
SUBSTITUTE SENATE BILL 5843

State of Washington

52nd Legislature

1991 Regular Session

By Senate Committee on Governmental Operations (originally sponsored by Senators Thorsness, L. Smith, McCaslin, Oke, McDonald, Erwin, Amondson, Metcalf, Roach, West and Rasmussen).

Read first time March 6, 1991.

1 AN ACT Relating to creating the veterans' award fund; adding a new
2 chapter to Title 38 RCW; prescribing penalties; and making an
3 appropriation.

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

5 NEW SECTION. **Sec. 1.** Since the people of the state of
6 Washington have recognized the sacrifices of its sons and daughters in
7 the service of their country during World War I, World War II, and
8 subsequent Korean and Vietnam conflicts, and having desired to aid them
9 in their return to civilian life, did authorize the payment of certain
10 compensation in recognition of their services and since problems
11 arising out of those conflicts threaten to defeat the ideals for which
12 those battles were waged and make it necessary for many of our sons and
13 daughters to again bear arms for the preservation of justice and peace,
14 it is fitting and proper that we again recognize that service and give

1 that helping hand to those who have given and are giving so much to us
2 and have brought and are bringing so much honor to our great state.

3 The legislature, in authorizing this compensation, recognizes that
4 all prior bonds issued for compensation of those veterans of World War
5 II, Korean, and Vietnam conflicts are fully retired and that taxes upon
6 cigarettes referred to in RCW 82.24.020 are no longer available for
7 this purpose. The legislature understands that the vast majority of
8 Washington citizens support our troops in the Persian Gulf conflict,
9 and are seeking a concrete way to express this support, and would
10 enthusiastically give a voluntary donation, as opposed to supporting a
11 tax increase for this purpose, for fear that it may never be retired.
12 It is anticipated that voluntary donations would generate ample funds
13 to provide for the new veterans' service award, as provided for under
14 this chapter, without the added burden of a new tax upon the citizens
15 of this state.

16 It is the purpose of the legislature that the benefits payable
17 under the provisions of this chapter be comparable to those paid to
18 veterans under former veteran bonus laws. The increase in the dollar
19 amount in this chapter reflects an approximation of the increase in the
20 cost of living as indicated by the consumer price index of the United
21 States department of labor, bureau of labor statistics.

22 The legislature recognizes that on the effective date of this act,
23 all "persons," as defined in section 2(1) of this act, who either
24 enlisted in the active armed forces or were voluntarily serving in a
25 reserve capacity and were called up or recalled to active duty as a
26 result of the Persian Gulf crisis were serving on a voluntary basis.
27 This fact is in contrast to previous wars and conflicts in which a
28 large portion of the persons compensated by previous veteran bonus acts
29 were involuntary conscripts. However, it is further recognized that
30 the disruption to the lives of the present military combatants and

1 their loved ones is in no way less than in previous hostilities or less
2 deserving of compensation. Furthermore, it is recognized that many
3 persons were called to active duty, but were stationed outside the
4 Persian Gulf theater of operations, thus enabling the active duty
5 service members they replaced to be sent to the front. It is the
6 intent of the legislature to include under this chapter Washington
7 citizens who may be involuntarily inducted into the armed services and
8 who otherwise qualify under the provisions of eligibility as stated
9 elsewhere in this chapter.

10 NEW SECTION. **Sec. 2.** (1) For the purposes of this section, a
11 "person" is a person on active duty as a member of the United States
12 armed forces between the period commencing August 2, 1990, and ending
13 on the date as shall thereafter be determined by presidential
14 proclamation or concurrent resolution of congress, terminating the
15 conflict involving the United States forces battling in the Persian
16 Gulf theater of operations, also referred to as Operation Desert Shield
17 and Operation Desert Storm, or in the case of a reduction in
18 hostilities, on the date prescribed by proclamation of the governor,
19 and who for a period of one year immediately prior to the date of his
20 or her entry into service or activation from the reserves or national
21 guard, or recall to active duty due to prior service, was a bona fide
22 citizen or resident of the state of Washington, shall be paid the base
23 sum of six hundred dollars. Persons awarded the appropriate Persian
24 Gulf theater of operations medal will additionally receive fifty
25 dollars for each month or part thereof served in-theater, for a maximum
26 sum of twelve hundred dollars for in-theater service between the dates
27 of August 2, 1990, to a date to be determined. However, persons who
28 would otherwise be eligible to receive compensation under the
29 provisions of this chapter, but who have been continuously in the armed

