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**SUBSTITUTE HOUSE BILL 1938**

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**State of Washington                      59th Legislature                      2005 Regular Session**

**By** House Committee on Appropriations (originally sponsored by Representatives Hinkle, Darneille, Morrell, Ericks and O'Brien)

READ FIRST TIME 03/08/05.

1            AN ACT Relating to employment and retirement rights of members of  
2 the armed forces called to active duty; amending RCW 41.40.170;  
3 reenacting and amending RCW 41.04.005; and declaring an emergency.

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

5            **Sec. 1.** RCW 41.04.005 and 2002 c 292 s 1 and 2002 c 27 s 1 are  
6 each reenacted and amended to read as follows:

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

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

16            (i) A member in any branch of the armed forces of the United  
17 States;

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

1 (iii) A U.S. documented merchant mariner with service aboard an  
2 oceangoing vessel operated by the war shipping administration, the  
3 office of defense transportation, or their agents, from December 7,  
4 1941, through December 31, 1946; or

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

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

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

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

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

14 (a) World War I;

15 (b) World War II;

16 (c) The Korean conflict;

17 (d) The Vietnam era(~~(+, which)~~), which means:

18 (i) The period beginning on February 28, 1961, and ending on May 7,  
19 1975, in the case of a veteran who served in the Republic of Vietnam  
20 during that period;

21 (ii) The period beginning August 5, 1964, and ending on May 7,  
22 1975;

23 (e) The Persian Gulf War, which was the period beginning August 2,  
24 1990, and ending on the date prescribed by presidential proclamation or  
25 law;

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

29 (g) The following armed conflicts, if the participant was awarded  
30 the respective campaign badge or medal: The crisis in Lebanon; the  
31 invasion of Grenada; Panama, Operation Just Cause; Somalia, Operation  
32 Restore Hope; Haiti, Operation Uphold Democracy; ~~((and))~~ Bosnia,  
33 Operation Joint Endeavor; Operation Noble Eagle; Operation Enduring  
34 Freedom; and Operation Iraqi Freedom.

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

37 (1) A member who has served or shall serve on active federal

1 service in the military or naval forces of the United States and who  
2 left or shall leave an employer to enter such service shall be deemed  
3 to be on military leave of absence if he or she has resumed or shall  
4 resume employment as an employee within one year from termination  
5 thereof.

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

11 (3) In any event, after completing twenty-five years of creditable  
12 service, any member may have service in the armed forces credited to  
13 him or her as a member whether or not he or she left the employ of an  
14 employer to enter the armed service: PROVIDED, That in no instance,  
15 described in this section, shall military service in excess of five  
16 years be credited: AND PROVIDED FURTHER, That in each instance the  
17 member must restore all withdrawn accumulated contributions, which  
18 restoration must be completed within five years of membership service  
19 following the first resumption of employment or complete twenty-five  
20 years of creditable service: AND PROVIDED FURTHER, That this section  
21 will not apply to any individual, not a veteran within the meaning of  
22 RCW 41.04.005.

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

29 (b) Service credit granted under (a) of this subsection applies  
30 only to veterans as defined in RCW 41.40.005 and only for service in  
31 the armed forces performed after January 1, 2005.

32 NEW SECTION. Sec. 3. If any provision of this act or its  
33 application to any person or circumstance is held invalid, the  
34 remainder of the act or the application of the provision to other  
35 persons or circumstances is not affected.

1        NEW SECTION.   **Sec. 4.**   This act is necessary for the immediate  
2   preservation of the public peace, health, or safety, or support of the  
3   state government and its existing public institutions, and takes effect  
4   immediately.

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