
SENATE BILL 5843

State of Washington

52nd Legislature

1991 Regular Session

By Senators Thorsness, L. Smith, McCaslin, Oke, McDonald, Erwin, Amondson, Metcalf, Roach, West and Rasmussen.

Read first time February 25, 1991. Referred to Committee on Governmental Operations.

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 civil 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 one-time donation, as opposed to
11 supporting a tax increase for this purpose, for fear that it may never
12 be retired. It is anticipated that voluntary donations would generate
13 ample funds to provide for the new veterans' service award, as provided
14 for under this chapter, without the added burden of a new tax upon the
15 citizens 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 sizeable portion of the persons compensated by previous veteran bonus
29 acts were involuntary conscripts. However, it is further recognized
30 that 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, 1991, 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, 1991, 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, 1991, must also meet the requirements set out under subsection (5)
3 of this section. Persons who have already received state compensation
4 or other benefits based upon a claim of residence at the time of entry
5 into the armed forces or who were otherwise eligible from another state
6 or territory, are not entitled to compensation under this chapter. No
7 person is eligible to receive compensation under this chapter if he or
8 she previously applied for and received compensation under this
9 chapter.

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

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

1 the provisions of this chapter, and the actual value of the benefits
2 received.

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

25 (5) Persons who have served in the armed forces for periods
26 exceeding one continuous year prior to August 2, 1991, must provide
27 further proof of their bona fide residency as follows: A statement
28 from his or her consolidated or unit military personnel office,
29 certified by a commissioned officer superior by position or rank to the
30 applicant, that the "home of record" declaration as it appeared on the

1 applicant's personnel file on or before August 2, 1990, was a
2 Washington state residence. Residency must further be substantiated by
3 at least one of the following documents that contains an issue date or
4 effective date on or before August 2, 1990, and if applicable, was
5 unexpired prior to that date: (a) A copy of a Washington state
6 driver's license; (b) a 1990 vehicle registration bearing the person's
7 name and home address; (c) a 1990 property tax bill bearing applicant's
8 name and address or primary residence within the state; (d) a copy of
9 a voter certificate of registration; (e) a certification from the
10 county auditor showing the person voted in a primary, general, or
11 special election during the one-year period preceding August 2, 1990;
12 or (f) a professional license.

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

1 forces and assigned to noncombatant services and who did not otherwise
2 refuse to subject themselves to full military discipline and service.

3 NEW SECTION. **Sec. 4.** (1) All disbursements made under this
4 chapter for compensation shall be made upon the presentation of a
5 certificate of claim form to be prescribed by the state treasurer. The
6 form for persons applying for benefits shall be duly verified by the
7 claimant under oath, and shall set forth the following: His or her
8 name; residence at the time of entry into the service or at the time of
9 the commencement of hostilities; date of enlistment or induction into
10 active federal service; beginning dates and ending dates of service;
11 beginning dates and ending dates of service in the Persian Gulf theater
12 of operations, if applicable; date of discharge or release from active
13 military service; if the claimant has not been released at the time of
14 application, a statement by a competent military authority stating that
15 the claimant, during the period for which compensation is claimed, did
16 not refuse to subject himself or herself to full military discipline
17 and service, and that he or she has not been separated from military
18 service under other than honorable circumstances, nor under
19 investigation for actions that could lead to separation from the
20 military under less than honorable circumstances. The state treasurer
21 may require additional information to be included in the certificate as
22 he or she deems necessary to enable him or her to determine the
23 eligibility of applicants.

24 (2) The certificate shall be presented to the state treasurer, or
25 his or her designee, together with evidence of honorable service, and,
26 if applicable, with proof of service in the Persian Gulf theater of
27 operations that is satisfactory to the state treasurer.

1 (3) The claim for institutions seeking reimbursement under section
2 2(2) of this act shall contain all information deemed necessary by the
3 state treasurer in order to determine the authenticity of the claim.

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

13 (5) The state treasurer may make reasonable requirements for those
14 application procedures as are necessary to prevent fraud or the payment
15 of compensation to persons not entitled thereto.