1 services for a period of one or more years immediately prior to August
2 2, 1990, must also meet the requirements set out under subsection (5)
3 of this section. Persons who have already received another state's
4 compensation or other benefits based upon a claim of residence at the
5 time of entry into the armed forces or who were otherwise eligible from
6 another state or territory, are not entitled to compensation under this
7 chapter. No person is eligible to receive compensation under this
8 chapter if he or she previously applied for and received compensation
9 under this chapter. Persons with prior or continuous military service
10 and who have received previous awards based upon service in prior
11 military conflicts are eligible to receive this award provided that
12 they meet the qualifications set out under this chapter.

13 (2) In lieu of awaiting receipt of the stated money amounts
14 provided under subsection (1) of this section, a qualified person may
15 elect to receive credit for tuition, incidental fees, or other fees in
16 this amount at a state institution of higher education, including
17 community colleges and vocational-technical institutions, or at private
18 institutions of higher education within the state, the credit to be
19 immediately available upon the processing of the person's claim for an
20 award under this chapter. Institutions of higher education entering
21 into this program under this chapter shall be reimbursed at the time
22 the service award payment would otherwise be made.

23 (3) In lieu of awaiting receipt of the stated money amounts
24 provided under subsection (1) of this section, a qualified person who
25 has elected to or has received other state funded benefits that result
26 from other legislative acts owing to their special status as state
27 employees or other categories who were called to active duty with the
28 armed forces of the United States may receive only the alternate
29 benefits, provided that those alternate benefits' dollar value is equal
30 to or exceeds the amount of the service award as provided for in this

1 chapter. If the declared benefit dollar value received from other acts
2 is less than the value of the benefits under this chapter, a person is
3 entitled to the difference between their service award in full under
4 the provisions of this chapter, and the actual value of the benefits
5 received.

6 (4) In case of the death of a person or being officially declared
7 missing in action but presumed dead by the appropriate department of
8 defense agency prior to the termination date as referred to in
9 subsection (1) of this section, or at the time as the person would have
10 been eligible for benefits under this chapter, an equal amount will be
11 paid to his or her surviving widow if not remarried at the time
12 compensation is requested, or in case he or she left no widow or in
13 case his or her widow remarried and he or she has left children, then
14 equally to his or her surviving children, or in the event that he or
15 she left no widow eligible for payment under this chapter, or children
16 surviving on the date, then equally to his or her surviving parent or
17 parents. However, no parent who has been deprived of custody of a
18 child by a decree of a court of competent jurisdiction is entitled to
19 compensation under this chapter. "Child" as used in this subsection
20 includes either natural children or a stepchild or stepchildren
21 residing in his or her household who were bona fide dependents of the
22 deceased or missing person. In the event a person entitled to an award
23 under the provisions of this chapter was either killed in action or
24 died as a result of wounds or disabilities incurred in action during
25 the period covered by this chapter, the survivors as otherwise stated
26 above will be entitled to the full amount of twelve hundred dollars
27 irrespective of that person's time in-theater.

28 (5) Persons who have served in the armed forces for periods
29 exceeding one continuous year prior to August 2, 1990, must provide
30 further proof of their bona fide residency as follows: A statement

1 from his or her consolidated or unit military personnel office,
2 certified by a commissioned officer superior by position or rank to the
3 applicant, that the "home of record" declaration as it appeared on the
4 applicant's personnel file on or before August 2, 1990, was a
5 Washington state residence. Residency must further be substantiated by
6 a copy of a Washington state driver's license that contains an issue
7 date or effective date on or before August 2, 1990, and was unexpired
8 prior to that date. Applicants who do not possess a valid Washington
9 state driver's license must provide other documentation to prove that
10 they are Washington state residents. The burden of proving residency
11 is on the applicant.

