



# Washington State Legislature

411 John A. Cherberg Building  
PO Box 40466  
Olympia, WA 98504-0466  
(360) 786-7432

## Joint Committee on Veterans' and Military Affairs

267A John L. O'Brien Building  
PO Box 40600  
Olympia, WA 98504-0466  
(360) 786-7258

### Meeting Minutes

November 18, 2013, Olympia, WA

Members present: Bailey, Becker, Conway, Hobbs, MacEwen, Muri, Orwall

Members absent: Braun, Green, Hayes, Klippert, McCoy, Morrell, Roach, Rolfes, and Shin

The meeting was called to order at 1:02 pm by Representative Orwall, co-chair.

#### Promoting military mission retention and expansion in Washington State: Summary of report on retaining and expanding military missions.

John Lane, Legislative and Legal Counsel, Office of Financial Management, briefed the committee on the report, Retaining and Expanding Military Missions. The report considered how the Northwest fits into the strategic plans of the Department of Defense. The report looked at all of the military bases in Washington and also the Hammer Training and Education Center, the Pacific Northwest National Lab, and the University of Washington Applied Physics Lab, all of which are assets to the Department of Defense. The Department of Defense is continuing to invest in Joint Base Lewis McChord (JBLM). Transportation issues through the corridor continue to present challenges. There will need to be some utility upgrades because JBLM is nearing its maximum capacity.

Significant military construction resources have also been put toward Naval Base Kitsap (NBK) since 2005. The Navy generally is moving from a 50-50 split between the east and west coasts to more of 40-60 split favoring the west coast. This places Washington in a unique position based on the current assets here in the state.

Whidbey Island Naval Air Station (Whidbey) has been receiving new aircraft, and what was initially planned to be 24 new aircraft has been increased to 49 new aircraft. Whidbey offers a high value, low congestion, diverse training environment. The community has done a good job in addressing encroachment issues and is a solid partner with the Navy.

Naval Station Everett (NSE) has expandable berthing capacity and is one of the largest deep water ports with excellent capabilities for nuclear powered submarines. There are transportation challenges between NBK and NSE.

Fairchild Air Force Base (Fairchild) was a finalist for the KC-46A tanker refueling, but was not selected. There is strong community support in the area for the base and a joint land use study has been completed. There are some encroachment issues around Fairchild and the Legislature provided funding to allow the county to purchase some land in the accident protection zone.

Hammer Training and Education Center, Pacific Northwest National Lab, and the Applied Physics Lab at the University of Washington are all excellent resources located in Washington. These are also examples of the intellectual capital that Washington has to offer the Department of Defense.

Location is one of the most important assets that Washington can offer to the Department of Defense, but it is important that Washington continue to market itself and provide assistance to local facilities so that Washington can continue to benefit from the military presence in the state. The Department of Defense is considering changes to military bases and where to locate troops, so Washington needs to be aware of shifts that may impact the state. It is important to view military installations as a business and the economic impact is more than \$12 billion annually in Washington.

Community groups play an important role in maintaining the military presence in Washington. Other states are starting to invest in these community groups. Last session, the Governor's budget established a competitive grant program to help fund the Washington Military Alliance and local community groups. Community groups and others have expressed an interest in having a single point of contact at the state level and the Governor has hired a Director of Military Affairs.

Another recommendation is to develop public-private partnerships to address infrastructure needs around the military bases in the state. The report recommends a statutory change to add an exemption to the Public Records Act to exempt sensitive military installation analysis information as it relates to base-specific recommendations.

#### Veterans pods in correctional facilities.

Mary Forbes, Assistant Director, Washington Department of Veterans Affairs (DVA) , briefed the committee on establishing a veteran-centric process to assist veterans in the corrections system. DVA has been working with employees at the Department of Corrections (DOC) and the Department of Social and Health Services (DSHS) to try to bring more federal money to the state.

Over 6% of the prison population is comprised of veterans. Sixty-five percent of current veteran offenders have an honorable discharge or general discharge under honorable conditions which gives them access to their entitlements and benefits. Dan Pacholke with the DOC discussed how the population of veteran offenders has grown as the DOC has

developed veteran housing. The offender population was initially skeptical about participating in the program, but they began to recognize that the goal was to connect them with their benefits.

Through public-private partnerships, DVA has tried to reach out to veteran offenders to help them obtain the resources they earned. A veteran who is incarcerated for longer than one year has their benefits reduced to 10 percent. If the veteran does not file the proper form with the Federal Department of Veterans Affairs (Federal VA), the veteran is responsible for paying back those benefits if they are paid in error. The veteran can apportion their benefits to their family and their children by filing that form. Veteran benefits are reinstated after release, but that does take time.

DVA is also making presentations to veterans at community correctional facilities to explain the benefits and entitlements. There are currently two prisons with veteran dorms, Stafford Creek and Coyote Ridge. Clallam Bay is developing a veteran dorm. Having veteran dorms allows the facility to better intensify the veteran's contact with the Federal VA or DVA. The DOC is interested in connecting offenders to resources that aid them upon reentry. It also provides cost savings to Washington. At Stafford Creek, DOC is using mental health staff and counselors to assist veteran offenders who suffer from post-traumatic stress disorder (PTSD). DOC is hoping to expand that training and assistance to other facilities and to officers working with veteran offenders. DVA has also used their staff to provide classes and training.

