

# Title 73

## VETERANS AND VETERANS' AFFAIRS

### Chapters

- 73.04 General provisions.**
- 73.08 Veterans' relief.**
- 73.16 Employment and reemployment.**
- 73.20 Acknowledgments and powers of attorney.**
- 73.24 Burial.**
- 73.36 Uniform veterans' guardianship act.**
- 73.40 Veterans' memorials.**

*Colony of the state soldiers' home: RCW 72.36.040.*

*Estates of absentees: Chapter 11.80 RCW.*

*Firefighters' retirement, credit for military service: RCW 41.16.220, 41.18.150.*

*Liquor and cannabis board employment, veteran preference: RCW 66.08.016.*

*Mental illness, commitment: Chapter 71.05 RCW.*

*Militia and military affairs: Title 38 RCW.*

*Nuncupative wills: RCW 11.12.025.*

*Oaths, military personnel, who may administer: RCW 38.38.844.*

*Police retirement, credit for military service: RCW 41.20.050.*

*Professional, occupational licenses, moratorium: RCW 43.24.130.*

*Property taxation exemptions: RCW 84.36.030.*

*Public employment, veterans' scoring criteria status in examinations: RCW 41.04.010.*

*Soldiers' and veterans' homes and veterans' cemetery: Chapter 72.36 RCW.*

*State employees' retirement credit for military service: RCW 41.40.170.*

*exception from membership: RCW 41.40.023(6).*

*State hospitals for insane, war veterans: RCW 73.36.165.*

*Statewide city employees' retirement, prior service credit: RCW 41.44.120(4).*

*Teachers' retirement, credit for military service: RCW 41.32.260.*

*Veterans' rehabilitation council: Chapter 43.61 RCW.*

### Wills

*proof when witness in war service: RCW 11.20.040.*  
*who may make: RCW 11.12.010.*

- 73.04.130 Veteran estate management program—Director authority—Criteria.
- 73.04.131 Veteran estate management program—Definitions.
- 73.04.135 Veteran estate management program—Claims against veteran's estate—Account created.
- 73.04.140 Guardians—Department officers and employees prohibited.
- 73.04.150 Joint committee on veterans' and military affairs.
- 73.04.160 Veterans' history awareness month—Commemoration of contributions of veterans.

*Department of veterans affairs: Chapter 43.60A RCW.*

*Veterans classified as resident students: RCW 28B.15.014.*

### 73.04.010 Pension papers—Fees not to be charged.

No judge, or clerk of court, county clerk, county auditor, or any other county officer, shall be allowed to charge any honorably discharged soldier or seaman, or the spouse or domestic partner, orphan, or legal representative thereof, any fee for administering any oath, or giving any official certificate for the procuring of any pension, bounty, or back pay, nor for administering any oath or oaths and giving the certificate required upon any voucher for collection of periodical dues from the pension agent, nor any fee for services rendered in perfecting any voucher. [2008 c 6 § 510; 1973 1st ex.s. c 154 § 106; 1891 c 14 § 1; RRS § 4232.]

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

### 73.04.020 Pension papers—Fees not to be charged—

**Penalty.** Any such officer who may require and accept fees for such services shall be deemed guilty of a misdemeanor, and on conviction thereof shall be fined in any sum not less than ten dollars nor more than fifty dollars. [1891 c 14 § 2; RRS § 4233.]

### 73.04.030 Discharges recorded without charge—

**Exemption from public disclosure—Fee.** Each county auditor of the several counties of the state of Washington shall record upon presentation without expense, in a suitable permanent record the discharge of any veteran of the armed forces of the United States who is residing in the state of Washington.

The department of veterans affairs, in consultation with the association of county auditors, shall develop and distribute to county auditors the form referred to in RCW 42.56.440 entitled "request for exemption from public disclosure of discharge papers."

The county auditor may charge a basic recording fee and preservation fee that together shall not exceed a total of seven dollars for the recording of the "request for exemption from public disclosure of discharge papers."

County auditors shall develop a form for requestors of military discharge papers (form DD214) to verify that the requestor is authorized to receive or view the military discharge paper. [2005 c 274 § 349; 2002 c 224 § 3; 1989 c 50 § 1; 1943 c 38 § 1; Rem. Supp. 1943 § 10758-10. FORMER

## Chapter 73.04 RCW GENERAL PROVISIONS

### Sections

- 73.04.010 Pension papers—Fees not to be charged.
- 73.04.020 Pension papers—Fees not to be charged—Penalty.
- 73.04.030 Discharges recorded without charge—Exemption from public disclosure—Fee.
- 73.04.040 Discharges recorded without charge—Certified copy as proof.
- 73.04.042 Honorable discharge recorded—Veterans of Spanish-American War and World War I.
- 73.04.050 Right to peddle, vend, sell goods without license—License fee on business established under act of congress prohibited.
- 73.04.060 Right to peddle, vend, sell goods without license—Issuance of license.
- 73.04.070 Meeting hall may be furnished veterans' organizations.
- 73.04.080 Meeting place rental may be paid out of county fund.
- 73.04.090 Benefits, preferences, exemptions, etc., limited to veterans subject to full, continuous military control.
- 73.04.115 Free license plates for surviving spouses or surviving domestic partners of deceased prisoners of war.
- 73.04.120 Documents available for free—Who may request.

PART OF SECTION: 1923 c 17 § 1 now codified as RCW 73.04.042.]

**Working group on veterans' records:** See note following RCW 42.56.210.

**73.04.040 Discharges recorded without charge—Certified copy as proof.** A certified copy of such record shall be prima facie proof for all purposes of the services rendered, citizenship, place and date of birth of such veteran. [1943 c 38 § 2; Rem. Supp. 1943 § 10758-11.]

**73.04.042 Honorable discharge recorded—Veterans of Spanish-American War and World War I.** It shall be the duty of county auditors to record without charge, in a book kept for that purpose, the certificate of discharge of any honorably discharged soldier, sailor or marine who served with the United States forces in the war with Germany and her allies and veterans of the Spanish-American War. [1923 c 17 § 1; 1919 c 86 § 1; RRS § 4094-1. Formerly RCW 73.04.030, part.]

**73.04.050 Right to peddle, vend, sell goods without license—License fee on business established under act of congress prohibited.** Every honorably discharged soldier, sailor, or marine of the military or naval service of the United States, who is a resident of this state, shall have the right to peddle, hawk, vend, and sell goods, other than his or her own manufacture and production, without paying for the license as now provided by law, by those who engage in such business; but any such soldier, sailor, or marine may engage in such business by procuring a license for that purpose as provided in RCW 73.04.060.

No county, city, or political subdivision in this state shall charge or collect any license fee on any business established by any veteran under the provisions of Public Law 346 of the 78th congress. [2012 c 117 § 504; 1945 c 144 § 9; 1903 c 69 § 1; Rem. Supp. 1945 § 10755. Formerly RCW 73.04.050, part and 73.04.060. FORMER PART OF SECTION: 1945 c 144 § 10 now codified as RCW 73.04.060.]

**Reviser's note:** As to the constitutionality of this section, see *Larsen v. Shelton*, 37 Wn.2d 481, 224 P.2d 1067 (1950).

*Peddlers' and hawkers' licenses: Chapter 36.71 RCW.*

**73.04.060 Right to peddle, vend, sell goods without license—Issuance of license.** On presentation to the county auditor or city clerk of the county in which any such soldier, sailor, or marine may reside, of a certificate of honorable discharge from the army or naval service of the United States, such county auditor or city clerk, as the case may be, shall issue without cost to such soldier, sailor, or marine, a license authorizing him or her to carry on the business of peddler, as provided in RCW 73.04.050. [2012 c 117 § 505; 1945 c 144 § 10; 1903 c 69 § 2; Rem. Supp. 1945 § 10756. Formerly RCW 73.04.050, part. FORMER PART OF SECTION: 1945 c 144 § 9, part now codified in RCW 73.04.050.]

**Reviser's note:** As to the constitutionality of this section, see *Larsen v. Shelton*, 37 Wn.2d 481, 224 P.2d 1067 (1950).

**73.04.070 Meeting hall may be furnished veterans' organizations.** Counties, cities and other political subdivisions of the state of Washington are authorized to furnish free

of charge a building, office and/or meeting hall for the exclusive use of the several nationally recognized veterans' organizations and their auxiliaries, subject to the direction of the committee or person in charge of such building, office and/or meeting hall. The several nationally recognized veterans' organizations shall have access at all times to said building, office and/or meeting hall. Counties, cities and other political subdivisions shall further have the right to furnish heat, light, utilities, furniture and janitor service at no cost to the veterans' organizations and their auxiliaries. [1945 c 108 § 1; Rem. Supp. 1945 § 10758-60.]

**73.04.080 Meeting place rental may be paid out of county fund.** Any post, camp or chapter of any national organization of veterans now, or which may hereafter be, chartered by an act of congress which has qualified to accept relief from the veteran's assistance fund of any county may draw upon said county fund for the payment of the rent of its regular meeting place: PROVIDED, That no post, camp or chapter shall be allowed to draw on such fund for this purpose to exceed a reasonable amount approved by the county legislative authority in any one year, or in any amount for hall rental where said post, camp or chapter is furnished quarters by the state or by any municipality.

Before such claims are ordered paid by the county legislative authority, the commander or authorized disbursing officer of such posts, camps or chapters shall file a proper claim each month with the county auditor for such rental. [1985 c 181 § 1; 1947 c 180 § 7; 1945 c 144 § 8; 1921 c 41 § 8; 1915 c 69 § 1; 1909 c 64 § 1; Rem. Supp. 1947 § 10743.]

**73.04.090 Benefits, preferences, exemptions, etc., limited to veterans subject to full, continuous military control.** All benefits, advantages or emoluments, not available upon equal terms to all citizens, including but not being limited to preferred rights to public employment, civil service preference, exemption from license fees or other impositions, preference in purchasing state property, which by any law of this state have been made specially available to war veterans or to persons who have served in the armed forces or defense forces of the United States, shall be available only to persons who have been subject to full and continuous military control and discipline as actual members of the federal armed forces or to persons defined as "veterans" in RCW 41.04.007. Service with such forces in a civilian capacity, or in any capacity wherein a person retained the right to terminate his or her service or to refuse full obedience to military superiors, shall not be the basis for eligibility for such benefits. Service in any of the following shall not for purposes of this section be considered as military service: The office of emergency services or any component thereof; the American Red Cross; the United States Coast Guard Auxiliary; United States Coast Guard Reserve Temporary; United States Coast and Geodetic Survey; American Field Service; Civil Air Patrol; Cadet Nurse Corps, and any other similar organization. [2002 c 292 § 6; 1991 c 240 § 3; 1974 ex.s. c 171 § 45; 1947 c 142 § 1; Rem. Supp. 1947 § 10758-115.]

