

CHAPTER 154
[Substitute House Bill No. 313]
VETERANS BONUS

AN ACT Relating to veterans' benefits; providing for the payment of a bonus or in lieu thereof credits for higher education purposes to certain veterans of the armed forces from the state of Washington from the current statutory excise tax on cigarettes and such additional means as the legislature shall provide; providing a burial allowance; amending section 2, chapter 272, Laws of 1959 as amended by section 2, chapter 299, Laws of 1971 ex. sess. and RCW 73.32.130; making an appropriation; and providing penalties.

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

NEW SECTION. Section 1. Since the people of the state of Washington have recognized the sacrifices of its sons in the service of their country during World War I, World War II and subsequently in the Korean conflict, and having desired to aid them in their return to civil life, did authorize the payment of certain compensation in recognition of such services, and since problems arising out of said conflicts threaten to defeat the ideals for which said battles were waged and make it necessary for many of our sons to once again bear arms for the preservation of justice and peace, it is fitting and proper that we again recognize that service and give that helping hand to those who have given and are giving so much to us and have brought and are bringing so much honor to our great state.

The legislature in authorizing this compensation recognizes that all prior bonds issued for compensation of those veterans of World War II and the Korean conflict will be fully retired during the year 1972 and that taxes upon cigarettes referred to in RCW 82.24.020 provide ample funds to retire any new veterans' bonus payment as provided for in this 1972 amendatory act without an added burden of taxation upon the citizens of this state.

NEW SECTION. Sec. 2. (1) There shall be paid to each person who has been on active federal service as a member of the armed military or naval forces of the United States between a period commencing August 5, 1964, and ending on such date as shall thereafter be determined by presidential proclamation or concurrent resolution of the congress terminating the conflict involving United States forces battling in South Viet Nam, or in the case of a reduction in hostilities, on a date determined by proclamation of the governor, and who for a period of one year immediately prior to the date of his entry into such service, was a bona fide citizen or

resident of the state of Washington, and received the Viet Nam Service Medal, the sum of two hundred and fifty dollars for service between said dates: PROVIDED, HOWEVER, That persons otherwise eligible who have been continuously in said armed services for a period of five years or more immediately prior to August 5, 1964, shall not be eligible to receive compensation under the terms of this 1972 amendatory act: PROVIDED FURTHER, That persons who have already received extra compensation or other benefits based upon claimed residence at the time of entry into such active service from any other state or territory shall not be entitled to compensation under this 1972 amendatory act: AND PROVIDED FURTHER, That no person shall be eligible to receive compensation under this 1972 amendatory act having prior thereto applied for and received compensation hereunder.

(2) In lieu of awaiting receipt of the stated money amounts as provided in subsection (1) above, any qualified person may elect to receive credit for tuition, incidental fees or other fees in such amount at any state institution of higher education, including community colleges and vocational technical institutions, or at private institutions of higher education within the state, such credit to be immediately available upon the processing of such person's claim for a bonus under this 1972 amendatory act; institutions of higher education entering into this program under this 1972 amendatory act shall be reimbursed at such time as the bonus payment would otherwise be made.

(3) In case of the death of any such person prior to said termination date as referred to in subsection (1) above, or at such time as such person would have been eligible for benefits hereunder, an equal amount shall be paid to his surviving widow if not remarried at the time compensation is requested, or in case he left no widow or in case his widow remarried and he has left children, then to his surviving children, or in the event he left no widow eligible for payment hereunder, or children surviving on such date, then to his surviving parent or parents: PROVIDED, HOWEVER, That no such parent who has been deprived of custody of such child by a decree of a court of competent jurisdiction shall be entitled to any compensation under this 1972 amendatory act.

(4) It is the purpose of the legislature that benefits payable under the provisions of this 1972 amendatory act shall be comparable to those paid to veterans under former laws, the increase in dollar amount herein reflecting an approximation of the increase in the cost of living as indicated by the consumer price index of the United States Department of Labor, Bureau of Labor Statistics.

NEW SECTION. Sec. 3. The word "person" as used in section 2 of this 1972 amendatory act shall not include persons who, during the period of their service, refused on conscientious, political or other

grounds to subject themselves to full military discipline and unqualified service or who were separated from such service under conditions other than honorable, and who have not subsequently been officially restored to an honorable status, and such persons shall not be entitled to the benefits of this 1972 amendatory act: PROVIDED, That the word "person" as used in section 2 of this 1972 amendatory act shall include those persons with honorable discharge who claimed exemptions from combatant training and service by reason of religious training and belief and whose claims were sustained under authority of the selective training and service act of 1940 and executive order No. 8606, but who were inducted into the armed forces and assigned to noncombatant service and who did not otherwise refuse to subject themselves to full military discipline and unqualified service.

NEW SECTION. Sec. 4. All disbursements made under this 1972 amendatory act for compensation shall be made upon the presentation of a certificate or claim form to be prescribed by the state treasurer.