DVA has also established a peer-to-peer program to connect to veteran offenders. Vincent Woods discussed his role as a peer. Vincent is a combat veteran with PTSD who was incarcerated at Stafford Creek for three years. He had a support system to help him through his incarceration and he was familiar with his benefits through the Federal VA. After being released, Vincent went back to school and obtained his bachelor's degree in social work and is currently in graduate school. He realized the importance of having someone on the outside that will help the veteran offender along the way. Many veterans do not report to DOC that they are a veteran because they are ashamed or that they have failed. Not having a support system increases the odds that a former offender will end up in prison again. Vincent also works one-on-one with veterans to help them with claims and the apportionment process.

DVA has a decision package, funding request to develop and sustain a full-service model for veteran offenders transitioning into the community. This would be a three-year process to develop a comprehensive data-drive procedure, execute a statewide model, and then sustain operations.

Bill Allmen with Health Care Authority discussed the Veteran Benefit Enhancement Program. This program identifies Medicaid recipients in long-term care to determine who is eligible for veterans' benefits. Connecting Medicaid recipients to their veterans' benefits reduces their need for Medicaid. This program has saved the Department (which department?) in the vicinity of \$45 million and has facilitated benefits for 15,000 veterans and their dependents.

### Consideration and Recommendation of Proposed Legislation

#### HB 1858 - McCoy (S-3111.5 - O'Ban) - Involving academic credit for military training

Sean Flynn, Office of Program Research, discussed HB 1858 and the draft Senate companion. This bill passed the House in 2013 and was referred to the Senate Higher Education Committee. The bill requires each public institution of higher education to adopt a policy for awarding academic credit for military training courses and programs. Each institution must provide a copy of its policy to enrolled students who served in the military and submit their policy to the Prior Learning Assessment Work Group for evaluation and recommendations.

#### HB 1859 - McCoy (S-3124.1 - O'Ban) - Involving the evaluation of military training and experience toward professional licensing requirement

Sean Flynn briefed the committee on HB 1859. HB 1859 passed House and the Senate Governmental Operations Committee last session. The bill requires military training and experience to count for certain professional licensing requirements if the training and experience is substantially equivalent to the requirements in state law. The bill applies to all professional and business licenses under Title 18 of the RCWs, issued by the Department of Licensing and Department of Health and certain other licenses issued outside of Title 18. Each licensing authority must develop procedures for evaluating military training and experience and must provide specific notice to an applicant when it determines the training or experience is not substantially equivalent and the applicant must be given an opportunity to submit additional information to the authority. Each licensing authority also must annually submit a list to the DVA of all the military programs, certificates and awards that fulfill a licensing requirement.

#### HB 1893 - Shea - Involving the display of the POW/MIA Flag on certain days

Sean Flynn discussed HB 1893, which would require that the POW/MIA flag be flown on Former Prisoners of War Recognition Day (April 9th); and Pearl Harbor Remembrance Day (December 7th) as well as those days that are currently required. The bill did not pass either house.

#### SB 5318 - Bailey - Removing the one-year waiting period for veterans or active members of the military for purposes of eligibility for resident tuition.

Sam Brown, Senate Committee Services, briefed the committee on SB 5318. The bill passed the Senate unanimously and passed the House Higher Education Committee, but did not receive a hearing in House Appropriations. It is currently on the Senate's Third Reading calendar. This bill deals with the definition of a resident student for higher education purposes. SB 5318 would add four new classifications to the definition of resident students to include active military duty, National Guard members, and their spouses and dependents under certain conditions. Senator Bailey also discussed this bill.

#### H-2867.1 - Lytton - Identification of children from military families in our schools.

Sean Flynn briefed the committee on this bill draft. This bill draft requires that all student data collected by the Superintendent of Public Instruction include data for "students from military families", disaggregated by students whose parent/guardian is a

member of the active duty US Armed Forces; and students whose parent/guardian is a member of the Reserve or WA National Guard. The bill draft directs school district to identify such students in the statewide student data system beginning no later than the 2015-16 school year. It also directs the K-12 Data Governance Group to develop best practice guidelines for the collection and regular updating of the information.

Representative Lytton also discussed this bill. In order to make sure that students of military families are successful, there needs to be tracking of those students.

#### H-2849.3 - Short - Involving the display of the Honor and Remember Flag.

Sean Flynn discussed this bill draft, which designates the Honor and Remember Flag - created by Honor and Remember Incorporated - as the official state emblem of the service and sacrifice by the brave men and women of the United States armed forces who have given their lives in the line of duty. The bill recommends the flag to be displayed at the East and West flag plazas on the Capitol Campus, including on the days the governor directs flags to be flown half-staff in memory of an armed service member who died in the line of duty, and other days the governor deems appropriate.