*Emergency management: Chapter 38.52 RCW.*

**73.04.115 Free license plates for surviving spouses or surviving domestic partners of deceased prisoners of war.**

(1) The department shall issue to the surviving spouse or surviving domestic partner of any deceased former prisoner of war described in RCW 46.18.235(1)(c), one set of regular or special license plates for use on a personal passenger vehicle registered to that person.

(2) The plates shall be issued without the payment of any license fees or excise tax on the vehicle. Whenever any person who has been issued license plates under this section applies to the department for transfer of the plates to a subsequently acquired motor vehicle, a transfer fee of five dollars shall be charged in addition to all other appropriate fees. If the surviving spouse remarries or the surviving domestic partner registers in a new domestic partnership, he or she shall return the special plates to the department within fifteen days and apply for regular license plates.

(3) For purposes of this section, the term "special license plates" does not include any plate from the armed forces license plate collection established in \*RCW 46.18.200(3). [2010 c 161 § 1159; 2008 c 6 § 511; 2005 c 216 § 5; 1990 c 250 § 91; 1987 c 98 § 1.]

\*Reviser's note: RCW 46.18.200 was amended by 2011 c 229 § 1, 2011 c 225 § 1, and 2011 c 171 § 69, each changing subsection (3) to subsection (2).

**Effective date—Intent—Legislation to reconcile chapter 161, Laws of 2010 and other amendments made during the 2010 legislative session—2010 c 161:** See notes following RCW 46.04.013.

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

*Persons with disabilities, versions of special plates for:* RCW 46.19.060.

**73.04.120 Documents available for free—Who may request.** County clerks and county auditors, respectively, are authorized and directed to furnish free of charge to the legal representative, surviving spouse or surviving domestic partner, child or parent of any deceased veteran certified copies of marriage certificates, decrees of dissolution of marriage or domestic partnership, or annulment, or other documents contained in their files and to record and issue, free of charge, certified copies of such documents from other states, territories, or foreign countries affecting the marital status of such veteran whenever any such document shall be required in connection with any claim pending before the United States veterans' bureau or other governmental agency administering benefits to war veterans. Where these same documents are required of service personnel of the armed forces of the United States for determining entitlement to family allowances and other benefits, they shall be provided without charge by county clerks and county auditors upon request of the person in the service or his or her dependents. [2012 c 117 § 506; 2008 c 6 § 508; 1985 c 44 § 19; 1984 c 84 § 1; 1967 c 89 § 1; 1949 c 16 § 1; Rem. Supp. 1949 § 10758-13b.]

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

**73.04.130 Veteran estate management program—Director authority—Criteria.** The director is authorized to implement a veteran estate management program and manage the estate of any incapacitated veteran or incapacitated veteran's dependent who:

- (1) Is a bona fide resident of the state of Washington; and
- (2) The United States department of veterans affairs or the social security administration has determined that the

(2018 Ed.)

payment of benefits or entitlements is dependent upon the appointment of a federal fiduciary or representative payee; and

(3) Requires the services of a fiduciary and a responsible family member is not available; or

(4) Is deceased and has not designated an executor to dispose of the estate.

The director or any other interested person may petition the appropriate authority for the appointment as fiduciary for an incapacitated veteran or as the executor of the deceased veteran's estate. If appointed, the director may serve without bond. This section shall not affect the prior right to act as administrator of a veteran's estate of such persons as are denominated in RCW 11.28.120 (1) and (2), nor shall this section affect the appointment of executor made in the last will of any veteran. [1994 c 147 § 2; 1979 c 64 § 1; 1977 c 31 § 3; 1974 ex.s. c 63 § 1; 1972 ex.s. c 4 § 1.]

**73.04.131 Veteran estate management program—Definitions.** Unless the context clearly requires otherwise, the definitions in this section apply throughout this title.

(1) "Director" means the director of the department of veterans affairs or the director's designee.

(2) "Veteran estate management program" means the program under which the director serves as administrator or federal fiduciary of an incapacitated veteran's estate or incapacitated veteran's dependent's estate, or the executor of a deceased veteran's estate. [1994 c 147 § 1.]

**73.04.135 Veteran estate management program—Claims against veteran's estate—Account created.** (1) The director may place a claim against the estate of an incapacitated or deceased veteran who is a veteran estate management program client. The claim shall not exceed the amount allowed by rule of the United States department of veterans affairs and charges for reasonable expenses incurred in the execution or administration of the estate. The director shall waive all or any portion of the claim if the payment or a portion thereof would pose a hardship to the veteran.

(2) The veteran estate management account is hereby created in the custody of the state treasurer. Fees, reimbursements, and grants collected from estates of incapacitated veterans or incapacitated veterans' dependents shall be deposited into the account. Funds in the account shall be expended solely for the purpose of providing financial operating and maintenance support to the veteran estate management program and shall be the sole source of funding for the program. Only the director or the director's designee may authorize expenditures from the account. The account is subject to the allotment procedures under chapter 43.88 RCW, but an appropriation is not required for expenditures. [2006 c 372 § 905; 1994 c 147 § 3.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.04.140 Guardians—Department officers and employees prohibited.** The director or any other department of veterans affairs employee shall not serve as guardian for any resident at the Washington state veterans' homes. [1994 c 147 § 5.]

**73.04.150 Joint committee on veterans' and military affairs.** (1) There is hereby created a joint committee on veterans' and military affairs. The committee shall consist of: (a) Eight members of the senate appointed by the president of the senate, four of whom shall be members of the majority party and four of whom shall be members of the minority party; and (b) eight members of the house of representatives appointed by the speaker, four of whom shall be members of the majority party and four of whom shall be members of the minority party. Members of the committee shall be appointed before the close of the 2005 legislative session, and before the close of each regular session during an odd-numbered year thereafter.

(2) Each member's term of office shall run from the close of the session in which he or she was appointed until the close of the next regular session held in an odd-numbered year. If a successor is not appointed during a session, the member's term shall continue until the member is reappointed or a successor is appointed. The term of office for a committee member who does not continue as a member of the senate or house of representatives shall cease upon the convening of the next session of the legislature during an odd-numbered year after the member's appointment, or upon the member's resignation, whichever is earlier. Vacancies on the committee shall be filled by appointment in the same manner as described in subsection (1) of this section. All such vacancies shall be filled from the same political party and from the same house as the member whose seat was vacated.

(3) The committee shall establish an executive committee of four members, two of whom are members of the senate and two of whom are members of the house of representatives. The executive committee shall appoint one cochair from the two executive committee members who are senators and one cochair from the two executive committee members who are representatives. The two cochairs shall be from different political parties and their terms of office shall run from the close of the session in which they are appointed until the close of the next regular session in an odd-numbered year. The executive committee is responsible for performing all general administrative and personnel duties assigned to it in the rules and procedures adopted by the joint committee, as well as other duties delegated to it by the joint committee.

(4) The joint committee on veterans' and military affairs has the following powers and duties:

(a) To study veterans' issues, active military forces issues, and national guard and reserve component issues, and make recommendations to the legislature; and

(b) To study structure and administration of the department of veterans affairs and the military department, and make recommendations to the legislature.

(5) The joint committee shall adopt rules and procedures for its orderly operation. The joint committee may create subcommittees to perform duties under this section.

(6) The regulating authorities for the department of licensing and the department of health shall file reports to the legislature biennially and the Washington state military transition council annually beginning January 1, 2018, and appear annually before the joint committee on veterans' and military affairs, to provide updates on progress in their efforts to implement the requirements of chapter 18.340 RCW, chapter 32, Laws of 2011, and chapter 351, Laws of 2011. By

January 1, 2018, the department of labor and industries and the professional educator standards board must each submit a report to the legislature, including an assessment on how its licensing, certification, and apprenticeship programs apply training and experience acquired by military members and their spouses outside of Washington, and recommendations about whether such programs should be included in the reporting schedule within this subsection. [2017 c 184 § 1; 2005 c 141 § 1; 2001 c 268 § 1.]

**73.04.160 Veterans' history awareness month—Commemoration of contributions of veterans.** The legislature declares that:

(1) November of each year will be known as veterans' history awareness month;

(2) The week in November in which Veterans' Day occurs is designated as a time for people of this state to celebrate the contributions to the state by veterans; and

(3) Educational institutions, public entities, and private organizations are encouraged to designate time for appropriate activities in commemoration of the contributions of America's veterans. [2003 c 161 § 1.]

## Chapter 73.08 RCW VETERANS' RELIEF

### Sections

73.08.005	Definitions.
73.08.010	County veterans' assistance programs for indigent veterans and families—Requirements.
73.08.035	Veterans' advisory boards.
73.08.070	County burial of indigent deceased veterans.
73.08.080	Tax levy authorized.
73.08.090	Public assistance eligibility.

*Soldiers' and veterans' homes and veterans' cemetery: Chapter 72.36 RCW.*  
*Soldiers' home: State Constitution Art. 10 § 3.*

**73.08.005 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Direct costs" includes those allowable costs that can be readily assigned to the statutory objectives of this chapter, consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(2) "Family" means the spouse or domestic partner, surviving spouse, surviving domestic partner, and dependent children of a living or deceased veteran, or a servicemember who was killed in the line of duty regardless of the number of days served.

(3) "Indigent" means a person who is defined as such by the county legislative authority using one or more of the following definitions:

(a) Receiving one of the following types of public assistance: Temporary assistance for needy families, aged, blind, or disabled assistance benefits, pregnant women assistance benefits, poverty-related veterans' benefits, food stamps or food stamp benefits transferred electronically, refugee resettlement benefits, medicaid, medical care services, or supplemental security income;

(b) Receiving an annual income, after taxes, of up to one hundred fifty percent or less of the current federally estab-

lished poverty level, or receiving an annual income not exceeding a higher qualifying income established by the county legislative authority; or

(c) Unable to pay reasonable costs for shelter, food, utilities, and transportation because his or her available funds are insufficient.

(4) "Indirect costs" includes those allowable costs that are generally associated with carrying out the statutory objectives of this chapter, but the identification and tracking of those costs cannot be readily assigned to a specific statutory objective without an accounting effort that is disproportionate to the benefit received. A county legislative authority may allocate allowable indirect costs to its veterans' assistance fund if it is accomplished in a manner consistent with the cost principles promulgated by the federal office of management and budget in circular No. A-87, dated May 10, 2004.