Such form for persons applying for benefits shall be duly verified by the claimant under oath, and shall set forth his name, residence at the time of entry into the service, date of enlistment, induction, or entry upon active federal service, beginning and ending dates of overseas service, date of discharge or release from active federal service, or if the claimant has not been released at the time of application, a statement by a competent military authority that the claimant during the period for which compensation is claimed did not refuse to subject himself to full military discipline and unqualified service, and that he has not been separated from service under circumstances other than honorable. The state treasurer may require such further information to be included in such certificate as he deems necessary to enable him to determine the eligibility of applicants.

Such certificate shall be presented to the state treasurer or his representative, together with evidence of honorable service satisfactory to the state treasurer.

The claim for institutions seeking reimbursement under section 2(2) of this 1972 amendatory act shall contain such information as the treasurer shall deem necessary to determine the authenticity thereof.

The state treasurer shall draw warrants in payment of such compensation claims against the war veterans' compensation fund, which has heretofore been established in the state treasury. Claims for such compensation may be filed after the effective date of this 1972 amendatory act but no payments shall be made prior to January 2, 1973.

The state treasurer may make such reasonable requirements for application procedure as are necessary to prevent fraud or the payment of compensation to persons not entitled thereto.

NEW SECTION. Sec. 5. Where compensation is payable under this 1972 amendatory act to any person who is physically or mentally incompetent at the time application is made, said compensation may be paid to any guardian, committee, conservator, or curator duly appointed, pursuant to the laws of the state of residence of said incompetent to control and manage the person and/or estate of the incompetent, or such compensation may be paid to any chief officer of any state or federal institution having custody of such incompetent: PROVIDED, HOWEVER, The chief officer of any state or federal institution shall use any compensation received pursuant to this section for the personal benefit of the incompetent, exclusive of care and maintenance.

The guardian, committee, conservator, curator, chief officer or person in charge shall make application for the incompetent's compensation upon the form regularly provided for such purpose pursuant to section 4 of this 1972 amendatory act, and in addition, shall certify under oath that the applicant is the guardian, committee, conservator, curator, chief officer, or person in charge as above set forth, and shall further certify that the compensation received shall be used for the personal benefit of the incompetent as provided herein and in accord with the laws applicable to the administration of their office.

Any compensation paid upon the basis of the above certification shall be complete settlement and satisfaction of any claim made pursuant to the provisions of this 1972 amendatory act as if made to a person not incompetent.

NEW SECTION. Sec. 6. The state treasurer shall furnish free of charge upon the application therefor certificates or claim forms upon which applications may be made and may establish at different points within the state offices at which there shall be kept on file for the use of persons covered by this 1972 amendatory act a sufficient number of such certificates, so that there is no unnecessary delay in the payment of compensation. The state treasurer may authorize the county auditor or county clerk, or both, of any county of the state to act for him in receiving such certificates, and shall furnish them with sufficient certificates to enable them to accept the same. The state treasurer shall procure such printing, office supplies and equipment and employ such persons as may be necessary to properly carry out the provisions of this 1972 amendatory act. All expenses incurred by him in the administration of this 1972 amendatory act shall be paid by warrants drawn upon the war veterans' compensation fund.

Sec. 7. Section 2, chapter 272, Laws of 1959 as amended by section 2, chapter 299, Laws of 1971 ex. sess. and RCW 73.32.130 are each amended to read as follows:

For the purpose of creating the fund for the retirement of such bonds upon maturity and the payment of interest thereon as it falls due, all proceeds hereafter received from the excise tax on cigarettes imposed by chapter 82.24 as now or hereafter amended, shall, so long as any part of principal or interest of the bonds herein provided for remains outstanding, be paid into the war veterans' compensation bond retirement fund hereinafter provided for.

In addition thereto, there is hereby levied and there shall be collected by the department of revenue from the persons mentioned in and in the manner provided by chapter 82.24, as now or hereafter amended, an excise tax upon the sale, use, consumption, handling or distribution of cigarettes in an amount equal to the rate of one mill per cigarette, but the provisions of RCW 82.24.070 allowing dealers' compensation for affixing stamps shall not apply to this additional tax. Instead, wholesalers and retailers subject to the provisions of chapter 82.24 shall be allowed as compensation for their services in affixing the stamps for the additional tax required by this section a sum equal to one percent of the value of the stamps for such additional tax purchased or affixed by them.

All money derived from such tax shall be paid to the state treasurer and credited to a special trust fund to be known as the war veterans' compensation bond retirement fund, which shall be kept segregated from all money in the state treasury and shall, while any of the bonds herein authorized or any interest thereon remain unpaid, be available solely for the payment thereof.

