
HOUSE BILL 1035

State of Washington

61st Legislature

2009 Regular Session

By Representatives Hurst, Morrell, Moeller, Kelley, Miloscia, Hunt, Appleton, Chase, and Campbell; by request of Washington Military Department

Prefiled 12/09/08. Read first time 01/12/09. Referred to Committee on State Government & Tribal Affairs.

1 AN ACT Relating to militia records, property, command, and
2 administration; and amending RCW 38.12.020.

3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF WASHINGTON:

4 **Sec. 1.** RCW 38.12.020 and 1989 c 19 s 12 are each amended to read
5 as follows:

6 The adjutant general shall:

7 ~~((1) Keep rosters of all active, reserve, and retired officers of~~
8 ~~the militia, and all other records, and papers required to be kept and~~
9 ~~filed therein, and shall submit to the governor such reports of the~~
10 ~~operations and conditions of the organized militia as the governor may~~
11 ~~require.~~

12 ~~(2))~~ (1) Subject to the orders of the commander-in-chief, command
13 the Washington national guard and recruit, train, maintain, and
14 administer the organized militia of the state of Washington.

15 (2) Supervise the preparation and submission of any records
16 required by the federal government, the governor, or as otherwise
17 required by law.

18 (3) Maintain records of the organized militia and state military

1 department as required by law. The adjutant general may deposit
2 records with the state archivist for historical purposes.

3 ~~(4) Cause ((the military law, and such other military publications~~
4 ~~as may be necessary for the military service, to be prepared and~~
5 ~~distributed at the expense of the state, to the departments and units~~
6 ~~of the organized militia)) to be published and distributed to the~~
7 ~~organized militia at state expense necessary documents or publications,~~
8 ~~to include the Washington code of military justice.~~

9 ~~((+3))~~ (5) Keep just and true accounts of all moneys received and
10 disbursed by ((him or her)) the military department.

11 ~~((+4))~~ (6) Attest all commissions issued to military officers of
12 this state.

13 ~~((+5) Make out and transmit all militia reports, returns, and~~
14 ~~communications prescribed by acts of congress or by direction of the~~
15 ~~department of defense and the national guard bureau.~~

16 ~~(6) Have a seal, and all copies, orders, records, and papers in his~~
17 ~~or her office, duly certified and authenticated under the seal, shall~~
18 ~~be evidence in all cases in like manner as if the originals were~~
19 ~~produced. The seal now used in the office of the adjutant general~~
20 ~~shall be the seal of his or her office and shall be delivered by him or~~
21 ~~her to the successor.))~~

22 (7) Be the custodian of the seal of the office of adjutant general
23 and deliver the same to his or her successor. All orders issued from
24 ~~((his or her))~~ the office of the adjutant general shall be
25 authenticated with the seal. Orders or records under the seal shall be
26 prima facie proof of certification or authenticity.

27 ~~((+7) Make)~~ (8) Promulgate in orders such regulations pertaining
28 to the ((preparation of reports and returns and to the use,
29 maintenance, care, and preservation of property in possession of the
30 state for military purposes, whether belonging to the state or to the
31 United States)) operation and function of the state military department
32 and organized militia, as in his or her opinion the conditions demand.

33 ~~((+8))~~ (9) Attend to the care, preservation, safekeeping, and
34 repairing of ((the arms, ordinance, accoutrements, equipment, and)) all
35 ~~((other))~~ military property belonging to the state, or issued to the
36 state by the United States for military purposes((, and keep accurate
37 accounts thereof)). Any property of the state military department
38 which, after proper inspection, is found unsuitable or no longer needed

1 for use of the (~~state military forces,~~) organized militia shall be
2 disposed of in such manner as the governor shall direct and the
3 proceeds thereof used for replacements in kind or by other needed
4 authorized military supplies, and the adjutant general may execute the
5 necessary instruments of conveyance to effect such sale or disposal.

6 ~~((9))~~ (10) Issue the military property as the necessity of
7 service requires and make purchases for that purpose. ~~((No military
8 property shall be issued or loaned to persons or organizations other
9 than those belonging to the militia, except as permitted by applicable
10 state or federal law.~~

11 ~~(10) Keep on file in his office the reports and returns of military
12 units, and all other writings and papers required to be transmitted to
13 and preserved at the general headquarters of the state militia.~~

14 ~~(11) Keep all records of volunteers commissioned or enlisted for
15 all wars or insurrections, and of individual claims of citizens for
16 service rendered in these wars or insurrections, and he or she shall
17 also)~~

18 (11) Be the custodian of all (~~records,~~) military relics,
19 trophies, colors, and histories (~~relating to such wars~~) now in
20 possession of, or which may be acquired by, the state.

21 ~~((12) Establish and maintain as part of his or her office a bureau
22 of records of the services of the organized militia of the state, and
23 upon request furnish a copy thereof or extract therefrom, attested
24 under seal of his or her office, and such attested copy shall be prima
25 facie proof of service, birthplace, and citizenship.~~

26 ~~(13))~~ (12) Keep a record of all real property owned or used by the
27 state for military purposes, and in connection therewith he or she
28 shall have sole power to execute all leases to acquire the use of real
29 property by the state for military purposes, or lease it to other
30 agencies for use for authorized activities. The adjutant general shall
31 also have full power to execute and grant easements for rights-of-way
32 for construction, operation, and maintenance of utility service, water,
33 sewage, and drainage for such realty.

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