(5)(a) "Veteran" means:

(i) A person who served in the active military, naval, or air service; a member of the women's air forces service pilots during World War II; a United States documented merchant mariner with service aboard an oceangoing vessel operated by the war shipping administration; the office of defense transportation, or their agents, from December 7, 1941, through December 31, 1946; or a civil service crewmember with service aboard a United States army transport service or United States naval transportation service vessel in oceangoing service from December 7, 1941, through December 31, 1946, who meets one of the following criteria:

(A) Served on active duty for at least one hundred eighty days and who was released with an honorable discharge;

(B) Received an honorable or general under honorable characterization of service with a medical reason for separation for a condition listed as non-existed prior to service, regardless of number of days served; or

(C) Received an honorable discharge and has received a rating for a service connected disability from the United States department of veterans affairs regardless of number of days served;

(ii) A current member honorably serving in the armed forces reserve or national guard who has been activated by presidential call up for purposes other than training;

(iii) A former member of the armed forces reserve or national guard who has fulfilled his or her initial military service obligation and was released with an honorable discharge;

(iv) A former member of the armed forces reserve or national guard who does not have over one hundred seventy-nine days of active duty service, but meets the federal definition of a veteran having completed twenty years of service.

(b) At the discretion of the county legislative authority and in consultation with the veterans' advisory board, counties may expand eligibility for the veterans assistance fund as the county determines necessary, which may include serving veterans with additional discharge characterizations.

(6) "Veterans' advisory board" means a board established by a county legislative authority under the authority of RCW 73.08.035.

(7) "Veterans' assistance fund" means an account in the custody of the county auditor, or the chief financial officer in a county operating under a charter, that is funded by taxes levied under the authority of RCW 73.08.080.

(8) "Veterans' assistance program" means a program approved by the county legislative authority under the authority of RCW 73.08.010 that is fully or partially funded by the veterans' assistance fund authorized by RCW 73.08.080. [2017 c 185 § 9; 2016 c 76 § 1; 2013 c 42 § 2; 2011 1st sp.s. c 36 § 17; 2010 1st sp.s. c 8 § 17; 2009 c 35 § 1; 2008 c 6 § 502; 2005 c 250 § 2.]

**Findings—Intent—2011 1st sp.s. c 36:** See RCW 74.62.005.

**Effective date—2011 1st sp.s. c 36:** See note following RCW 74.62.005.

**Findings—Intent—Short title—Effective date—2010 1st sp.s. c 8:** See notes following RCW 74.04.225.

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

**Intent—2005 c 250:** "(1) It is the intent of the legislature that each county establish a veterans' assistance program to benefit indigent veterans and their families. These programs must be funded, at least in part, by veterans' assistance funds. The legislature intends also for each county to establish a veterans' advisory board responsible for advising the county legislative authority on needed and appropriate assistance programs for local indigent veterans and their families. Recognizing the valuable insight and perspectives that veterans offer, it is the intent of the legislature that each board be comprised entirely of veterans.

(2) The legislature recognizes that ongoing veterans' relief or assistance programs in some areas of the state have provided meaningful assistance to indigent veterans and family members. The legislature further recognizes that veterans' service organizations have traditionally been the initial point of contact for indigent veterans and family members seeking assistance. In recognition of these factors, the legislature intends to authorize, upon the satisfaction of certain administrative requirements, existing veterans' relief or assistance programs to continue providing needed and effective assistance to indigent veterans and their families.

(3) The legislature recognizes that counties respond to the needs of indigent veterans and family members in the manner most appropriate to the needs and resources of the county. The legislature intends for the provisions of this act to facilitate the effective use of assistance funds through efficient model programs that benefit veterans and family members experiencing financial hardships.

(4) It is the policy of the state of Washington that bias shall not play a role in the distribution of the veterans' assistance fund." [2005 c 250 § 1.]

**73.08.010 County veterans' assistance programs for indigent veterans and families—Requirements.** (1) For the relief of indigent veterans, their families, and the families of deceased indigent veterans, the legislative authority of each county shall establish a veterans' assistance program to address the needs of local indigent veterans and their families. The county legislative authority shall consult with and solicit recommendations from the veterans' advisory board established under RCW 73.08.035 to determine the appropriate services needed for local indigent veterans. Veterans' assistance programs shall be funded, at least in part, by the veterans' assistance fund created under the authority of RCW 73.08.080.

(2) The county legislative authority may authorize other entities to administer a veterans' assistance program or programs through grants, contracts, or interlocal agreements. If the county legislative authority authorizes another entity to administer a veterans' assistance program or programs, the terms of the grant, contract, or interlocal agreement must, for each program, specify:

- (a) The details of the program;
- (b) The responsibilities of all parties;
- (c) The duration of the program;
- (d) The costs and sources of funding;
- (e) Any insurance or bond requirements;

(f) The format and frequency of progress and final reports; and

(g) Any other information deemed necessary or appropriate by either party.

(3) If the county legislative authority authorizes another entity to administer a veterans' assistance program or programs, the authorized entity should, to the extent feasible and consistent with this chapter, ensure that a local branch of a nationally recognized veterans' service organization is the initial point of contact for a veteran or family member seeking assistance.

(4) Nothing in this section shall prohibit or be construed as prohibiting a county from authorizing the continued operation of a veterans' relief or assistance program or programs existing on January 1, 2005, if the authorizing legislative authority:

(a) Solicits advice from the veterans' advisory board established in RCW 73.08.035; and

(b) Satisfies the grant, contractual, or interlocal agreement requirements of subsection (2) of this section. [2005 c 250 § 3; 2002 c 292 § 7; 1983 c 295 § 1; 1947 c 180 § 1; 1945 c 144 § 1; 1921 c 41 § 1; 1919 c 83 § 1; 1907 c 64 § 1; 1893 c 37 § 1; 1888 p 208 § 1; Rem. Supp. 1947 § 10737. Cf. 1935 c 38 § 1.]

**Intent—2005 c 250:** See note following RCW 73.08.005.

*Soldiers' home and colony: Chapter 72.36 RCW.*

*Veterans' rehabilitation council: Chapter 43.61 RCW.*

**73.08.035 Veterans' advisory boards.** (1) The legislative authority for each county must establish a veterans' advisory board. Upon its establishment, the board shall advise the county legislative authority on the needs of local indigent veterans, the resources available to local indigent veterans, and programs that could benefit the needs of local indigent veterans and their families.

(2) The county legislative authority must solicit representatives from either local branches of nationally recognized veterans' service organizations or the veterans' community at large, or both, to serve on the board. No fewer than a majority of the board members shall be members from nationally recognized veterans' service organizations and only veterans are eligible to serve as board members.

(3) Service on the board is voluntary. The county legislative authority may provide for reimbursement to board members for expenses incurred. [2005 c 250 § 4.]

**Intent—2005 c 250:** See note following RCW 73.08.005.

**73.08.070 County burial of indigent deceased veterans.** (1) The legislative authority for each county must designate a proper authority to be responsible, at the expense of the county, for the burial or cremation of any deceased indigent veteran or deceased family member of an indigent veteran who died without leaving means sufficient to defray funeral expenses. The costs of such a burial or cremation may not exceed the limit established by the county legislative authority nor be less than three hundred dollars.

(2) If the deceased has relatives or friends who desire to conduct the burial or cremation of such deceased person, then a sum not to exceed the limit established by the county legislative authority nor less than three hundred dollars shall be paid to the relatives or friends by the county auditor, or by the

chief financial officer in a county operating under a charter. Payment shall be made to the relatives or friends upon presenting to the auditor or chief financial officer due proof of the death, burial or cremation, and expenses incurred.

(3) Expenses incurred for the burial or cremation of a deceased indigent veteran or the deceased family member of an indigent veteran as provided by this section shall be paid from the veterans' assistance fund authorized by RCW 73.08.080. [2005 c 250 § 5; 2002 c 292 § 9; 1997 c 286 § 1; 1983 c 295 § 5; 1949 c 15 § 1; 1947 c 180 § 6; 1945 c 144 § 6; 1921 c 41 § 6; 1919 c 83 § 6; 1917 c 42 § 1; 1907 c 64 § 6; 1899 c 99 § 1; 1888 p 209 § 6; Rem. Supp. 1949 § 10757. Formerly RCW 73.24.010.]

**Intent—2005 c 250:** See note following RCW 73.08.005.

*Counties, disposal of remains of indigent persons: RCW 36.39.030.*

**73.08.080 Tax levy authorized.** (1) The legislative authority in each county must levy, in addition to the taxes now levied by law, a tax in a sum equal to the amount which would be raised by not less than one and one-eighth cents per thousand dollars of assessed value, and not greater than twenty-seven cents per thousand dollars of assessed value against the taxable property of their respective counties, to be levied and collected as now prescribed by law for the assessment and collection of taxes, for the purpose of creating a veterans' assistance fund. Expenditures from the veterans' assistance fund, and interest earned on balances from the fund, may be used only for:

(a) The veterans' assistance programs authorized by RCW 73.08.010;

(b) The burial or cremation of a deceased indigent veteran or deceased family member of an indigent veteran as authorized by RCW 73.08.070; and

(c) The direct and indirect costs incurred in the administration of the fund as authorized by subsection (2) of this section.

(2) If the funds on deposit in the veterans' assistance fund, less outstanding warrants, on the first Tuesday in September exceed the lesser of the expected yield of one and one-eighth cents per thousand dollars of assessed value against the taxable property of the county or the expected yield of a levy determined as set forth in subsection (5) of this section, the county legislative authority may levy a lesser amount than would otherwise be required under subsection (1) or (5) of this section.

(3) The direct and indirect costs incurred in the administration of the veterans' assistance fund must be computed by the county auditor, or the chief financial officer in a county operating under a charter, not less than annually. Following the computation of these direct and indirect costs, an amount equal to these costs may then be transferred from the veterans' assistance fund to the county current expense fund.

(4) The amount of a levy allocated to the purposes specified in this section may be reduced in the same proportion as the regular property tax levy of the county is reduced by chapter 84.55 RCW.

(5)(a) The amount of a levy allocated to the purposes specified in this section may be modified from the amount required by subsection (1) of this section as follows:

(i) If the certified levy is reduced from the preceding year's certified levy, the amount of the levy allocated to the

purposes specified in this section may be reduced by no more than the same percentage as the certified levy is reduced from the preceding year's certified levy;

(ii) If the certified levy is increased from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section may not be less than the base allocation increased by the same percentage as the certified levy is increased from the preceding year's certified levy. However, the amount of the levy allocated to the purposes specified in this section does not have to be increased under this subsection (5)(a)(ii) for the portion of a certified levy increase resulting from a voter-approved increase under RCW 84.55.050 that is dedicated to a specific purpose; or

(iii) If the certified levy is unchanged from the preceding year's certified levy, the amount of the levy allocated to the purposes specified in this section must be equal to or greater than the base allocation.

