

HOUSE BILL REPORT

HB 1568

As Passed House:

March 8, 2005

Title: An act relating to activation of the national guard.

Brief Description: Concerning the activation of the national guard.

Sponsors: By Representatives Haigh, Hinkle, Wallace, P. Sullivan, Conway, Chase, McCoy and Kenney; by request of Governor Gregoire.

Brief History:

Committee Activity:

State Government Operations & Accountability: 2/11/05, 2/16/05 [DP].

Floor Activity:

Passed House: 3/8/05, 96-0.

Brief Summary of Bill

- Changes the circumstances under which the Governor may order the National Guard into the active service of the state.
- Changes the circumstances under which National Guard activities must be reimbursed from the General Fund.

HOUSE COMMITTEE ON STATE GOVERNMENT OPERATIONS & ACCOUNTABILITY

Majority Report: Do pass. Signed by 9 members: Representatives Haigh, Chair; Green, Vice Chair; Nixon, Ranking Minority Member; Clements, Assistant Ranking Minority Member; Hunt, McDermott, Miloscia, Schindler and Sump.

Staff: Jim Morishima (786-7191).

Background:

The Governor may order the National Guard into the active service of the state under enumerated circumstances, including war, insurrection, rebellion, at the request of competent state or local authorities in support of enforcement of controlled substance statutes, or when responsible civil authorities fail to preserve law and order.

When the National Guard is called into the active service of the state to execute or enforce the laws or in case of war, riot, insurrection, invasion, breach of the peace, public disaster, or the

imminent danger of any of the aforementioned events, warrants for allowed pay and expenses or compensation for injuries or death must be paid out of the General Fund.

Summary of Bill:

The circumstances under which the Governor may call the National Guard into the active service of the state are expanded to include when such service is otherwise required for the public health, safety, or welfare, or to perform any military duty authorized by state law, or to prepare for or recover from any of the events or the consequences thereof.

The circumstances under which reimbursement for National Guard activities must be paid out of the General Fund are made identical to the circumstances under which the Governor may call the National Guard into the active service of the state, except for anticipated planning, training, exercises, and other administrative duties that are not of an emergent nature.

Appropriation: None.

Fiscal Note: Available.

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

Testimony For: Currently, the Governor can only call up the National Guard for an imminent emergency. This puts the National Guard in a straight jacket. Although some incidents are predictable, the Guard may not train for them until they are imminent. This leads to delay in responding to these incidents. This bill gives the Governor the authority to use the National Guard for activities like training, preparation, and planning.

Testimony Against: None.

Persons Testifying: Representative Haigh, prime sponsor; Major General Timothy Lowenberg; and Brigadier General Gordon Toney, Washington Military Department.

Persons Signed In To Testify But Not Testifying: None.