where a preceding
12 beneficiary fails to file a proper claim for compensation before the
13 final date set by this section, succeeding beneficiaries who have filed
14 proper claims before such final date may proceed to qualify upon
15 submission of satisfactory proof of eligibility. Widows, children, or
16 parents of persons missing in action or prisoners of war may file
17 claims for compensation as authorized by this section and in the same
18 order as claims for deceased veterans. Any compensation paid to a
19 beneficiary pursuant to this subsection shall be complete settlement
20 and satisfaction of any claim thereafter made on behalf of the person
21 or by the person himself.

22 (4) No charge shall be made by any agent, notary public, or
23 attorney for any service in connection with obtaining a certificate to
24 obtain the allowance provided for by this section, and no person shall,
25 for a consideration, discount or attempt to discount, or for a
26 consideration, advance money upon any certificate or certificates
27 issued pursuant to this chapter. No claim for payment under this
28 chapter shall be subject to garnishment, attachment, levy, or
29 execution. Any violation of this subsection is a gross misdemeanor.

1 (5) No certificate or claim for compensation under this section
2 shall be accepted after No warrant may be drawn for the
3 payment of any compensation authorized by this section unless a formal
4 application has been filed as set forth in this section.

5 NEW SECTION. **Sec. 2.** The sum of dollars, or as
6 much thereof as may be necessary, is appropriated for the biennium
7 ending June 30, 1993, from the general fund to the department of
8 veterans affairs for the purposes of this act.