Whenever the receipts into the war veterans' compensation bond retirement fund during any year exceed the annual amounts required for debt service, the balance shall be transferred by the state treasurer to the state general fund, and whenever there has accumulated in the war veterans' compensation bond retirement fund a sum in excess of the amount required in any year, as determined by the state finance committee, to meet obligations during that year for bond retirement and interest, the state treasurer shall transfer from such fund to the state general fund all money in excess of such amount.

When all bonds herein authorized and all interest thereon have been fully paid, all proceeds thereafter received from the excise tax on cigarettes imposed by chapter 82.24 RCW as now or hereafter amended, shall be paid into the war veterans' compensation fund, herewith created, for distribution to veterans who served during the Viet Nam conflict as provided by this 1972 amendatory act: PROVIDED, That, whenever the receipts into the war veterans' compensation fund

during any year exceed four million five hundred thousand dollars, all sums received above that amount shall be transferred to the state general fund.

The amounts directed to be paid into the war veterans' compensation fund as provided by this 1972 amendatory act shall be a first and prior charge, subject only to amounts previously pledged for the payment of interest on and retirement of bonds heretofore issued, against all cigarette tax revenues collected pursuant to RCW 82.24.020, 73.32.130, and 28A.47.440.

NEW SECTION. Sec. 8. For the purpose of carrying out the provisions of this 1972 amendatory act, there is hereby appropriated from the war veterans' compensation fund the sum of nine million dollars, or so much thereof as is required to meet the annual obligations, which shall be used for the payment of the compensation provided in this 1972 amendatory act, and for paying the expenses of the administration thereof: PROVIDED, That not more than two hundred thousand dollars of such amount shall be used as administrative expenses for the biennium ending June 30, 1973 and the state treasurer shall issue no warrants for payment of administrative expenses in excess of this amount.

NEW SECTION. Sec. 9. Any person who with intent to defraud, subscribes to any false oath or makes any false representation, either in the execution of the certificates or claim forms provided for by this 1972 amendatory act, or who with intent to defraud, presents to the state treasurer, or any other state or county officer, any certificate or claim form for the purpose of obtaining funds provided by this 1972 amendatory act, which do not in fact belong to such person, or makes any false representation in connection with obtaining any funds under the terms of this 1972 amendatory act, shall be guilty of a felony.

NEW SECTION. Sec. 10. No charge shall be made by any agent, notary public, or attorney for any service in connection with obtaining a certificate to obtain the allowance provided for by this 1972 amendatory act, and no person shall, for a consideration, discount or attempt to discount, or for a consideration, advance money upon any certificate or certificates issued pursuant to this 1972 amendatory act. Any violation of this section shall be a gross misdemeanor.

NEW SECTION. Sec. 11. The executive officer of the veterans' rehabilitation council shall advise with and assist the state treasurer in the performance of the duties of the treasurer under this 1972 amendatory act, and when so called upon, the executive officer shall employ such persons and incur such expenses as may be necessary, such expenses to be paid by warrant drawn upon the war veterans' compensation fund.

NEW SECTION. Sec. 12. Upon the death of any person qualified to receive compensation pursuant to this 1972 amendatory act or who would have been qualified to receive compensation except for death occurring while serving in federal service as a member of the armed military or naval forces of the United States, there shall be paid to his widow, parent, child, next of kin or other person assuming responsibility or having the duty to provide for his burial, the sum of two hundred fifty dollars to aid in defraying funeral and other burial costs. Payment shall be made, after application therefor, in the same manner as is provided in this 1972 amendatory act for payment of compensation. The state treasurer shall promulgate such rules and regulations and provide such procedures as may be necessary to properly administer the provisions of this section.

Any payment under this section shall be deemed and construed to be a part of the term "compensation" as used in this 1972 amendatory act and shall be made from the war veterans' compensation fund.

NEW SECTION. Sec. 13. No certificate or claim for compensation under this 1972 amendatory act shall be accepted after twelve o'clock noon one year after the termination date referred to in subsection (1) of section 2 of this 1972 amendatory act, nor shall any warrant be drawn for the payment of any compensation authorized by this 1972 amendatory act unless a formal application has been filed on or before the hour and day set forth above.

NEW SECTION. Sec. 14. If any section or provision of this 1972 amendatory act shall for any reason be held invalid, such decision shall not invalidate the remaining portions of this act.

Passed the House February 9, 1972.

Passed the Senate February 18, 1972.

Approved by the Governor February 27, 1972.

Filed in Office of Secretary of State February 28, 1972.

CHAPTER 155

[Engrossed Substitute House Bill No. 112]

SUPPLEMENTAL BUDGET

AN ACT Relating to expenditures by state agencies; adopting a supplemental budget; making supplemental appropriations and authorizing expenditures for the fiscal biennium beginning July 1, 1971, and ending June 30, 1973; making other appropriations; and declaring an emergency.

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

NEW SECTION. Section 1. That a supplemental budget is hereby