(b) For purposes of this subsection, the following definitions apply:

(i) "Base allocation" means the most recent allocation that was not reduced under subsection (2) of this section.

(ii) "Certified levy" means the property tax levy for general county purposes certified to the county assessor as required by RCW 84.52.070, excluding any amounts certified under chapters 84.69 and 84.68 RCW.

(6) Subsections (2), (4), and (5) of this section do not preclude a county from increasing the levy amount in subsection (1) of this section to an amount that is greater than the change in the regular county levy. [2013 c 123 § 2; 2005 c 250 § 6; 1985 c 181 § 2; 1983 c 295 § 6; 1980 c 155 § 6; 1973 2nd ex.s. c 4 § 5; 1973 1st ex.s. c 195 § 86; 1970 ex.s. c 47 § 9; 1969 c 57 § 1; 1945 c 144 § 7; 1921 c 41 § 7; 1919 c 83 § 7; 1907 c 64 § 7; 1893 c 37 § 2; 1888 p 210 § 7; Rem. Supp. 1945 § 10742. Formerly RCW 73.08.020.]

**Intent—2005 c 250:** See note following RCW 73.08.005.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.08.090 Public assistance eligibility.** The department of social and health services shall exempt payments provided under RCW 73.08.005, 73.08.035, 73.08.010, 73.08.070, and 73.08.080 when determining eligibility for public assistance. [2005 c 250 § 7.]

**Intent—2005 c 250:** See note following RCW 73.08.005.

### Chapter 73.16 RCW

#### EMPLOYMENT AND REEMPLOYMENT

Sections

73.16.005	Intent—Purpose.
73.16.010	Preference in public employment.
73.16.015	Enforcement of preference—Civil action.
73.16.020	Failure to comply—Infraction.
73.16.031	Definitions.
73.16.032	Employment rights—Prohibited actions.
73.16.033	Reemployment of returned veterans.
73.16.035	Eligibility requirements—Exceptions—Burden of proof.
73.16.041	Leaves of absence of elective and judicial officers.
73.16.051	Restoration without loss of seniority or benefits.
73.16.053	Continuation of health plan coverage during absence—Reinstatement of health plan coverage upon reemployment.
73.16.055	Determination of pension benefits and liabilities for reemployed persons.
73.16.061	Enforcement of provisions.
73.16.070	Federal act to apply in state courts.

(2018 Ed.)

73.16.080	Bona fide executive, administrative, and professional employees—Offset of military pay.
73.16.090	Application of chapter—Other rights and benefits preserved.
73.16.100	Legislative declaration—Other civil actions abolished.
73.16.110	Preference in private employment—Permissive.
73.16.120	Veteran employment demonstration campaign.
73.16.900	Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.

**73.16.005 Intent—Purpose.** (1) It is the intent of the legislature to guarantee employment rights of members of the reserve and national guard forces who are called to active duty. The federal uniformed services employment and reemployment rights act of 1994 protects all such federal personnel. The legislature intends that similar provisions should apply to all such state personnel. Therefore, the legislature intends for chapter 133, Laws of 2001 to ensure protections for state-activated personnel similar to those provided by federal law for federal-activated personnel.

(2) The purposes of this chapter are to:

(a) Encourage noncareer service in the uniformed services by eliminating or minimizing the disadvantages to civilian careers and employment that can result from such service;

(b) Minimize the disruption to the lives of persons performing service in the uniformed services as well as to their employers, their fellow employees, and their communities, by providing for the prompt reemployment of such persons upon their completion of such service; and

(c) Prohibit discrimination against persons because of their service in the uniformed services.

(3) Therefore, the legislature intends that the governmental agencies of the state of Washington, and all the political subdivisions thereof, should be model employers in carrying out the provisions of this chapter. [2001 c 133 § 1.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.010 Preference in public employment.** In every public department, and upon all public works of the state, and of any county thereof, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon shall have been awarded, and their widows or widowers, shall be preferred for appointment and employment. Age, loss of limb, or other physical impairment, which does not in fact incapacitate, shall not be deemed to disqualify them, provided they possess the capacity necessary to discharge the duties of the position involved: PROVIDED, That spouses of honorably discharged veterans who have a service connected permanent and total disability shall also be preferred for appointment and employment. [1975 1st ex.s. c 198 § 1; 1973 1st ex.s. c 154 § 107; 1951 c 29 § 1; 1943 c 141 § 1; 1919 c 26 § 1; 1915 c 129 § 1; 1895 c 84 § 1; Rem. Supp. 1943 § 10753.]

*Veterans to receive scoring criteria status in competitive examinations for public employment: RCW 41.04.010.*

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.015 Enforcement of preference—Civil action.** Any veteran entitled to the benefits of RCW 73.16.010 may enforce his or her rights hereunder by civil action in superior court. [2001 c 133 § 2; 1951 c 29 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.020 Failure to comply—Infraction.** All officials or other persons having power to appoint to or employment in the public service set forth in RCW 73.16.010, are charged with a faithful compliance with its terms, both in letter and in spirit, and a failure therein shall be a class 1 civil infraction. [1987 c 456 § 30; 1895 c 84 § 2; RRS § 10754.]

**Legislative finding—1987 c 456:** See RCW 7.80.005.

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.031 Definitions.** The definitions in this section apply throughout this chapter unless the context clearly requires otherwise.

(1) "Attorney general" means the attorney general of the state of Washington or any person designated by the attorney general to carry out a responsibility of the attorney general under this chapter.

(2) "Benefit," "benefit of employment," or "rights and benefits" means any advantage, profit, privilege, gain, status, account, or interest (other than wages or salary for work performed) that accrues by reason of an employment contract or agreement or an employer policy, plan, or practice and includes rights and benefits under a pension plan, a health plan, an employee stock ownership plan, insurance coverage and awards, bonuses, severance pay, supplemental unemployment benefits, vacations, and the opportunity to select work hours or location of employment.

(3) "Employee" means a person in a position of employment.

(4) "Employer" means the person, firm, or corporation, the state, or any elected or appointed public official currently having control over the position that has been vacated.

(5) "Health plan" means an insurance policy or contract, medical or hospital service agreement, membership or subscription contract, or other arrangement under which health services for individuals are provided or the expenses of such services are paid.

(6) "Notice" means any written or verbal notification of an obligation or intention to perform service in the uniformed services provided to an employer by the employee who will perform such service or by the uniformed service in which such service is to be performed.

(7) "Position of employment" means any position (other than temporary) wherein a person is engaged for a private employer, company, corporation, or the state.

(8) "Qualified," with respect to an employment position, means having the ability to perform the essential tasks of the position.

(9) "Rejectee" means a person rejected because he or she is not, physically or otherwise, qualified to enter the uniformed service.

(10) "Resident" means any person residing in the state with the intent to remain other than on a temporary or transient basis.

(11) "Seniority" means longevity in employment together with any benefits of employment which accrue with, or are determined by, longevity in employment.

(12) "Service in the uniformed services" means the performance of duty on a voluntary or involuntary basis in a uniformed service under competent authority and includes active duty, active duty for training, initial active duty for training, inactive duty training, full-time national guard duty (includ-

ing state-ordered active duty), and a period for which a person is absent from a position of employment for the purpose of an examination to determine the fitness of the person to perform any such duty.

(13) "State" means the state of Washington, including the agencies and political subdivisions thereof.

(14) "Temporary position" means a position of short duration which, after being vacated, ceases to exist and wherein the employee has been advised as to its temporary nature prior to his or her engagement.

(15) "Undue hardship," in the case of actions taken by an employer, means actions requiring significant difficulty or expense when considered in light of:

(a) The nature and cost of the action needed under this chapter;

(b) The overall financial resources of the facility or facilities involved in the provision of the action; the number of persons employed at such facility; the effect on expenses and resources; or the impact otherwise of such action upon the operation of the facility; and

(c) The type of operation or operations of the employer, including the composition, structure, and functions of the workforce of such employer, the geographic separateness, administrative, or fiscal relationship of the facility or facilities in question to the employer.

(16) "Uniformed services" means the armed forces, the army national guard, and the air national guard of any state, territory, commonwealth, possession, or district when engaged in active duty for training, inactive duty training, full-time national guard duty, or state active duty, the commissioned corps of the public health service, the coast guard, and any other category of persons designated by the president of the United States in time of war or national emergency. [2001 c 133 § 3; 1953 c 212 § 1.]

*Employment and reemployment rights of members of organized militia upon return from militia duty: RCW 38.24.060.*

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.032 Employment rights—Prohibited actions.**

(1) A person who is a member of, applies to be a member of, performs, has performed, applies to perform, or has an obligation to perform service in a uniformed service shall not be denied initial employment, retention in employment, promotion, or any benefit of employment by an employer on the basis of that membership, application for membership, performance of service, application for service, or obligation.

(2) An employer may not discriminate in employment against or take any adverse employment action against any person because such person (a) has taken an action to enforce a protection afforded any person under this chapter, (b) has testified or otherwise made a statement in or in connection with any proceeding under this chapter, (c) has assisted or otherwise participated in an investigation under this chapter, or (d) has exercised a right provided for in this chapter. The prohibition in this subsection (2) applies with respect to a person regardless of whether that person has performed service in the uniformed services.

(3) An employer shall be considered to have engaged in actions prohibited:

(a) Under subsection (1) of this section, if the person's membership, application for membership, service, applica-



tion for service, or obligation for service in the uniformed services is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such membership, application for membership, service, application for service, or obligation for service; or

(b) Under subsection (2) of this section if the person's (i) action to enforce a protection afforded any person under this chapter, (ii) testimony or making of a statement in or in connection with any proceeding under this chapter, (iii) assistance or other participation in an investigation under this chapter, or (iv) exercise of a right provided for in this chapter, is a motivating factor in the employer's action, unless the employer can prove that the action would have been taken in the absence of such person's enforcement action, testimony, statement, assistance, participation, or exercise of a right. [2001 c 133 § 4.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.033 Reemployment of returned veterans.** Any person who is a resident of this state or is employed within this state, and who voluntarily or upon order from competent authority, vacates a position of employment for service in the uniformed services, shall, provided he or she meets the requirements of RCW 73.16.035, be reemployed forthwith: PROVIDED, That the employer need not reemploy such person if circumstances have so changed such that reemployment would be impossible or unreasonable due to a change in the employer's circumstances, or would impose an undue hardship on the employer: PROVIDED FURTHER, That this section shall not apply to a temporary position.