16 (6) The state treasurer and others having control over moneys
17 entrusted by public donation shall ensure that every effort possible be
18 expended to maintain the public trust and perception that donated
19 moneys are wisely used for the purpose intended by the provisions of
20 this chapter. Therefore, the state treasurer shall establish
21 departmental procedures to ensure periodic audits of the veterans'
22 award fund, and shall further provide a report, giving fund status and
23 the results of the audits, to the legislature on January 2nd of each
24 year. In the event excess collections are received through the
25 fundraising efforts, all excess funds will remain in the veterans'
26 award fund for further use as directed by the legislature. These
27 excess funds shall only be used to benefit the service group or the
28 dependents identified by this chapter. Possible uses for excess funds
29 include, but are not limited to, a scholarship fund for children of
30 persons killed or missing as a result of the Persian Gulf conflict, a

1 state memorial dedicated to this group of service men and women, or
2 similar uses. If all the needs of Persian Gulf conflict combatants
3 have been exhausted, the fund will remain and accrue for the purpose of
4 funding future veterans' compensation acts. In no case shall these
5 funds be returned to the general fund.

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

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

25 The guardian, committee, conservator, curator, chief officer, or
26 person in charge shall make the application for the incompetent's
27 compensation upon the form regularly provided for this purpose pursuant
28 to section 4 of this act; in addition, it shall be certified under oath
29 that the applicant is the guardian, committee, conservator, curator,

1 chief officer, or person in charge as set forth in this section, and
2 shall further certify that the compensation received shall be used for
3 the personal benefit of the incompetent as provided in this section and
4 in accord with the laws applicable to the administration of their
5 office.

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

9 NEW SECTION. **Sec. 6.** The state treasurer shall furnish, free
10 of charge claim forms upon which applications may be made. The state
11 treasurer may establish, at different points within the state, offices
12 at which there shall be on file for the use of persons covered by this
13 chapter a sufficient number of claim forms so there is no unnecessary
14 delay in the payment of compensation. The state treasurer shall inform
15 the media regarding the provisions of this chapter. The state
16 treasurer shall provide proper application procedures training to
17 military discharge processing centers, interested state veterans'
18 organizations, such as the American legion, veterans of foreign wars,
19 and other places where eligible applicants might gather. The state
20 treasurer shall also provide application certificates on an "as
21 requested" basis. The state treasurer may authorize the county auditor
22 or county clerk of a county to act for him or her in receiving the
23 claim forms, and provide them with sufficient claim forms to enable
24 them to accept the same.

25 The state treasurer shall procure printing, office supplies, and
26 equipment, and employ those persons as may be necessary to properly
27 carry out the provisions of this chapter. One person shall be
28 designated as the fund administrator, and will oversee all veterans'
29 award fund generation and dispensation. All expenses incurred by the

1 administrator and the staff in the administration of this chapter shall
2 be paid by warrants drawn upon the veterans' award fund created under
3 this chapter.

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

16 It is not the intent of the legislature to limit fundraising
17 efforts; the following guidelines are offered only for the purpose of
18 maximizing citizen participation.

19 Development of a distinctive Persian Gulf veterans' logo with an
20 appropriate slogan, colors, and shape that is appropriate for its
21 purpose. It is further suggested that this logo be copyrighted, and
22 its use controlled by the fund administrator. Programs may be
23 developed to allow corporations, organizations, businesses, and sports
24 teams to use the logo in their advertisements, on their stationery, and
25 on business signs to show that they have made a donation to the fund.

26 NEW SECTION. **Sec. 8.** A person who intentionally makes a false
27 representation or falsely submits a claim form as provided for under
28 this chapter, or who presents to the state treasurer or other state or

1 county officer a claim form for the purpose of fraudulently obtaining
2 funds provided under this chapter is guilty of a felony.

3 NEW SECTION. **Sec. 9.** The executive officer of the veterans'
4 rehabilitation council shall advise and assist the state treasurer in
5 the performance of the treasurer's duties under this chapter. When so
6 called upon, the executive officer shall employ those persons and incur
7 those expenses as may be necessary; expenses incurred by the veterans'
8 rehabilitation council may be paid by warrant drawn upon the veterans'
9 award fund.

10 NEW SECTION. **Sec. 10.** Upon the death of a person qualified to
11 receive compensation under section 2 of this act, there shall be paid
12 to his or her widow, parent, child, next of kin, or other person
13 assuming responsibility or having the duty to provide for his or her
14 burial, five hundred dollars to defray funeral and burial costs.
15 Payment shall be made in the same manner as provided under this
16 chapter. The state treasurer shall adopt rules and provide procedures
17 as he or she deems necessary to properly administer the provisions of
18 this section.

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

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

1 NEW SECTION. **Sec. 12.** The sum of three hundred thousand
2 dollars, or as much thereof as may be necessary, is appropriated for
3 the biennium ending June 30, 1993, from the general fund to the office
4 of the treasurer for the purposes of financing the initial costs of the
5 veterans' award fund.

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

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