

CERTIFICATION OF ENROLLMENT

SUBSTITUTE HOUSE BILL 1938

59th Legislature
2005 Regular Session

Passed by the House April 19, 2005
Yeas 98 Nays 0

Speaker of the House of Representatives

Passed by the Senate April 4, 2005
Yeas 47 Nays 0

President of the Senate

Approved

Governor of the State of Washington

CERTIFICATE

I, Richard Nafziger, Chief Clerk of the House of Representatives of the State of Washington, do hereby certify that the attached is **SUBSTITUTE HOUSE BILL 1938** as passed by the House of Representatives and the Senate on the dates hereon set forth.

Chief Clerk

FILED

**Secretary of State
State of Washington**

SUBSTITUTE HOUSE BILL 1938

AS AMENDED BY THE SENATE

Passed Legislature - 2005 Regular Session

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.

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

35 NEW SECTION. Sec. 4. This act is necessary for the immediate

1 preservation of the public peace, health, or safety, or support of the
2 state government and its existing public institutions, and takes effect
3 immediately.

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