
HOUSE BILL 1326

State of Washington

57th Legislature

2001 Regular Session

By Representatives D. Schmidt, Conway, Talcott, Haigh, Mielke, Bush, Kenney and Campbell; by request of Joint Select Committee on Veterans' and Military Affairs

Read first time 01/23/2001. Referred to Committee on State Government.

1 AN ACT Relating to the definition of veteran; amending RCW
2 41.04.005, 46.20.027, 41.04.010, 72.36.035, 73.04.090, 73.08.010,
3 73.08.060, 73.08.070, and 73.24.030; adding a new section to chapter
4 41.04 RCW; and creating a new section.

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

6 **Sec. 1.** RCW 41.04.005 and 1999 c 65 s 1 are each amended to read
7 as follows:

8 (1) As used in RCW 41.04.005, 41.16.220, (~~and~~) 41.20.050,
9 41.40.170, and 28B.15.380 "veteran" includes every person, who at the
10 time he or she seeks the benefits of RCW 41.04.005, (~~41.04.010,~~)
11 41.16.220, 41.20.050, 41.40.170, (~~73.04.110, or 73.08.080~~) or
12 28B.15.380 has received an honorable discharge or received a discharge
13 for physical reasons with an honorable record and who meets at least
14 one of the following criteria:

15 (a) The person has served between World War I and World War II or
16 during any period of war, as defined in subsection (2) of this section,
17 as either:

18 (i) A member in any branch of the armed forces of the United
19 States;

- 1 (ii) A member of the women's air forces service pilots;
- 2 (iii) A U.S. documented merchant mariner with service aboard an
3 oceangoing vessel operated by the war shipping administration, the
4 office of defense transportation, or their agents, from December 7,
5 1941, ((~~to~~)) through December 31, 1946; or
- 6 (iv) A civil service crewmember with service aboard a U.S. army
7 transport service or U.S. naval transportation service vessel in
8 oceangoing service from December 7, 1941, ((~~to~~)) through December 31,
9 1946; or
- 10 (b) The person has received the armed forces expeditionary medal,
11 or marine corps and navy expeditionary medal, for opposed action on
12 foreign soil, for service:
- 13 (i) In any branch of the armed forces of the United States; or
- 14 (ii) As a member of the women's air forces service pilots.
- 15 (2) A "period of war" includes:
- 16 (a) World War I;
- 17 (b) World War II;
- 18 (c) The Korean conflict;
- 19 (d) The Vietnam era, which was the period beginning August 5, 1964,
20 and ending on May 7, 1975;
- 21 (e) The Persian Gulf War, which was the period beginning August 2,
22 1990, and ending on the date prescribed by presidential proclamation or
23 law;
- 24 (f) The period beginning on the date of any future declaration of
25 war by the congress and ending on the date prescribed by presidential
26 proclamation or concurrent resolution of the congress; and
- 27 (g) The following armed conflicts, if the participant was awarded
28 the respective campaign badge or medal: The crisis in Lebanon; the
29 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation
30 Restore Hope; Haiti, Operation Uphold Democracy; and Bosnia, Operation
31 Joint Endeavor.

32 NEW SECTION. **Sec. 2.** A new section is added to chapter 41.04 RCW
33 to read as follows:

34 "Veteran" includes every person, who at the time he or she seeks
35 the benefits of RCW 72.36.030, 41.04.010, 73.04.110, 73.08.010,
36 73.08.060, 73.08.070, or 73.08.080 has received an honorable discharge
37 or received a discharge for medical reasons with an honorable record,

1 where applicable, and who has served in at least one of the following
2 capacities:

3 (1) As a member in any branch of the armed forces of the United
4 States, including the national guard and armed forces reserves, and has
5 fulfilled his or her initial military service obligation;

6 (2) As a member of the women's air forces service pilots;

7 (3) As a member of the armed forces reserves, national guard, or
8 coast guard, and has been called into federal service by a presidential
9 select reserve call up for at least thirty consecutive days;

10 (4) As a U.S. documented merchant mariner with service aboard an
11 oceangoing vessel operated or under contract by the war shipping
12 administration, the office of defense transportation, an equivalent
13 federal agency, or their agents, for transporting supplies, equipment,
14 material, or personnel to the war, conflict, or other military action,
15 from: (a) December 7, 1941, through December 31, 1946; (b) June 27,
16 1950, through January 31, 1955; or (c) August 5, 1964, through May 7,
17 1975;

18 (5) As a civil service crewmember with service aboard a U.S. army
19 transport service or U.S. naval transportation service vessel in
20 oceangoing service from December 7, 1941, through December 31, 1946; or

21 (6) As a member of the Philippine armed forces/scouts during the
22 period of armed conflict from December 7, 1941, through August 15,
23 1945.

