

# SENATE BILL REPORT

## SB 5030

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As Reported by Senate Committee On:  
Government Operations & Elections, January 19, 2009

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

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

**Sponsors:** 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:** Government Operations & Elections: 1/15/09, 1/19/09 [DPS, DNP, w/oRec].

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### SENATE COMMITTEE ON GOVERNMENT OPERATIONS & ELECTIONS

**Majority Report:** That Substitute Senate Bill No. 5030 be substituted therefor, and the substitute bill do pass.

Signed by Senators Fairley, Chair; McDermott, Pridemore and Swecker.

**Minority Report:** Do not pass.

Signed by Senator Oemig, Vice Chair.

**Minority Report:** That it be referred without recommendation.

Signed by Senator Roach, Ranking Minority Member.

**Staff:** Aaron Gutierrez (786-7448)

**Background:** The Washington Code of Military Justice governs the organization, administration, and duties of the Washington National Guard.

The Adjutant General serves as the commander of the Washington National Guard, but is not described as such in statute. The Adjutant General has many duties including recordkeeping. Many of the records the Adjutant General must keep and maintain are submitted and retained by the Department of Defense. Records pertaining to federal issues are submitted to the Department of Defense. Records pertaining to state issues are maintained in the Bureau of Records housed in the Adjutant General's office, with copies submitted to the State Archive.

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*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.*

**Summary of Bill:** The bill as referred to committee not considered.

**Summary of Bill (Recommended Substitute):** The Adjutant General is declared commander of the Washington National Guard, subject to the orders of the Governor. The Adjutant General will supervise the preparation and submission of records to the Governor or the federal government, as appropriate. Records pertaining to state issues are submitted to the State Archive, and the Adjutant General is no longer required to maintain a Bureau of Records. Other duties are reworded for clarity, without substantive change.

**Appropriation:** None.

**Fiscal Note:** Not requested.

**Committee/Commission/Task Force Created:** No.

**Effective Date:** Ninety days after adjournment of session in which bill is passed.

**Staff Summary of Public Testimony:** PRO: It is critical that the Adjutant General be officially designated as commander of the National Guard. This bill eliminates the expense of producing duplicates. There are four types of records addressed by the bill. Currently, two are out of date and two are already maintained by the federal government, at the federal government's expense. This bill affects only the records specifically enumerated. The system contains lots of redundancy, and this is not a change in procedure. There is pending litigation on the issue.

CON: Requested records have not been produced by both the State Military Department and the federal government. Current law requires the Adjutant General to prepare documents. If these sections of code are removed, who will prepare those documents? This is an attempt to federalize state records and provide a further level of insulation. Advocates have been attacked for protesting use of Forward Looking Infrared.

**Persons Testifying:** PRO: Gordon Toney, Washington State Military Department; Oscar Hillman, Veterans Legislative Coalition.

CON: John Worthington, Steve Sarich, Cannacare.