If such person is still qualified to perform the duties of his or her former position, he or she shall be restored to that position or to a position of like seniority, status and pay. If he or she is not so qualified as a result of disability sustained during his or her service in the uniformed services, but is nevertheless qualified to perform the duties of another position, under the control of the same employer, he or she shall be reemployed in such other position: PROVIDED, That such position shall provide him or her with like seniority, status, and pay, or the nearest approximation thereto consistent with the circumstances of the case. [2001 c 133 § 5; 1953 c 212 § 2.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.035 Eligibility requirements—Exceptions—Burden of proof.** (1) In order to be eligible for the benefits of this chapter, an applicant must comply with the following requirements:

(a) The applicant must notify his or her employer as to his or her membership in the uniformed services within a reasonable time of accepting employment or becoming a member of the uniformed services. An employer may not take any action prohibited in RCW 73.16.032 against a person because the person provided notice of membership in the uniformed services to the employer.

(b) The applicant must furnish a receipt of an honorable, or under honorable conditions discharge, report of separation, certificate of satisfactory service, or other proof of having satisfactorily completed his or her service. Rejectees must furnish proof of orders for examination and rejection.

(2018 Ed.)

(c) The applicant must make written application to the employer or his or her representative as follows:

(i) In the case of an applicant whose period of service in the uniformed services was less than thirty-one days, by reporting to the employer:

(A) Not later than the beginning of the first full regularly scheduled work period on the first full calendar day following the completion of the period of service and the expiration of eight hours after a period allowing for the safe transportation of the applicant from the place of that service to the applicant's residence; or

(B) As soon as possible after the expiration of the eight-hour period in (c)(i)(A) of this subsection, if reporting within that period is impossible or unreasonable through no fault of the applicant;

(ii) In the case of an applicant who is absent from a position of employment for a period of any length for the purposes of an examination to determine the applicant's fitness to perform service in the uniformed services, by reporting in the manner and time referred to in (c)(i) of this subsection;

(iii) In the case of an applicant whose period of service in the uniformed services was for more than thirty days but less than one hundred eighty-one days, by submitting an application for reemployment with the employer not later than fourteen days after the completion of the period of service or if submitting such application within such period is impossible or unreasonable through no fault of the applicant, the next first full calendar day when submission of such application becomes possible;

(iv) In the case of an applicant whose period of service in the uniformed services was for more than one hundred eighty days, by submitting an application for reemployment with the employer not later than ninety days after the completion of the period of service;

(v) In the case of an applicant who is hospitalized for, or convalescing from, an illness or injury incurred or aggravated during the performance of service in the uniformed services, at the end of the period that is necessary for the applicant to recover from such illness or injury, the applicant shall submit an application for reemployment with such employer. The period of recovery may not exceed two years. This two-year period shall be extended by the minimum time required to accommodate the circumstances beyond the applicant's control that make reporting within the two-year period impossible or unreasonable;

(vi) In the case of an applicant who fails to report or apply for employment or reemployment within the appropriate period specified in this subsection (1)(c), the applicant does not automatically forfeit his or her entitlement to the rights and benefits conferred by this chapter, but is subject to the conduct rules, established policy, and general practices of the employer pertaining to explanations and discipline with respect to absence from scheduled work.

(d) An applicant who submits an application for reemployment shall provide to the applicant's employer, upon the request of that employer, documentation to establish that:

(i) The application is timely;

(ii) The applicant has not exceeded the service limitations set forth in this section, except as permitted under (c)(v) of this subsection; and

(iii) The applicant's entitlement to the benefits under this chapter has not been terminated pursuant to (e) of this subsection.

(e) The applicant must return and reenter the office or position within the appropriate period specified in (c) of this subsection after serving four years or less in the uniformed services other than state-ordered active duty: PROVIDED, That any period of additional service imposed by law, from which one is unable to obtain orders relieving him or her from active duty, will not affect reemployment rights.

(f) The applicant must return and reenter the office or position within the appropriate period specified in (c) of this subsection after serving twelve weeks or less in a calendar year in state-ordered active duty: PROVIDED, That the governor, when declaring an emergency that necessitates a longer period of service, may extend the period of service in state-ordered active duty to up to twelve months after which the applicant is eligible for the benefits of this chapter.

(2) The failure of an applicant to provide documentation that satisfies rules adopted pursuant to subsection (1)(c) of this section shall not be a basis for denying reemployment in accordance with the provisions of this chapter if the failure occurs because such documentation does not exist or is not readily available at the time of the request of the employer. If, after such reemployment, documentation becomes available that establishes that the applicant does not meet one or more of the requirements referred to in subsection (1)(d) of this section, that applicant's employer may terminate the employment of the person and the provision of any rights or benefits afforded the person under this chapter.

(3) An employer may not delay or attempt to defeat a reemployment obligation by demanding documentation that does not then exist or is not then readily available.

(4) The application in subsection (1) of this section is not required if the giving of such application is precluded by military necessity or, under all of the relevant circumstances, the giving of such notice is otherwise impossible or unreasonable. A determination of military necessity for the purposes of this subsection shall be made by the adjutant general of the state of Washington military department and is not subject to judicial review.

(5) In any proceeding involving an issue of whether (a) reemployment is impossible or unreasonable because of a change in an employer's circumstances, (b) reemployment would impose an undue hardship on the employer, or (c) the employment is for a temporary position, the employer has the burden of proving the impossibility or unreasonableness, undue hardship, or the brief or nonrecurrent nature of the employment without a reasonable expectation of continuing indefinitely or for a significant period. [2001 c 133 § 6; 1969 c 16 § 1; 1953 c 212 § 3.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.041 Leaves of absence of elective and judicial officers.** When any elective officer of this state or any political subdivision thereof, including any judicial officer, shall enter upon active service or training as provided in RCW 73.16.031, 73.16.033 and 73.16.035, the proper officer, board or other agency, which would ordinarily be authorized to grant leave of absence or fill a vacancy created by the death or resignation of the elective official so ordered to such ser-

vice, shall grant an extended leave of absence to cover the period of such active service or training and may appoint a temporary successor to the position so vacated. No leave of absence provided for herein shall operate to extend the term for which the occupant of any elective position shall have been elected. [1953 c 212 § 4.]

**73.16.051 Restoration without loss of seniority or benefits.** Any person who is entitled to be restored to a position in accordance with this chapter shall be considered as having been on furlough or leave of absence, from his or her position of employment, during his or her period of active military duty or service, and he or she shall be so restored without loss of seniority. He or she shall further be entitled to participate in insurance, vacations, retirement pay, and other benefits offered by the employer pursuant to established rules and practices relating to employees on furlough or leave of absence in effect with the employer at the time such person was ordered into the service; and he or she shall not be discharged from such position without cause within one year after restoration. [2001 c 133 § 7; 1953 c 212 § 5.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.053 Continuation of health plan coverage during absence—Reinstatement of health plan coverage upon reemployment.** (1) If a person, or the person's dependents, have coverage under a health plan in connection with the person's position of state employment, and the person is absent from his or her position of state employment by reason of service in the uniformed services, the plan shall provide that the person may elect to continue the coverage as provided in this section. The maximum period of coverage of a person and person's dependents under such an election shall be the lesser of:

(a) The eighteen-month period beginning on the date on which the person's absence begins; or

(b) The day after the date on which the person fails to apply for or return to a position of state employment, as determined under RCW 73.16.035.

(2) A person who elects to continue health plan coverage under this section may be required to pay not more than one hundred two percent of the full premium under the plan associated with the coverage for the state employer's other employees, except that in the case of a person who performs service in the uniformed services for less than thirty-one days, the person may not be required to pay more than the employee share, if any, for the coverage.

(3) Except as provided in subsection (2) of this section, if a person's coverage under a health plan was terminated because of service in the uniformed services, an exclusion or waiting period may not be imposed in connection with the reinstatement of the coverage upon reemployment under this chapter if an exclusion or waiting period would not have been imposed under a health plan had coverage of the person by the plan not been terminated as a result of his or her service. This subsection applies to the person who is reemployed and to any dependent who is covered by the plan because of the reinstatement of the coverage of the person. [2001 c 133 § 8.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.055 Determination of pension benefits and liabilities for reemployed persons.** (1)(a) In the case of a right provided under any state law governing pension benefits for state employees, the right to pension benefits of a person reemployed under this chapter shall be determined under this section.

(b) A person reemployed under this chapter shall be treated as not having incurred a break in service with the state because of the person's period of service in the uniformed services.

(c) Each period served by a person in the uniformed services shall, upon reemployment under this chapter, be deemed to constitute service with the state for the purpose of determining the nonforfeitability of the person's accrued benefits and for the purpose of determining the accrual of benefits under the plan.

(2) When the state is reemploying a person under this chapter, the state is liable to an employee pension benefit plan for funding any obligation of the plan to provide the pension benefits described in this section and shall allocate the amounts of any employer contribution for the person in the same manner and to the same extent the allocation occurs for other employees during the period of service. For purposes of determining the amount of such liability and any obligation of the plan, earnings and forfeitures shall not be included. For purposes of determining the amount of such liability and purposes of a state law governing pension benefits for state employees, service in the uniformed services that is deemed under subsection (1) of this section to be service with the state shall be deemed to be service with the state under the terms of the plan or any applicable collective bargaining agreement.

(3) A person reemployed by the state under this chapter is entitled to accrued benefits pursuant to subsection (1)(a) of this section that are contingent on the making of, or derived from, employee contributions or elective deferrals (as defined in section 402(g)(3) of the internal revenue code of 1986) only to the extent the person makes payment to the plan with respect to such contributions or deferrals. No such payment may exceed the amount the person would have been permitted or required to contribute had the person remained continuously employed by the state throughout the period of uniformed service. Any payment to the plan described in this subsection shall be made during the period beginning with the date of reemployment and whose duration is three times the period of the person's services, such payment period in the uniformed services, not to exceed five years.

(4) For purposes of computing an employer's liability of the employee's contributions under subsection (2) of this section, the employee's compensation during the period of service shall be computed:

(a) At the rate the employee would have received but for the period of service in subsection (1)(b) of this section; or

(b) In the case that the determination of such rate is not reasonably certain, on the basis of the employee's average rate of compensation during the twelve-month period immediately preceding such period or if shorter, the period of employment immediately preceding such period. [2001 c 133 § 9.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

(2018 Ed.)

**73.16.061 Enforcement of provisions.** (1) If any employer, or any employer's successor or successors, fails or refuses to comply with the provisions of RCW 73.16.031 through 73.16.061 and 73.16.090, the attorney general must bring action in the superior court in the county in which the employer is located or does business to obtain an order to specifically require such employer to comply with the provisions of this chapter, and, as an incident thereto, to compensate such person for any loss of wages or benefits suffered by reason of such employer's unlawful act if:

(a) The service in question was state duty not covered by the uniformed services employment and reemployment rights act of 1994, P.L. 103-353 (38 U.S.C. Sec. 4301 et seq.); and

(b) The adjutant general of the Washington state military department, or his or her designee, has inquired with the employer regarding the matter and has been unable to resolve it.

