

HOUSE BILL REPORT

SSB 5030

As Passed House:

March 30, 2009

Title: An act relating to militia records, property, command, and administration.

Brief Description: Concerning militia records, property, command, and administration.

Sponsors: Senate Committee on Government Operations & Elections (originally sponsored by Senators Kilmer, Hobbs, Swecker, Shin, Berkey, Eide, Hatfield, McAuliffe and Roach; by request of Military Department and Joint Committee on Veterans' and Military Affairs).

Brief History:

Committee Activity:

State Government & Tribal Affairs: 3/17/09, 3/20/09 [DP].

Floor Activity

Passed House: 3/30/09, 96-1.

Brief Summary of Substitute Bill

- Makes the Adjutant General, subject to the orders of the Governor, the Commander of the Washington National Guard.
- Eliminates the requirement that the Adjutant General create a separate Bureau of Records.
- Updates and streamlines the powers and duties of the Adjutant General.

HOUSE COMMITTEE ON STATE GOVERNMENT & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 7 members: Representatives Hunt, Chair; Appleton, Vice Chair; Armstrong, Ranking Minority Member; Alexander, Flannigan, Hurst and Miloscia.

Staff: Tracey O'Brien (786-7196)

Background:

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not a part of the legislation nor does it constitute a statement of legislative intent.

The Governor, with the advice and consent of the Senate, appoints the Adjutant General of Washington. As the head of the Washington Military Department (Department), the Adjutant General oversees the Department's four major operational divisions: the Army National Guard, the Air National Guard, and the Emergency Management and State Services.

Summary of Bill:

The powers and duties of the Adjutant General are updated and streamlined. The Adjutant General, subject to the orders of the Commander-in-Chief, commands the Washington National Guard and must recruit, train, maintain, and administer Washington's organized militia.

The Adjutant General is not required to create a Bureau of Records to house records that already go to the Department of Defense or the State Archives for maintenance and preservation. The Adjutant General shall deposit the state militia records with the State Archivist for historical purposes.

Language regarding the accounting of funds, safeguarding property, maintaining the seal, publishing orders, maintaining histories and militia records, and publishing of certain documents and publications, including the Washington Code of Military Justice, are updated and consolidated.

Appropriation: None.

Fiscal Note: Available.

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

Staff Summary of Public Testimony:

(In support) This bill explicitly recognizes the chain of command for the state militia. The bill eliminates archaic language reflecting Washington during the time of the Spanish-American War instead of the 21st century. State records will continue to be maintained under state laws and federal records will continue to be maintained under federal law. However, the requirement that the Adjutant General maintain another set of these records, separate from state and federal archives, is eliminated.

(Opposed) There is no excuse for not fully disclosing information. This bill needs additional time and review to ensure that records are maintained and available to the public. The current wording is not strong enough to ensure this. The bill should spell out what is a Title 32 program and what is a Title 10 program.

Persons Testifying: (In support) Major General Tim Lowenberg, Washington Military Department.

(Opposed) John Worthington.

Persons Signed In To Testify But Not Testifying: None.