24 **Sec. 3.** RCW 46.20.027 and 1999 c 199 s 1 are each amended to read
25 as follows:

26 A Washington state motor vehicle driver's license issued to any
27 (~~person serving in the armed forces of the United States,~~) service
28 member if valid and in force and effect while such person is serving in
29 the armed forces, shall remain in full force and effect so long as such
30 service continues unless the same is sooner suspended, canceled, or
31 revoked for cause as provided by law and for not to exceed ninety days
32 following the date on which the holder of such driver's license is
33 honorably separated from service in the armed forces of the United
34 States. A Washington state driver's license issued to the spouse or
35 dependent child of such service member likewise remains in full force
36 and effect if the person is residing with the service member.

37 For purposes of this section, "service member" means every person
38 serving in the armed forces whose service as of the date of application

1 for the driver's license meets the definition of veteran pursuant to
2 RCW 41.04.005 or the person will meet the definition of veteran at the
3 time of discharge.

4 **Sec. 4.** RCW 41.04.010 and 2000 c 140 s 1 are each amended to read
5 as follows:

6 In all competitive examinations, unless otherwise provided in this
7 section, to determine the qualifications of applicants for public
8 offices, positions or employment, the state, and all of its political
9 subdivisions and all municipal corporations, shall give a scoring
10 criteria status to all veterans as defined in ((RCW 41.04.005)) section
11 2 of this act, by adding to the passing mark, grade or rating only,
12 based upon a possible rating of one hundred points as perfect a
13 percentage in accordance with the following:

14 (1) Ten percent to a veteran who served during a period of war or
15 in an armed conflict as defined in RCW 41.04.005 and does not receive
16 military retirement. The percentage shall be added to the passing
17 mark, grade, or rating of competitive examinations until the veteran's
18 first appointment. The percentage shall not be utilized in promotional
19 examinations;

20 (2) Five percent to a veteran who did not serve during a period of
21 war or in an armed conflict as defined in ((RCW 41.04.005)) section 2
22 of this act or is receiving military retirement. The percentage shall
23 be added to the passing mark, grade, or rating of competitive
24 examinations until the veteran's first appointment. The percentage
25 shall not be utilized in promotional examinations;

26 (3) Five percent to a veteran who was called to active military
27 service for one or more years from employment with the state or any of
28 its political subdivisions or municipal corporations. The percentage
29 shall be added to the first promotional examination only;

30 (4) All veterans' scoring criteria specified in subsections (1),
31 (2), and (3) of this section must be claimed within fifteen years of
32 the date of release from active military service. This period may be
33 extended for valid and extenuating reasons to include but not be
34 limited to:

35 (a) Documented medical reasons beyond control of the veteran;

36 (b) United States department of veterans' affairs documented
37 disabled veteran; or

1 (c) Any veteran who has his or her employment terminated through no
2 fault or action of his or her own and whose livelihood is adversely
3 affected may seek scoring criteria employment consideration under this
4 section.

5 **Sec. 5.** RCW 72.36.035 and 1993 sp.s. c 3 s 6 are each amended to
6 read as follows:

7 For purposes of this chapter, unless the context clearly indicates
8 otherwise:

9 (1) "Actual bona fide residents of this state" means persons who
10 have a domicile in the state of Washington immediately prior to
11 application for admission to a state veterans' home.

12 (2) "Department" means the Washington state department of veterans
13 affairs.

14 (3) "Domicile" means a person's true, fixed, and permanent home and
15 place of habitation, and shall be the place where the person intends to
16 remain, and to which the person expects to return when the person
17 leaves without intending to establish a new domicile elsewhere.

18 (4) "State veterans' home" means either the Washington soldiers'
19 home and colony in Orting, or the Washington veterans' home in Retsil,
20 or both.

21 (5) "Veteran" has the same meaning established in ((RCW 41.04.005))
22 section 2 of this act.

23 **Sec. 6.** RCW 73.04.090 and 1991 c 240 s 3 are each amended to read
24 as follows:

25 All benefits, advantages or emoluments, not available upon equal
26 terms to all citizens, including but not being limited to preferred
27 rights to public employment, civil service preference, exemption from
28 license fees or other impositions, preference in purchasing state
29 property and special pension or retirement rights, which by any law of
30 this state have been made specially available to war veterans or to
31 persons who have served in the armed forces or defense forces of the
32 United States, shall be available only to persons who have been subject
33 to full and continuous military control and discipline as actual
34 members of the federal armed forces or to persons defined as "veterans"
35 in ((RCW 41.04.005)) section 2 of this act. Service with such forces
36 in a civilian capacity, or in any capacity wherein a person retained
37 the right to terminate his or her service or to refuse full obedience

1 to military superiors, shall not be the basis for eligibility for such
2 benefits. Service in any of the following shall not for purposes of
3 this section be considered as military service: The office of
4 emergency services or any component thereof; the American Red Cross;
5 the United States Coast Guard Auxiliary; United States Coast Guard
6 Reserve Temporary; United States Coast and Geodetic Survey; American
7 Field Service; Civil Air Patrol; Cadet Nurse Corps, and any other
8 similar organization.

