

SHB 1938 - S COMM AMD  
By Committee on Ways & Means

ADOPTED 04/04/2005

1 Strike everything after the enacting clause and insert the  
2 following:

3 "Sec. 1. RCW 41.04.005 and 2002 c 292 s 1 and 2002 c 27 s 1 are  
4 each reenacted and amended to read as follows:

5 (1) As used in RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170, and  
6 28B.15.380 "veteran" includes every person, who at the time he or she  
7 seeks the benefits of RCW 41.04.005, 41.16.220, 41.20.050, 41.40.170,  
8 or 28B.15.380 has received an honorable discharge, is actively serving  
9 honorably, or received a discharge for physical reasons with an  
10 honorable record and who meets at least one of the following criteria:

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

14 (i) A member in any branch of the armed forces of the United  
15 States;

16 (ii) A member of the women's air forces service pilots;

17 (iii) A U.S. documented merchant mariner with service aboard an  
18 oceangoing vessel operated by the war shipping administration, the  
19 office of defense transportation, or their agents, from December 7,  
20 1941, through December 31, 1946; or

21 (iv) A civil service crewmember with service aboard a U.S. army  
22 transport service or U.S. naval transportation service vessel in  
23 oceangoing service from December 7, 1941, through December 31, 1946; or

24 (b) The person has received the armed forces expeditionary medal,  
25 or marine corps and navy expeditionary medal, for opposed action on  
26 foreign soil, for service:

27 (i) In any branch of the armed forces of the United States; or

28 (ii) As a member of the women's air forces service pilots.

29 (2) A "period of war" includes:

30 (a) World War I;

1 (b) World War II;

2 (c) The Korean conflict;

3 (d) The Vietnam era(~~([, which])~~), which means:

4 (i) The period beginning on February 28, 1961, and ending on May 7,  
5 1975, in the case of a veteran who served in the Republic of Vietnam  
6 during that period;

7 (ii) The period beginning August 5, 1964, and ending on May 7,  
8 1975;

9 (e) The Persian Gulf War, which was the period beginning August 2,  
10 1990, and ending on the date prescribed by presidential proclamation or  
11 law;

12 (f) The period beginning on the date of any future declaration of  
13 war by the congress and ending on the date prescribed by presidential  
14 proclamation or concurrent resolution of the congress; and

15 (g) The following armed conflicts, if the participant was awarded  
16 the respective campaign badge or medal: The crisis in Lebanon; the  
17 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation  
18 Restore Hope; Haiti, Operation Uphold Democracy; ~~((and))~~ Bosnia,  
19 Operation Joint Endeavor; Operation Noble Eagle; Operation Enduring  
20 Freedom; and Operation Iraqi Freedom.

21 **Sec. 2.** RCW 41.40.170 and 2002 c 27 s 2 are each amended to read  
22 as follows:

23 (1) A member who has served or shall serve on active federal  
24 service in the military or naval forces of the United States and who  
25 left or shall leave an employer to enter such service shall be deemed  
26 to be on military leave of absence if he or she has resumed or shall  
27 resume employment as an employee within one year from termination  
28 thereof.

29 (2) If he or she has applied or shall apply for reinstatement of  
30 employment, within one year from termination of the military service,  
31 and is refused employment for reasons beyond his or her control, he or  
32 she shall, upon resumption of service within ten years have such  
33 service credited to him or her.

34 (3) In any event, after completing twenty-five years of creditable  
35 service, any member may have service in the armed forces credited to  
36 him or her as a member whether or not he or she left the employ of an  
37 employer to enter the armed service: PROVIDED, That in no instance,

1 described in this section, shall military service in excess of five  
2 years be credited: AND PROVIDED FURTHER, That in each instance the  
3 member must restore all withdrawn accumulated contributions, which  
4 restoration must be completed within five years of membership service  
5 following the first resumption of employment or complete twenty-five  
6 years of creditable service: AND PROVIDED FURTHER, That this section  
7 will not apply to any individual, not a veteran within the meaning of  
8 RCW 41.04.005.

9 (4)(a) A member, after completing twenty-five years of creditable  
10 service, who would have otherwise become eligible for a retirement  
11 benefit as defined under this chapter while serving honorably in the  
12 armed forces as referenced in RCW 41.04.005, shall, upon application to  
13 the department, be eligible to receive credit for this service without  
14 returning to covered employment.

15 (b) Service credit granted under (a) of this subsection applies  
16 only to veterans as defined in RCW 41.40.005.

17 NEW SECTION. Sec. 3. If any provision of this act or its  
18 application to any person or circumstance is held invalid, the  
19 remainder of the act or the application of the provision to other  
20 persons or circumstances is not affected.

21 NEW SECTION. Sec. 4. This act is necessary for the immediate  
22 preservation of the public peace, health, or safety, or support of the  
23 state government and its existing public institutions, and takes effect  
24 immediately."

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25 On page 1, line 2 of the title, after "duty;" strike the remainder  
26 of the title and insert "amending RCW 41.40.170; reenacting and  
27 amending RCW 41.04.005; and declaring an emergency."

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