

HOUSE BILL REPORT

HB 2115

As Passed House:
January 31, 2014

Title: An act relating to the composition of the officer promotion board.

Brief Description: Concerning the composition of the officer promotion board.

Sponsors: Representatives Johnson, Appleton, Seaquist, Goodman, Moscoso, Klippert, Morrell, Orwall, Tarleton, Green, Smith, Zeiger, Haler, Ross, Hayes and Walkinshaw; by request of Washington Military Department.

Brief History:

Committee Activity:

Community Development, Housing & Tribal Affairs: 1/16/14, 1/23/14 [DP].

Floor Activity:

Passed House: 1/31/14, 95-0.

Brief Summary of Bill

- Restructures the Officer Promotion Board to consist of at least five voting members who are officers senior in grade to those officers being considered for promotion within the same respective division.

HOUSE COMMITTEE ON COMMUNITY DEVELOPMENT, HOUSING & TRIBAL AFFAIRS

Majority Report: Do pass. Signed by 9 members: Representatives Appleton, Chair; Sawyer, Vice Chair; Johnson, Ranking Minority Member; Holy, Assistant Ranking Minority Member; Gregerson, Hope, Robinson, Santos and Young.

Staff: Sean Flynn (786-7124).

Background:

The state Constitution provides for the organization of the state militia with the Governor serving as Commander-in-Chief. The organized militia consists of the National Guard and the State Guard. The Governor may call the entire militia into active service, but the

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.

National Guard, including the Army National Guard and the Air National Guard, may also be called into federal service. The State Guard is available to serve when the National Guard is called into federal service.

The Governor commissions all officers in the state militia and appoints the Adjutant General to command the state militia. The Officer Promotion Board (OPB) selects commissioned officers for promotion or appointment to fill a vacancy. The composition of the OPB is determined on whether the promotion is for the National or State Guard.

For promotions within the Army National Guard or Air National Guard, respectively, the OPB consists of:

- the Adjutant General;
- the Assistant Adjutant General Army (or Air); and
- the five commanders senior in grade and date of rank in that grade in the Army (or Air) National Guard.

For promotions within the State Guard, the OPB consists of:

- the Adjutant General;
- the Assistant Adjutant General Army; and
- the five commanders senior in grade and date of rank in that grade in the State Guard.

Members of the OPB who are lieutenant colonels are automatically disqualified from selecting an officer for promotion to the rank of colonel. Likewise, lieutenant colonels and colonels are automatically disqualified from selecting an officer for promotion to the rank of brigadier general. Disqualified members are not replaced. An official act of the OPB must be approved by at least four members. If the OPB consists of less than four members, approval must be unanimous.

Summary of Bill:

The OPB is restructured to consist of at least five voting members who are officers senior in grade to those officers being considered for promotion within the same respective division. Any member must be recused from participating in considering the promotion of an officer who is senior in grade to the member. The OPB must include at least one general officer appointed by the adjutant general for consideration of an officer promoted to lieutenant colonel or above.

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) The current makeup of the OPB does not reflect current federal regulatory standards. The Adjutant General should have the flexibility to appoint the best qualified

officers to review and select officers for promotion. The Adjutant General should not sit as a member of the OPB. Instead, the OPB should make recommendations to the Adjutant General using independent judgment.

The changes in the bill will allow the Adjutant General to have flexibility and clarify that all members of the OPB are senior in rank to those being considered for promotion. This would bring the OPB in compliance with the Army and Air Force practices.

(Opposed) None.

Persons Testifying: Representative Johnson, prime sponsor, and Major General Dougherty, Washington National Guard.

Persons Signed In To Testify But Not Testifying: None.