(2) If the conditions in subsection (1)(a) and (b) of this section are met, any such person who does not desire the services of the attorney general may, by private counsel, bring such action. [2016 c 12 § 1; 2013 c 23 § 190; 2001 c 133 § 10; 1953 c 212 § 6.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.070 Federal act to apply in state courts.** The federal uniformed services employment and reemployment rights act, P.L. 103-353, as amended, is hereby specifically declared to apply in proper cases in all the courts of this state. [2014 c 65 § 7; 2001 c 133 § 11; 1941 c 201 § 5; Rem. Supp. 1941 § 10758-7.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.080 Bona fide executive, administrative, and professional employees—Offset of military pay.** An offset of any military pay for temporary service in the uniformed services in a particular week against the salary of a bona fide executive, administrative, or professional employee in a particular week shall not be a factor in determining whether the employee is exempt under \*RCW 49.46.010(5)(c). [2001 c 133 § 12.]

\*Reviser's note: RCW 49.46.010 was alphabetized pursuant to RCW 1.08.015(2)(k), changing subsection (5) to subsection (3).

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.090 Application of chapter—Other rights and benefits preserved.** This chapter shall not supersede, nullify, or diminish any federal or state law, ordinance, rule, regulation, contract, agreement, policy, plan, practice, or other matter that establishes a right or benefit that is more beneficial to, or is in addition to, a right or benefit provided for such person in this chapter. [2001 c 133 § 13.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.100 Legislative declaration—Other civil actions abolished.** The legislature declares that the public policies articulated in chapter 133, Laws of 2001 depend on the procedures established in chapter 133, Laws of 2001. No civil or criminal action may be maintained relying on the public policies articulated in chapter 133, Laws of 2001 without complying with the procedures in this chapter. To that end, all civil actions and civil causes of action for such inju-

ries and all jurisdiction of the courts of this state over such causes are hereby abolished, except as provided in this chapter. [2001 c 133 § 14.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.16.110 Preference in private employment—Permissive.** (1) The legislature intends to establish a permissive preference in private employment for certain veterans.

(2) In every private, nonpublic employment in this state, honorably discharged soldiers, sailors, and marines who are veterans of any war of the United States, or of any military campaign for which a campaign ribbon has been awarded, and their widows or widowers, may be preferred for employment. Spouses of honorably discharged veterans who have a service connected permanent and total disability may also be preferred for employment. These preferences are not considered violations of any state or local equal employment opportunity law, including but not limited to any statute or regulation adopted under chapter 49.60 RCW.

(3) "Veteran" has the same meanings as defined in RCW 41.04.005 and 41.04.007, and includes a current member of the national guard or armed forces reserves who has been deployed to serve in an armed conflict. [2011 c 144 § 1.]

**73.16.120 Veteran employment demonstration campaign.** (1) The department of veterans affairs, employment security department, and department of commerce shall consult local chambers of commerce, associate development organizations, and businesses to initiate a demonstration campaign to increase veteran employment. This campaign may include partnerships with chambers of commerce that result in business owners sharing, with the local chamber of commerce, information on the number of veterans employed and the local chambers of commerce providing this information to the department of veterans affairs.

(2) Participants in the campaign are encouraged to work with the Washington state military transition council and county veterans' advisory boards as defined in RCW 73.08.035.

(3) Funding for the campaign shall be established from existing resources.

(4) For the purposes of this section, "veteran" means any veteran discharged under honorable conditions. [2015 c 57 § 2.]

**Findings—Intent—2015 c 57:** "The legislature finds that veterans are national heroes who have made great sacrifices in their lives for the protection of our nation. The legislature recognizes that many of these veterans reside in Washington where there are a high number of military installations.

Over six hundred thousand veterans reside in Washington. The legislature finds that the unemployment rate among these veterans is of great concern, particularly among young veterans. In 2014, the unemployment rate for veterans between the ages of eighteen and twenty-five was approximately twenty-one percent, despite having such diverse and valued skill sets, including expertise in fields such as health care or technology, and strong discipline and leadership abilities.

The legislature recognizes the importance of facilitating and focusing on the hiring of our veterans.

For these reasons, the legislature intends to create a statewide campaign to increase veteran employment in Washington by engaging state agencies, local governments, and businesses." [2015 c 57 § 1.]

**73.16.900 Construction—Chapter applicable to state registered domestic partnerships—2009 c 521.** For the purposes of this chapter, the terms spouse, marriage, marital,

husband, wife, widow, widower, next of kin, and family shall be interpreted as applying equally to state registered domestic partnerships or individuals in state registered domestic partnerships as well as to marital relationships and married persons, and references to dissolution of marriage shall apply equally to state registered domestic partnerships that have been terminated, dissolved, or invalidated, to the extent that such interpretation does not conflict with federal law. Where necessary to implement chapter 521, Laws of 2009, gender-specific terms such as husband and wife used in any statute, rule, or other law shall be construed to be gender neutral, and applicable to individuals in state registered domestic partnerships. [2009 c 521 § 172.]

## Chapter 73.20 RCW ACKNOWLEDGMENTS AND POWERS OF ATTORNEY

### Sections

73.20.010	Acknowledgments.
73.20.050	Agency created by power of attorney not revoked by unverified report of death.
73.20.060	Affidavit of agent as to knowledge of revocation.
73.20.070	"Missing in action" report not construed as actual knowledge.
73.20.080	Provision in power for revocation not affected.

**73.20.010 Acknowledgments.** In addition to the acknowledgment of instruments and the performance of other notarial acts in the manner and form and as otherwise authorized by law, instruments may be acknowledged, documents attested, oaths and affirmations administered, depositions and affidavits executed, and other notarial acts performed, before or by any commissioned officer in active service of the armed forces of the United States with the rank of second lieutenant or higher in the army or marine corps, or with the rank of ensign or higher in the navy or coast guard, or with equivalent rank in any other component part of the armed forces of the United States, by any person who either:

(1) Is a member of the armed forces of the United States; or

(2) Is serving as a merchant seaman or seawoman outside the limits of the United States included within the forty-eight states and the District of Columbia; or

(3) Is outside said limits by permission, assignment, or direction of any department or official of the United States government, in connection with any activity pertaining to the prosecution of any war in which the United States is then engaged.

Such acknowledgment of instruments, attestation of documents, administration of oaths and affirmations, execution of depositions and affidavits, and performance of other notarial acts, heretofore or hereafter made or taken, are hereby declared legal, valid, and binding, and instruments and documents so acknowledged, authenticated, or sworn to shall be admissible in evidence and eligible to record in this state under the same circumstances, and with the same force and effect as if such acknowledgment, attestation, oath, affirmation, deposition, affidavit, or other notarial act, had been made or taken within this state before or by a duly qualified officer or official as otherwise provided by law.

In the taking of acknowledgments and the performing of other notarial acts requiring certification, a certificate

endorsed upon or attached to the instrument or documents, which shows the date of the notarial act and which states, in substance, that the person appearing before the officer acknowledged the instrument as his or her act or made or signed the instrument or document under oath, shall be sufficient for all intents and purposes. The instrument or document shall not be rendered invalid by the failure to state the place of execution or acknowledgment.

If the signature, rank, and branch of service or subdivision thereof, of any such commissioned officer appear upon such instrument or document or certificate, no further proof of the authority of such officer so to act shall be required and such action by such commissioned officer shall be prima facie evidence that the person making such oath or acknowledgment is within the purview of this section. [2013 c 23 § 191; 1945 c 271 § 1; Rem. Supp. 1945 § 10758-13a. See also, 1943 c 47. Formerly RCW 73.20.010 through 73.20.040.]

*Acknowledgments, generally: Chapter 64.08 RCW.*

**73.20.050 Agency created by power of attorney not revoked by unverified report of death.** No agency created by a power of attorney in writing given by a principal who is at the time of execution, or who, after executing such power of attorney, becomes either (1) a member of the armed forces of the United States, or (2) a person serving as a merchant seaman outside the limits of the United States, included within the forty-eight states and the District of Columbia; or (3) a person outside said limits by permission, assignment or direction of any department or official of the United States government, in connection with any activity pertaining to or connected with the prosecution of any war in which the United States is then engaged, shall be revoked or terminated by the death of the principal, as to the agent or other person who, without actual knowledge or actual notice of the death of the principal, shall have acted or shall act, in good faith, under or in reliance upon such power of attorney or agency, and any action so taken, unless otherwise invalid or unenforceable, shall be binding on the heirs, devisees, legatees, or personal representatives of the principal. [1945 c 139 § 1; Rem. Supp. 1945 § 10758-70.]

Additional notes found at [www.leg.wa.gov](http://www.leg.wa.gov)

**73.20.060 Affidavit of agent as to knowledge of revocation.** An affidavit, executed by the attorney-in-fact or agent, setting forth that the maker of the power of attorney is a member of the armed forces of the United States or within the class of persons described in RCW 73.20.050, and that he or she has not or had not, at the time of doing any act pursuant to the power of attorney, received actual knowledge or actual notice of the revocation or termination of the power of attorney, by death or otherwise, or notice of any facts indicating the same, shall, in the absence of fraud, be conclusive proof of the nonrevocation or nontermination of the power at such time. If the exercise of the power requires execution and delivery of any instrument which is recordable under the laws of this state, such affidavit shall likewise be recordable. [2012 c 117 § 507; 1945 c 139 § 2; Rem. Supp. 1945 § 10758-71.]

**73.20.070 "Missing in action" report not construed as actual knowledge.** No report or listing, either official or

otherwise, of "missing" or "missing in action", as such words are used in military parlance, shall constitute or be interpreted as constituting actual knowledge or actual notice of the death of such principal or notice of any facts indicating the same, or shall operate to revoke the agency. [1945 c 139 § 3; Rem. Supp. 1945 § 10758-72.]

**73.20.080 Provision in power for revocation not affected.** RCW 73.20.050 through 73.20.070 shall not be construed so as to alter or affect any provision for revocation or termination contained in such power of attorney. [1945 c 139 § 4; Rem. Supp. 1945 § 10758-73.]

