

HOUSE BILL REPORT

SB 5323

As Passed House:

April 12, 2023

Title: An act relating to the department of veterans affairs regarding exempt staff and exempt staff appointments, removing reference to one-time use of funds, and exempting veteran discharge papers from public disclosure.

Brief Description: Concerning the department of veterans affairs.

Sponsors: Senators MacEwen, Conway, Lovick, Mullet and Randall; by request of Department of Veterans Affairs.

Brief History:

Committee Activity:

Innovation, Community & Economic Development, & Veterans: 3/10/23, 3/15/23 [DP].

Floor Activity:

Passed House: 4/12/23, 96-1.

Brief Summary of Bill

- Requires the Director of the Washington Department of Veterans Affairs (WDVA) to appoint a director of nursing services for each state veterans home.
- Exempts certain WDVA personnel from the state civil service law.
- Establishes that veteran discharge or separation documents are not subject to disclosure under the Public Records Act.
- Repeals statutes relating to the Colony of the State Soldiers' Home and domiciliary care at state veterans homes.

HOUSE COMMITTEE ON INNOVATION, COMMUNITY & ECONOMIC DEVELOPMENT, & VETERANS

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

Majority Report: Do pass. Signed by 14 members: Representatives Ryu, Chair; Donaghy, Vice Chair; Rule, Vice Chair; Volz, Ranking Minority Member; Barnard, Assistant Ranking Minority Member; Chambers, Christian, Corry, Cortes, Senn, Shavers, Street, Waters and Ybarra.

Staff: Emily Poole (786-7106).

Background:

Department of Veterans Affairs.

The Washington Department of Veterans Affairs (WDVA) provides many services and benefits to veterans and their families, including counseling, employment, education, training, burial, housing, medical care, and relief programs. The Director of the WDVA (Director) conducts, controls, and supervises the WDVA. The Director also holds the power to appoint and employ personnel for the WDVA, including assistants and executive staff.

State Civil Service Law.

State civil service law governs the appointment, promotion, transfer, layoff, removal, discipline, and welfare of most state agency employees. State civil service law applies to most state agency employees, unless expressly excluded. For example, civil service law does not apply to the legislative branch, the judiciary, academic personnel, state patrol officers, the chief executive officers of each agency, and certain other management staff.

In addition, a number of exempt positions are expressly designated for various state agencies. The following personnel in the WDVA are exempt: the Director, the Deputy Director, no more than two assistant directors, a confidential secretary for the Deputy Director, and a confidential secretary for each assistant director.

Veterans Homes.

The WDVA operates four state veterans homes: the Washington Veterans Home located in Port Orchard; the Washington Soldiers Home located in Orting; the Spokane Veterans Home located in Spokane; and the Walla Walla Veterans Home located in Walla Walla.

The Director is required to appoint an administrator to manage each veterans home. Each administrator must be licensed by the Department of Health as a nursing home administrator. State veterans homes are authorized to provide both domiciliary and nursing care. The WDVA has previously operated a Domiciliary Program, but the program was discontinued in 2020.

The Colony of the State Soldiers' Home was originally established to provide a residence to veterans and their families who reside in the Orting school district and meet certain other requirements.

In 2001 the Legislature stated its intent that in authorizing the establishment of an eastern Washington veterans home, the State General Fund may not be used to provide support for the home except for amounts required to pay the state share of Medicaid costs.

Public Records.

The Public Records Act (PRA) requires all state and local government agencies to make all public records available for public inspection and copying, unless certain statutory exemptions apply. Over 500 specific references in the PRA or other statutes remove certain information from application of the PRA, provide exceptions to the public disclosure and copying of certain information, or designate certain information as confidential.

Veteran discharge papers filed at the office of the county auditor before July 1, 2002, are exempt from disclosure under the PRA under certain circumstances. Veteran discharge papers filed at the office of the county auditor after June 30, 2002, are not public records, but will only be available to the veteran, the veteran's next of kin, a deceased veteran's properly appointed personal representative or executor, a person holding the veteran's general power of attorney, or anyone else designated in writing by the veteran to receive the records.

Veterans Stewardship Account.

The Veterans Stewardship Account, established in 2005, may be used by the WDVA for activities that benefit veterans and their families, including but not limited to programs and services for homeless veterans, establishing memorials honoring veterans, and maintaining a future state veterans cemetery.

Summary of Bill:

Veterans Homes.

The Director of the WDVA is required to appoint a director of nursing services for each state veterans home. The director of nursing services in each state veterans home must be a registered nurse licensed in Washington.

The statute authorizing the state veterans homes to provide both domiciliary and nursing care is repealed.

Statutes establishing the Colony of the State Soldiers' Home, setting out admission requirements for the Colony of the State Soldiers' Home, and specifying that members of the Colony of the State Soldiers' Home are members of the state soldiers' home are repealed.

The statute stating the Legislature's intent that the State General Fund may not be used to support a veterans home in Eastern Washington is repealed.

State Civil Service Law.

Administrators and directors of nursing services at each state veterans home are added to the list of personnel within the WDVA that are exempt from the state civil service law.

Public Records.

The WDVA is prohibited from disclosing veteran discharge or separation documents. Such documents are confidential and not subject to disclosure under the PRA. However, the prohibition on disclosure does not apply to:

- a veteran requesting the veteran's own discharge or separation documents;
- a veteran's next of kin;
- a deceased veteran's properly appointed personal representative or executor;
- a person holding a veteran's general power of attorney;
- duly designated representatives of accredited veterans service organizations; or
- sharing agreements among other government entities.

Veterans Stewardship Account.

The Veterans Stewardship Account may be used by the WDVA to maintain state veterans cemeteries.

Appropriation: None.

Fiscal Note: Available.

Effective Date: The bill takes effect 90 days after adjournment of the session in which the bill is passed.

Staff Summary of Public Testimony:

(In support) Discharge papers are private documents and should only be released with consent. Discharge documents contain sensitive information and are prime targets for identity theft. Veterans share discharge documents with the WDVA for various reasons, including in connection with requests for services. Veterans should be able to share discharge papers with the WDVA without the documents becoming public records. This bill would apply the same protections that exist for discharge papers at the county level to discharge papers maintained by the WDVA. This bill will provide the WDVA with greater flexibility to recruit directors of nursing services. The WDVA Domiciliary Program and the Colony of the State Soldiers' Home have not been in operation for several years. This bill is a major step forward in supporting veterans.

(Opposed) None.

Persons Testifying: Senator Drew MacEwen, prime sponsor; Anthony Varela, Veterans Legislative Coalition; and Heidi Audette, Washington State Department of Veterans Affairs.

Persons Signed In To Testify But Not Testifying: None.