12 NEW SECTION. **Sec. 3.** A "person," as defined in section 2(1)
13 of this act shall not include persons who, during the period of their
14 service, refused on conscientious, political, or other grounds to
15 subject themselves to full military discipline and unqualified service,
16 or who were separated from the service under other than honorable
17 conditions, and who have not subsequently been officially restored to
18 an honorable status; also not included are persons under investigation
19 for actions that could lead to separation from military service under
20 less than honorable terms, these persons are not entitled to the
21 benefits of this chapter. However, "person" as defined in section 2(1)
22 of this act includes those persons with an honorable discharge who
23 claimed exemptions from combatant training and service by reason of
24 religious training and belief, and whose claims were sustained under
25 authority of the selective training and service act of 1940 and
26 executive order No. 8606, or other applicable subsequent services acts
27 and executive orders, or persons who were inducted into the armed
28 forces and assigned to noncombatant services and who did not otherwise
29 refuse to subject themselves to full military discipline and service.

1 (4) The department of veterans affairs shall transmit the certified
2 claims applications to the state treasurer's office.

3 (5) The state treasurer's office shall draw warrants in payment of
4 the compensation claims made against the veterans' award fund,
5 established under this chapter, and in the custody of the state
6 treasury.

7 (6) Claims for compensation may be filed after the effective date
8 of this act, but no payments shall be made prior to January 2, 1992.
9 Payments are limited to the amount of money in the fund. All claims
10 will be prioritized by the state treasurer's office by date of
11 application, and be paid monthly in the following order: (a) Deaths
12 resulting from hostile actions; (b) burial compensation; (c) in-theater
13 awards; and (d) other claims.

14 (7) State treasurer's office expenses identifiable as veterans'
15 award fund administration expenses may be drawn from the fund. The
16 veterans' award fund is subject to chapter 43.88 RCW provided that the
17 fund shall not be subject to application or allotment.

18 (8) The department of veterans affairs may make reasonable
19 requirements for those application procedures as are necessary to
20 prevent fraud or the payment of compensation to persons not entitled
21 thereto.

22 (9) The department of veterans affairs and others having control
23 over moneys entrusted by public donation shall ensure that every effort
24 possible be expended to maintain the public trust and perception that
25 donated moneys are wisely used for the purpose intended by the
26 provisions of this chapter. Therefore, the state treasurer and the
27 department of veterans affairs shall provide a report, giving a fiscal
28 and programmatic review of this chapter to the legislature on January
29 2nd of each year. In the event excess collections are received through
30 the fundraising efforts, all excess funds will remain in the veterans'

1 award fund for further use as directed by the legislature. These
2 excess funds shall only be used to benefit the service group or the
3 dependents identified by this chapter. Possible uses for excess funds
4 include, but are not limited to, a scholarship fund for children of
5 persons killed or missing as a result of the Persian Gulf conflict, a
6 state memorial dedicated to this group of service men and women, or
7 similar uses. If all the needs of Persian Gulf conflict combatants
8 have been exhausted, the fund will remain and accrue for the purpose of
9 funding future veterans' compensation acts. In no case shall these
10 funds be returned to the general fund.

11 (10) The department of veterans affairs shall coordinate
12 compensation payments with the department of social and health services
13 or office of support enforcement to ensure that living persons entitled
14 to an award under the provisions of this chapter do not have
15 outstanding claims for unpaid child support. In the event that there
16 are outstanding claims, the applicant is required to resolve the claims
17 in order to become eligible to receive compensation under the
18 provisions of this chapter. However, the burial compensation, as
19 provided for under section 10 of this act, will be paid.

20 NEW SECTION. **Sec. 5.** When compensation is payable under this
21 chapter to a person who is physically or mentally incompetent at the
22 time the application is made, the compensation may be paid to a
23 guardian, committee, conservator, or curator duly appointed, pursuant
24 to the laws of the state of residence of the incompetent; or, the
25 compensation may be paid to a chief officer of a state or federal
26 institution having custody of the incompetent. However, the chief
27 officer of a state or federal institution shall use compensation
28 received pursuant to this section for the personal benefit of the
29 incompetent, exclusive of care and maintenance.

1 The guardian, committee, conservator, curator, chief officer, or
2 person in charge shall make the application for the incompetent's
3 compensation upon the form regularly provided for this purpose pursuant
4 to section 4 of this act; in addition, it shall be certified under oath
5 that the applicant is the guardian, committee, conservator, curator,
6 chief officer, or person in charge as set forth in this section, and
7 shall further certify that the compensation received shall be used for
8 the personal benefit of the incompetent as provided in this section and
9 in accord with the laws applicable to the administration of their
10 office.