## Chapter 73.24 RCW BURIAL

### Sections

73.24.020 Contract for care of veterans' plot at Olympia.  
73.24.030 Authorized burials in plot.

**73.24.020 Contract for care of veterans' plot at Olympia.** The director of the department of enterprise services is hereby authorized and directed to contract with Olympia Lodge No. 1, F.& A.M., a corporation for the improvement and perpetual care of the state veterans' plot in the Masonic cemetery at Olympia; such care to include the providing of proper curbs and walks, cultivating, reseeding and fertilizing grounds, repairing and resetting the bases and monuments in place on the ground, leveling grounds, and transporting and setting headstones for graves of persons hereafter buried on the plot. [2011 1st sp.s. c 43 § 257; 1937 c 36 § 1; RRS § 10758-1.]

**Effective date—Purpose—2011 1st sp.s. c 43:** See notes following RCW 43.19.003.

*Cemeteries, endowment and nonendowment care: Chapters 68.40, 68.44 RCW.*

**73.24.030 Authorized burials in plot.** The said plot shall be available, to the extent such space is available, without charge or cost for the burial of persons who have served in the army, navy, or marine corps in the United States, in the Spanish-American war, Philippine insurrection, or the Chinese Relief Expedition, or who served in any said branches of said service at any time between April 21, 1898 and July 4, 1902 and any veteran as defined in RCW 41.04.007. [2002 c 292 § 10; 1977 c 31 § 4; 1937 c 36 § 2; RRS § 10758-2.]

## Chapter 73.36 RCW UNIFORM VETERANS' GUARDIANSHIP ACT

### Sections

73.36.010 Terms defined.  
73.36.020 Administrator party in interest in guardianship proceedings—Notice.  
73.36.030 Appointment of guardian—Necessary when.  
73.36.040 Guardian—Number of wards permitted.  
73.36.050 Guardian—Appointment—Contents of petition.  
73.36.060 Guardian for minor—Appointment—Prima facie evidence.  
73.36.080 Notice of petition.  
73.36.090 Guardian's bond.  
73.36.100 Accounting by guardian—Copies of all proceedings to be furnished administration—Hearings.  
73.36.110 Failure to account—Penalties.  
73.36.120 Compensation of guardian.  
73.36.130 Investment of funds—Procedure.

73.36.140	Use of funds—Procedure.
73.36.150	Purchase of real estate—Procedure.
73.36.155	Public records—Free copies.
73.36.160	Discharge of guardian—Final account.
73.36.165	Commitment to veterans administration or other federal agency.
73.36.170	Application of chapter to other guardianships of veterans.
73.36.180	Construction of chapter—Uniformity.
73.36.190	Short title.

*Guardianship, generally: Chapters 11.88, 11.92 RCW.*

**73.36.010 Terms defined.** As used in this chapter:

"Person" means an individual, a partnership, a corporation, or an association.

"Veterans administration" means the veterans administration, its predecessors or successors.

"Income" means moneys received from the veterans administration and revenue or profit from any property wholly or partially acquired therewith.

"Estate" means income on hand and assets acquired partially or wholly with "income."

"Benefits" means all moneys paid or payable by the United States through the veterans administration.

"Administrator" means the administrator of veterans affairs of the United States or his or her successor.

"Ward" means a beneficiary of the veterans administration.

"Guardian" means any fiduciary for the person or estate of a ward. [2012 c 117 § 508; 1951 c 53 § 1.]

**73.36.020 Administrator party in interest in guardianship proceedings—Notice.** The administrator shall be a party in interest in any proceeding for the appointment or removal of a guardian or for the removal of the disability of minority or mental incapacity of a ward, and in any suit or other proceeding affecting in any manner the administration by the guardian of the estate of any present or former ward whose estate includes assets derived in whole or in part from benefits heretofore or hereafter paid by the veterans administration. Not less than fifteen days prior to hearing in such matter notice in writing of the time and place thereof shall be given by mail (unless waived in writing) to the office of the veterans administration having jurisdiction over the area in which any such suit or any such proceeding is pending. [1951 c 53 § 2.]

**73.36.030 Appointment of guardian—Necessary when.** Whenever, pursuant to any law of the United States or regulation of the veterans administration, it is necessary, prior to payment of benefits, that a guardian be appointed, the appointment may be made in the manner hereinafter provided. [1951 c 53 § 3.]

**73.36.040 Guardian—Number of wards permitted.** No person other than a bank or trust company shall be guardian of more than five wards at one time, unless all the wards are members of one family. Upon presentation of a petition by an attorney of the veterans administration or other interested person, alleging that a guardian is acting in a fiduciary capacity for more than five wards as herein provided and requesting his or her discharge for that reason, the court, upon proof substantiating the petition, shall require a final accounting forthwith from such guardian and shall discharge him or

her from guardianships in excess of five and forthwith appoint a successor. [2012 c 117 § 509; 1951 c 53 § 4.]

**73.36.050 Guardian—Appointment—Contents of petition.** (1) A petition for the appointment of a guardian may be filed by any relative or friend of the ward or by any person who is authorized by law to file such a petition. If there is no person so authorized or if the person so authorized refuses or fails to file such a petition within thirty days after mailing of notice by the veterans administration to the last known address of the person, if any, indicating the necessity for the same, a petition for appointment may be filed by any resident of this state.

(2) The petition for appointment shall set forth the name, age, place of residence of the ward, the name and place of residence of the nearest relative, if known, and the fact that the ward is entitled to receive benefits payable by or through the veterans administration and shall set forth the amount of moneys then due and the amount of probable future payments.

(3) The petition shall also set forth the name and address of the person or institution, if any, having actual custody of the ward and the name, age, relationship, if any, occupation and address of the proposed guardian and if the nominee is a natural person, the number of wards for whom the nominee is presently acting as guardian. Notwithstanding any law as to priority of persons entitled to appointment, or the nomination in the petition, the court may appoint some other individual or a bank or trust company as guardian, if the court determines it is for the best interest of the ward.

(4) In the case of a mentally incompetent ward the petition shall show that such ward has been rated incompetent by the veterans administration on examination in accordance with the laws and regulations governing the veterans administration.

(5) All proceedings under this chapter shall be governed by the provisions of chapters 11.88 and 11.92 RCW which shall prevail over any conflicting provisions of this chapter. [1994 c 147 § 4; 1951 c 53 § 5.]

*Prohibitions: RCW 73.04.140.*

**73.36.060 Guardian for minor—Appointment—Prima facie evidence.** Where a petition is filed for the appointment of a guardian for a minor, a certificate of the administrator or his or her authorized representative, setting forth the age of such minor as shown by the records of the veterans administration and the fact that the appointment of a guardian is a condition precedent to the payment of any moneys due the minor by the veterans administration shall be prima facie evidence of the necessity for such appointment. [2012 c 117 § 510; 1951 c 53 § 6.]

**73.36.080 Notice of petition.** Upon the filing of a petition for the appointment of a guardian under this chapter, notice shall be given to the ward, to such other persons, and in such manner as is provided by the general law of this state, and also to the veterans administration as provided by this chapter. [1951 c 53 § 8.]

**73.36.090 Guardian's bond.** (1) Upon the appointment of a guardian, he or she shall execute and file a bond to be

approved by the court in an amount not less than the estimated value of the personal estate and anticipated income of the ward during the ensuing two years, except in cases where banks or trust companies are appointed as guardian and no bond is required by the general state law. The bond shall be in the form and be conditioned as required of guardians appointed under the general guardianship laws of this state. The court may from time to time require the guardian to file an additional bond.

(2) Where a bond is tendered by a guardian with personal sureties, there shall be at least two such sureties and they shall file with the court a certificate under oath which shall describe the property owned, both real and personal, and shall state that each is worth the sum named in the bond as the penalty thereof over and above all his or her debts and liabilities and the aggregate of other bonds in which he or she is principal or surety and exclusive of property exempt from execution. The court may require additional security or may require a corporate surety bond, the premium thereon to be paid from the ward's estate. [2012 c 117 § 511; 1951 c 53 § 9.]

*Guardianship, generally: Chapters 11.88 and 11.92 RCW.*

### **73.36.100 Accounting by guardian—Copies of all proceedings to be furnished administration—Hearings.**

(1) Every guardian, who has received or shall receive on account of his or her ward any money or other thing of value from the veterans administration, at the expiration of two years from date of his or her appointment, and every two years thereafter on the anniversary date of his or her appointment, or as much oftener as the court may require, shall file with the court a full, true and accurate account under oath of all moneys or other things of value received by him or her, all earnings, interest, or profits derived therefrom, and all property acquired therewith and of all disbursements therefrom, and showing the balance thereof in his or her hands at the date of the account and how invested. Each year when not required to file an account with the court, the guardian shall file an account with the proper office of the veterans administration. If the interim account be not filed with the veterans administration, or, if filed, shall be unsatisfactory, the court shall upon receipt of notice thereof from the veterans administration require the guardian forthwith to file an account which shall be subject in all respects to the next succeeding paragraphs. Any account filed with the veterans administration and approved by the chief attorney thereof may be filed with the court and be approved by the court without hearing, unless a hearing thereon be requested by some party in interest.

(2) The guardian, at the time of filing any account with the court or veterans administration shall exhibit all securities or investments held by him or her to an officer of the bank or other depository wherein said securities or investments are held for safekeeping or to an authorized representative of the corporation which is surety on his or her bond, or to the judge or clerk of a court of record in this state, or upon request of the guardian or other interested party, to any other reputable person designated by the court, who shall certify in writing that he or she has examined the securities or investments and identified them with those described in the account and shall note any omissions or discrepancies. If the depository is the

guardian, the certifying officer shall not be the officer verifying the account. The guardian may exhibit the securities or investments to the judge of the court, who shall endorse on the account and copy thereof, a certificate that the securities or investments shown therein as held by the guardian were each in fact exhibited to him or her and that those exhibited to him or her were the same as those in the account and noting any omission or discrepancy. The certificate, and the certificate of an official of the bank in which are deposited any funds for which the guardian is accountable, showing the amount on deposit, shall be prepared and signed in duplicate and one of each shall be filed by the guardian with his or her account.

(3) At the time of filing in the court any account, a certified copy thereof and a signed duplicate of each certificate filed with the court shall be sent by the guardian to the office of the veterans administration having jurisdiction over the area in which such court is located. A duplicate signed copy or a certified copy of any petition, motion, or other pleading pertaining to an account, or to any matter other than an account, and which is filed in the guardianship proceedings or in any proceedings for the purpose of removing the disability of minority or mental incapacity, shall be furnished by the persons filing the same to the proper office of the veterans administration. Unless hearing be waived in writing by the attorney of the veterans administration and by all other persons, if any, entitled to notice, the court shall fix a time and place for the hearing on the account, petition, motion, or other pleading, not less than fifteen days nor more than sixty days from the date same is filed, unless a different available date be stipulated in writing. Unless waived in writing, written notice of the time and place of hearing shall be given the veterans administration office concerned and to the guardian and any others entitled to notice, not less than fifteen days prior to the date fixed for the hearing. The notice may be given by mail, in which event it shall be deposited in the mails not less than fifteen days prior to said date. The court or clerk thereof, shall mail to said veterans administration office a copy of each order entered in any guardianship proceeding wherein the administrator is an interested party.