9 **Sec. 7.** RCW 73.08.010 and 1983 c 295 s 1 are each amended to read
10 as follows:

11 For the relief of indigent and suffering veterans as defined in
12 ((RCW 41.04.005)) section 2 of this act and their families or the
13 families of those deceased, who need assistance in any city, town or
14 precinct in this state, the legislative authority of the county in
15 which the city, town or precinct is situated shall provide such sum or
16 sums of money as may be necessary, to be drawn upon by the commander
17 and quartermaster, or commander and adjutant or commander and service
18 officer of any post, camp or chapter of any national organization of
19 veterans now, or which may hereafter be, chartered by an act of
20 congress in the city or town upon recommendation of the relief
21 committee of said post, camp or chapter: PROVIDED, Said veteran or the
22 families of those deceased are and have been residents of the state for
23 at least twelve months, and the orders of said commander and
24 quartermaster, or commander and adjutant or commander and service
25 officer shall be the proper voucher for the expenditure of said sum or
26 sums of money.

27 **Sec. 8.** RCW 73.08.060 and 1983 c 295 s 4 are each amended to read
28 as follows:

29 County legislative authorities are hereby prohibited from sending
30 indigent or disabled veterans as defined in ((RCW 41.04.005)) section
31 2 of this act or their families or the families of the deceased to any
32 almshouse (or orphan asylum) without the concurrence and consent of the
33 commander and relief committee of the post, camp or chapter of any
34 national organization of veterans now, or which may hereafter be,
35 chartered by an act of congress as provided in RCW 73.08.010 and
36 73.08.030. Indigent veterans shall, whenever practicable, be provided
37 for and relieved at their homes in such city, town or precinct in which

1 they shall have a residence, in the manner provided in RCW 73.08.010
2 and 73.08.030. Indigent or disabled veterans as defined in ((RCW
3 ~~41.04.005~~)) section 2 of this act, who are not insane and have no
4 families or friends with whom they may be domiciled, may be sent to any
5 soldiers' home.

6 **Sec. 9.** RCW 73.08.070 and 1997 c 286 s 1 are each amended to read
7 as follows:

8 It shall be the duty of the legislative authority in each of the
9 counties in this state to designate some proper authority other than
10 the one designated by law for the care of paupers and the custody of
11 criminals who shall cause to be interred at the expense of the county
12 the body of any honorably discharged veterans as defined in ((RCW
13 ~~41.04.005~~)) section 2 of this act and the wives, husbands, minor
14 children, widows or widowers of such veterans, who shall hereafter die
15 without leaving means sufficient to defray funeral expenses; and when
16 requested so to do by the commanding officer of any post, camp or
17 chapter of any national organization of veterans now, or which may
18 hereafter be, chartered by an act of congress or the relief committee
19 of any such posts, camps or chapters: PROVIDED, HOWEVER, That such
20 interment shall not cost more than the limit established by the county
21 legislative authority nor less than three hundred dollars. If the
22 deceased has relatives or friends who desire to conduct the burial of
23 such deceased person, then upon request of said commander or relief
24 committee a sum not to exceed the limit established by the county
25 legislative authority nor less than three hundred dollars shall be paid
26 to said relatives or friends by the county treasurer, upon due proof of
27 the death and burial of any person provided for by this section and
28 proof of expenses incurred.

29 **Sec. 10.** RCW 73.24.030 and 1977 c 31 s 4 are each amended to read
30 as follows:

31 The said plot shall be available, to the extent such space is
32 available, without charge or cost for the burial of persons who have
33 served in the army, navy, or marine corps in the United States, in the
34 Spanish-American war, Philippine insurrection, or the Chinese Relief
35 Expedition, or who served in any said branches of said service at any
36 time between April 21, 1898 and July 4, 1902 and any veteran as defined
37 in ((RCW ~~41.04.005~~)) section 2 of this act.

1 NEW SECTION. **Sec. 11.** The higher education coordinating board and
2 the joint committee on pension policy shall each conduct a study as to
3 the eligibility of veterans for benefits provided, respectively, by
4 higher education and the state retirement system if the definition of
5 veteran is modified in the manner provided in section 2 of this act and
6 report their findings to the legislature by December 1, 2001.

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