

SENATE BILL REPORT

SB 5323

As Passed Senate, February 15, 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: State Government & Elections: 1/27/23, 2/03/23 [DP, w/oRec].

Floor Activity: Passed Senate: 2/15/23, 46-1.

Brief Summary of Bill

- Creates a director of nursing services position at each state veterans' home, which is exempt from civil service provisions.
- Provides certain limited instances in which the Washington Department of Veterans' Affairs may disclose a veteran's discharge papers.
- Repeals statutory references to the Soldiers' Home Colony, fundraising for the eastern Washington veterans' home, and a requirement to provide domiciliary and medical care.

SENATE COMMITTEE ON STATE GOVERNMENT & ELECTIONS

Majority Report: Do pass.

Signed by Senators Hunt, Chair; Valdez, Vice Chair; Wilson, J., Ranking Member; Dozier, Fortunato and Kuderer.

Minority Report: That it be referred without recommendation.

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.

Signed by Senator Hasegawa.

Staff: Danielle Creech (786-7412)

Background: Veterans' Homes. The Washington Department of Veterans' Affairs (WDVA) operates four veterans' homes, open to eligible veterans—the Washington Soldiers' Home in Orting; the Washington Veterans' Home in Retsil; the Spokane Veterans' Home; and the Walla Walla Veterans' Home. The Washington Soldiers' Colony in Orting no longer has any residents and is no longer funded. The domiciliary program has been discontinued and replaced with the transitional housing program, which focuses on transitions back into the community.

Director of Nursing Services. WDVA may establish director of nursing positions at veterans' homes, which are currently classified under the Washington Management Service (WMS). The WMS is a separate personnel system for managers within the executive branch of state government. Agencies determine if a position is appropriate for the WMS. State civil service law governs the appointment, promotion, transfer, layoff, removal, discipline, and other personnel matters of most state agency employees.

Disclosure of Veteran Discharge Papers. The Public Records Act (PRA), enacted in 1972 as part of Initiative 276, 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. The provisions requiring public records disclosure must be interpreted liberally, while the exemptions are interpreted narrowly to effectuate the general policy favoring disclosure.

DD-214 forms and other armed forces separation documents are exempt from public disclosure requirements when held by county auditors. Under current law, however, discharge documents filed with WDVA are not exempt from public disclosure requirements.

Summary of Bill: Veterans' Homes. Statutory references to the Soldiers' Colony, fundraising for the eastern Washington veterans' home, and a requirement to provide domiciliary and medical care are repealed.

Director of Nursing Services. The director of nursing services position is created at each state veterans' home, and is exempt from civil service provisions. The director of nursing services must be a registered nurse licensed in Washington.

Disclosure of Veteran Discharge Papers. WDVA may, under specific circumstances, exempt the DD-214, NGB Form 22, and other separation documents from public disclosure.

Appropriation: None.

Fiscal Note: Available.

Creates Committee/Commission/Task Force that includes Legislative members: No.

Effective Date: Ninety days after adjournment of session in which bill is passed.

Staff Summary of Public Testimony: PRO: This bill revises language and addresses a nursing issue across the industry. Passage of this bill will provide veterans' confidence that the DD-214 will be protected and secured.

Persons Testifying: PRO: Senator Drew MacEwen, Prime Sponsor; Anthony Varela, Veterans Legislative Coalition.

Persons Signed In To Testify But Not Testifying: No one.