(4) If the guardian is accountable for property derived from sources other than the veterans administration, he or she shall be accountable as is or may be required under the applicable law of this state pertaining to the property of minors or persons of unsound mind who are not beneficiaries of the veterans administration, and as to such other property shall be entitled to the compensation provided by such law. The account for other property may be combined with the account filed in accordance with this section. [2012 c 117 § 512; 1951 c 53 § 10.]

**73.36.110 Failure to account—Penalties.** If any guardian shall fail to file with the court any account as required by this chapter, or by an order of the court, when any account is due or within thirty days after citation issues and provided by law, or shall fail to furnish the veterans administration a true copy of any account, petition, or pleading as required by this chapter, such failure may in the discretion of the court be ground for his or her removal, in addition to other penalties provided by law. [2012 c 117 § 513; 1951 c 53 § 11.]

**73.36.120 Compensation of guardian.** Compensation payable to guardians shall be based upon services rendered and shall not exceed five percent of the amount of moneys received during the period covered by the account, except that the court may allow a fee of not exceeding twenty-five dollars per year, as a minimum fee, upon the approval of the chief attorney for the veterans administration. In the event of extraordinary services by any guardian, the court, upon petition and hearing thereon may authorize reasonable additional compensation therefor. A copy of the petition and notice of hearing thereon shall be given the proper office of the veterans administration in the manner provided in the case of hearing on a guardian's account or other pleading. No commission or compensation shall be allowed on the moneys or other assets received from a prior guardian nor upon the amount received from liquidation of loans or other investments. [1951 c 53 § 12.]

**73.36.130 Investment of funds—Procedure.** Every guardian shall invest the surplus funds of his or her ward's estate in such securities or property as authorized under the laws of this state but only upon prior order of the court; except that the funds may be invested, without prior court authorization, in direct unconditional interest-bearing obligations of this state or of the United States and in obligations the interest and principal of which are unconditionally guaranteed by the United States. A signed duplicate or certified copy of the petition for authority to invest shall be furnished the proper office of the veterans administration, and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account. [2012 c 117 § 514; 1951 c 53 § 13.]

**73.36.140 Use of funds—Procedure.** A guardian shall not apply any portion of the income or the estate for the support or maintenance of any person including the ward, the spouse or the domestic partner, and the minor children of the ward, except upon petition to and prior order of the court after a hearing. A signed duplicate or certified copy of said petition shall be furnished the proper office of the veterans administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account or other pleading. [2008 c 6 § 509; 1951 c 53 § 14.]

**Part headings not law—Severability—2008 c 6:** See RCW 26.60.900 and 26.60.901.

**73.36.150 Purchase of real estate—Procedure.** (1) The court may authorize the purchase of the entire fee simple title to real estate in this state in which the guardian has no interest, but only as a home for the ward, or to protect his or her interest, or (if he or she is not a minor) as a home for his or her dependent family. Such purchase of real estate shall not be made except upon the entry of an order of the court after hearing upon verified petition. A copy of the petition shall be furnished the proper office of the veterans administration and notice of hearing thereon shall be given said office as provided in the case of hearing on a guardian's account.

(2) Before authorizing such investment the court shall require written evidence of value and of title and of the advisability of acquiring such real estate. Title shall be taken in the ward's name. This section does not limit the right of the

guardian on behalf of his or her ward to bid and to become the purchaser of real estate at a sale thereof pursuant to decree of foreclosure of lien held by or for the ward, or at a trustee's sale, to protect the ward's right in the property so foreclosed or sold; nor does it limit the right of the guardian, if such be necessary to protect the ward's interest and upon prior order of the court in which the guardianship is pending, to agree with cotenants of the ward for a partition in kind, or to purchase from cotenants the entire undivided interests held by them, or to bid and purchase the same at a sale under a partition decree, or to compromise adverse claims of title to the ward's realty. [2012 c 117 § 515; 1951 c 53 § 15.]

**73.36.155 Public records—Free copies.** When a copy of any public record is required by the veterans administration to be used in determining the eligibility of any person to participate in benefits made available by the veterans administration, the official custodian of such public record shall without charge provide the applicant for such benefits or any person acting on his or her behalf or the authorized representative of the veterans administration with a certified copy of such record. [2012 c 117 § 516; 1951 c 53 § 16. Formerly RCW 73.04.025.]

**73.36.160 Discharge of guardian—Final account.** In addition to any other provisions of law relating to judicial restoration and discharge of guardian, a certificate by the veterans administration showing that a minor ward has attained majority, or that an incompetent ward has been rated competent by the veterans administration upon examination in accordance with law shall be prima facie evidence that the ward has attained majority, or has recovered his or her competency. Upon hearing after notice as provided by this chapter and the determination by the court that the ward has attained majority or has recovered his or her competency, an order shall be entered to that effect, and the guardian shall file a final account. Upon hearing after notice to the former ward and to the veterans administration as in case of other accounts, upon approval of the final account, and upon delivery to the ward of the assets due him or her from the guardian, the guardian shall be discharged and his or her sureties released. [2012 c 117 § 517; 1951 c 53 § 17.]

**73.36.165 Commitment to veterans administration or other federal agency.** (1) Whenever, in any proceeding under the laws of this state for the commitment of a person alleged to be of unsound mind or otherwise in need of confinement in a hospital or other institution for his or her proper care, it is determined after such adjudication of the status of such person as may be required by law that commitment to a hospital for mental disease or other institution is necessary for safekeeping or treatment and it appears that such person is eligible for care or treatment by the veterans administration or other agency of the United States government, the court, upon receipt of a certificate from the veterans administration or such other agency showing that facilities are available and that such person is eligible for care or treatment therein, may commit such person to said veterans administration or other agency. The person whose commitment is sought shall be personally served with notice of the pending commitment proceeding in the manner as provided by the law of this state;



and nothing in this chapter shall affect his or her right to appear and be heard in the proceedings. Upon commitment, such person, when admitted to any hospital operated by any such agency within or without this state shall be subject to the rules and regulations of the veterans administration or other agency. The chief officer of any hospital of the veterans administration or institution operated by any other agency of the United States to which the person is so committed shall with respect to such person be vested with the same powers as superintendents of state hospitals for mental diseases within this state with respect to retention of custody, transfer, parole, or discharge. Jurisdiction is retained in the committing or other appropriate court of this state at any time to inquire into the mental condition of the person so committed, and to determine the necessity for continuance of his or her restraint, and all commitments pursuant to this chapter are so conditioned.

(2) The judgment or order of commitment by a court of competent jurisdiction of another state or of the District of Columbia, committing a person to the veterans administration, or other agency of the United States government for care or treatment shall have the same force and effect as to the committed person while in this state as in the jurisdiction in which is situated the court entering the judgment or making the order; and the courts of the committing state, or of the District of Columbia, shall be deemed to have retained jurisdiction of the person so committed for the purpose of inquiring into the mental condition of such person, and of determining the necessity for continuance of his or her restraint; as is provided in subsection (1) of this section with respect to persons committed by the courts of this state. Consent is hereby given to the application of the law of the committing state or district in respect to the authority of the chief officer of any hospital of the veterans administration, or of any institution operated in this state by any other agency of the United States to retain custody, or transfer, parole, or discharge the committed person.

(3) Upon receipt of a certificate of the veterans administration or such other agency of the United States that facilities are available for the care or treatment of any person heretofore committed to any hospital for the insane or other institution for the care or treatment of persons similarly afflicted and that such person is eligible for care or treatment, the superintendent of the institution may cause the transfer of such person to the veterans administration or other agency of the United States for care or treatment. Upon effecting any such transfer, the committing court or proper officer thereof shall be notified thereof by the transferring agency. No person shall be transferred to the veterans administration or other agency of the United States if he or she be confined pursuant to conviction of any felony or misdemeanor or if he or she has been acquitted of the charge solely on the ground of insanity, unless prior to transfer the court or other authority originally committing such person shall enter an order for such transfer after appropriate motion and hearing.

Any person transferred as provided in this section shall be deemed to be committed to the veterans administration or other agency of the United States pursuant to the original commitment. [2012 c 117 § 518; 1951 c 53 § 18. Formerly RCW 71.02.700 through 71.02.720.]

(2018 Ed.)

**73.36.170 Application of chapter to other guardianships of veterans.** The provisions of this chapter relating to surety bonds and the administration of estates of wards shall apply to all "income" and "estate" as defined in RCW 73.36.010 whether the guardian shall have been appointed under this chapter or under any other law of this state, special or general, prior or subsequent to the enactment hereof. [1951 c 53 § 21.]

**73.36.180 Construction of chapter—Uniformity.** This chapter shall be so construed to make uniform the law of those states which enact it. [1951 c 53 § 19.]

**73.36.190 Short title.** This chapter may be cited as the "uniform veterans' guardianship act". [1951 c 53 § 20.]

## Chapter 73.40 RCW VETERANS' MEMORIALS

### Sections

73.40.010	Memorial honoring state residents who died or are missing-in-action in southeast Asia.
73.40.030	Memorial honoring state residents who died or are missing-in-action in southeast Asia—Display of individual names.
73.40.040	Memorial honoring state residents who died or are missing-in-action in the Korean conflict.

**73.40.010 Memorial honoring state residents who died or are missing-in-action in southeast Asia.** The secretary of state shall coordinate the design, construction, and placement of a memorial within the state capitol building honoring Washington state residents who died or are "missing-in-action" in the southeast Asia theater of operations. [1984 c 81 § 1. Formerly RCW 40.14.200.]

**73.40.030 Memorial honoring state residents who died or are missing-in-action in southeast Asia—Display of individual names.** The memorial authorized by \*RCW 40.14.200 through 40.14.210 shall display the individual names of the Washington state residents who died or are "missing-in-action" in the southeast Asia theater of operations. [1984 c 81 § 3. Formerly RCW 40.14.210.]

\*Reviser's note: RCW 40.14.200 through 40.14.210 were recodified as RCW 73.40.010 through 73.40.030.

**73.40.040 Memorial honoring state residents who died or are missing-in-action in the Korean conflict.** The director of the department of veterans affairs shall coordinate the design, construction, and placement of a memorial within the state capitol grounds honoring Washington state residents who died or are "missing-in-action" in the Korean conflict. [1989 c 235 § 1. Formerly RCW 40.14.220.]