#### Draft - Orwall - Suicide Prevention

Sean Flynn briefed the committee on this proposal. The draft encourages adding content to the training program that is specific to veterans in consultation with DVA. The bill authorizes local health officials to conduct adult mortality reviews and examine factors contributing to the deaths of adults, including whether the person served in the military. The draft creates a pilot program for diagnosing and treating adults with mental and behavioral disorders and to track the outcomes.

Representative Orwall also discussed this draft. Unfortunately, our state has a higher rate of suicide, especially with high-risk groups like older adults and veterans. About 75% of veterans will get services in the community, so it is important they be trained and there be outreach with the people they are serving and their families.

#### Z-0455.1 - Orwall - Regarding the state Service Members' Civil Relief Act

Sean Flynn discussed this bill draft that amends the state Service Members' Civil Relief Act (Act). This bill expressly creates a private right of action for any violation of the Act; and authorizes the Attorney General to enforce the protections of the Act against any person who engages in a pattern or practice of violating this chapter; or engages in a violation that raises an issue of public importance. The bill also incorporates the federal Service Members' Civil Relief Act of 2003, which includes additional specific protections from eviction and termination of leases among other rights. The Federal Act applies to military and National Guard members in active federal service, but does not apply to members of the National Guard called to duty under state order.

Travis Alley with the Attorney General's Office also discussed this bill. The private right of action and the attorney general's enforcement are changed to mirror the Federal Act as it was amended in 2010.

### S-3152.1 - Roach - Allowing for Veteran Designation on Driver's License and Identicards

Sam Brown briefed the committee on this bill draft. This bill draft provides that a person may apply to the Department of Licensing (DOL) to obtain a veteran designation on a driver's license or identification card after providing to the DOL their discharge document, DD Form 214, which shows a discharge status of "honorable" or "general under honorable conditions". The Department may charge an additional fee of no more than \$7.50 for driver's licenses with a veteran designation that is sufficient to cover the start-up and administrative costs associated with the inclusion of the designation. This bill would take effect September 1, 2014. There was a similar bill introduced last session, SB 5775 by Senator Benton, which had two minor differences, caps the amount that DOL can charge at \$2.00 and has an effective date out to July 1, 2015. This bill is on third reading in the Senate.

### Other Discussion:

Senator Conway discussed the need to have someone at DVA working on the Helmets to Hardhats program. The person that was at DVA is no longer there due to lack of funding. It may make sense to make that program statutory. It is a very important transition program. There may need to be legislation as this is a critical piece to reemployment for our veterans.

### Military Department:

Matthew Cooper and Nancy Bickford with the Military Department discussed the three agency-request bills that the Department will be proposing next session. One bill deals with the National Guard Promotion Boards, specifically the appointment of state promotion boards who select officers of the Army, Air, and State Guard for promotion. These changes will ensure consistency with the federal regulations.

The second and third bills deal with the continuity of government and the continuity of operations during major emergencies. Matt Miller with the Auditor's Office joined the staff from the Military Department to present these bills. The statute and the portion of the Constitution dealing with continuity of government were written in the early 1960s when government was more focused on emergency attacks. Government continuity is important for emergencies, disasters, and enemy attacks. The statute does not include a definition of continuity of operations planning and the requirement to do that. The bill will require state agencies to develop a continuity of operations plan.

### Veterans Legislative Coalition:

Ted Wicorek, Veterans Legislative Coalition, discussed the Coalition's priorities for the legislative session. The VLC will be supporting the bills that were presented by staff and the DVA.

### Department of Defense:

Mark San Souci, Northwest Regional State Liaison, briefed the committee on legislation on the Medicaid home- and community-based services waivers and the waiting list for military families who have special needs children. Senator Roach is planning to sponsor legislation using a bill draft from Kansas as a model that would allow active duty service

members to use their state of legal residence to register their special needs family members for a Medicaid waiver.

Governor's Office and Department of Veterans Affairs:

Andi Smith, Governor's Policy Office, discussed budget-related issues that are an outgrowth of the Governor's Executive Order that was issued in May. There is a need to add additional staff to focus exclusively to provide access to veterans, veteran-owned businesses, and to state agencies to increase certification of veteran-owned businesses and increase awareness of opportunities for veteran-owned businesses. The Governor's office would also like to upgrade technology and data information for the Military Transition Council, which will better aid service members who are transitioning out of the military.

Heidi Audette, DVA, briefed the committee on two pieces of agency-request legislation. One bill will add the name of the Walla Walla Veterans Home into the statute. It also makes a couple of minor changes to the statutes. The other bill consolidates the Veterans Innovation Fund into one fund. The two funds are used for grants for veterans and often both funds are used for a single veteran. It would make it more transparent for the veteran who is applying for a grant.

Closing Remarks

Senator Conway discussed the importance of endorsing bills that are presented to the committee. He discussed possibly meeting again before session. Representative Orwall discussed the option of members attending a meeting in December by telephone. The executive committee will meet to schedule a committee meeting for the purpose of discussing legislation and endorsing bill drafts.

The meeting adjourned at 2:52 pm.