11 Compensation paid upon the basis of the above certification shall
12 be complete settlement and satisfaction of a claim made pursuant to the
13 provisions of this chapter as if made to a competent person.

14 NEW SECTION. **Sec. 6.** The department of veterans affairs shall
15 furnish, free of charge claim forms upon which applications may be
16 made. The department of veterans affairs field services offices
17 located at different points within the state shall have on file for the
18 use of persons covered by this chapter a sufficient number of claim
19 forms so there is no unnecessary delay in the payment of compensation.
20 The department of veterans affairs shall inform the media regarding the
21 provisions of this chapter. The department of veterans affairs shall
22 provide proper application procedures training to military discharge
23 processing centers and interested state veterans' service
24 organizations. The department of veterans affairs shall also provide
25 application certificates on an "as requested" basis.

26 The department of veterans affairs shall employ and supervise those
27 persons as may be necessary to properly carry out the provisions of
28 this chapter. One person shall be designated as the veterans' award
29 program administrator appointed by the director of the department of

1 veterans affairs, and will oversee all veterans' award fund generation
2 and claims activities. All expenses incurred by the administrator and
3 the staff in the administration of this chapter shall be paid by
4 warrants drawn upon the veterans' award fund created under this
5 chapter.

6 NEW SECTION. **Sec. 7.** The veterans' award program
7 administrator, appointed under section 6 of this act, is required to
8 plan, organize, implement, direct, and supervise a state-wide voluntary
9 fundraising drive for the purposes of funding the provisions of this
10 chapter. Donations up to a specified monetary limit may be tax
11 deductible, if possible. All moneys derived, including interest
12 accrued, shall be credited to the veterans' award fund. The fund shall
13 be used solely for the purpose of paying compensation and
14 administrative requirements provided for under this chapter. Use of
15 the funds for other purposes shall require further legislative
16 approval.

17 NEW SECTION. **Sec. 8.** A person who intentionally makes a false
18 representation or falsely submits a claim form as provided for under
19 this chapter, or who presents to the department of veterans affairs a
20 claim form for the purpose of fraudulently obtaining funds provided
21 under this chapter is guilty of a felony.

22 NEW SECTION. **Sec. 9.** A Desert Storm service award commission
23 will be appointed to provide program overview and policy guidance. The
24 commission shall consist of twelve members, to include representatives
25 from the offices of the governor, the treasurer, and the department of
26 veterans affairs. The remaining nine members shall be appointed by the
27 governor to include three citizens at large, three veterans' service

1 organization representatives, and three members from either the
2 industrial or business sector.

3 NEW SECTION. **Sec. 10.** Upon the death of a person qualified to
4 receive compensation under section 2 of this act, there shall be paid
5 to his or her widow, parent, child, next of kin, or other person
6 assuming responsibility or having the duty to provide for his or her
7 burial, five hundred dollars to defray funeral and burial costs.
8 Payment shall be made in the same manner as provided under this
9 chapter. The department of veterans affairs shall adopt rules and
10 provide procedures as deemed necessary to properly administer the
11 provisions of this section.

12 A payment made under this section is deemed to be "compensation" as
13 defined under this chapter, and shall be paid from the veterans' award
14 fund.

15 NEW SECTION. **Sec. 11.** No claim for compensation under this
16 chapter shall be accepted after twelve o'clock noon pacific standard
17 time one year after the termination date referred to in section 2(1) of
18 this act, nor shall a warrant be drawn for the payment of any
19 compensation authorized by this chapter unless a formal action has been
20 filed on or before the hour and day set forth in this section.

21 NEW SECTION. **Sec. 12.** (1) The sum of three hundred thousand
22 dollars, or as much thereof as may be necessary, is appropriated for
23 the biennium ending June 30, 1993, from the general fund to the
24 department of veterans affairs for the purposes of financing the
25 initial costs of the veterans' award fund.

1 (2) The department of veterans affairs shall reimburse the state
2 treasurer's office for costs incurred in the administration of this
3 chapter.

4 NEW SECTION. **Sec. 13.** If any provision of this act or its
5 application to any person or circumstance is held invalid, the
6 remainder of the act or the application of the provision to other
7 persons or circumstances is not affected.

8 NEW SECTION. **Sec. 14.** Sections 1 through 11 of this act shall
9 constitute a new chapter in Title 38 RCW.