

# HOUSE BILL REPORT

## HB 1137

---

**As Passed House:**  
March 1, 2019

**Title:** An act relating to national guard pay in state active service for wildland fire response duty.

**Brief Description:** Concerning national guard pay in state active service for wildland fire response duty.

**Sponsors:** Representatives Leavitt, Klippert, Kilduff, Boehnke, Gildon, Callan, Reeves, Dolan, Barkis, Appleton, Goodman, Young, Riccelli, Bergquist and Stanford; by request of Military Department.

**Brief History:**

**Committee Activity:**

Housing, Community Development & Veterans: 1/23/19, 1/29/19 [DP];  
Appropriations: 2/18/19, 2/20/19 [DP].

**Floor Activity:**

Passed House: 3/1/19, 95-0.

**Brief Summary of Bill**

- Modifies National Guard pay for active service paid by the state.

---

### HOUSE COMMITTEE ON HOUSING, COMMUNITY DEVELOPMENT & VETERANS

**Majority Report:** Do pass. Signed by 8 members: Representatives Ryu, Chair; Morgan, Vice Chair; Gildon, Assistant Ranking Minority Member; Barkis, Entenman, Frame, Leavitt and Reeves.

**Staff:** Serena Dolly (786-7150).

---

### HOUSE COMMITTEE ON APPROPRIATIONS

**Majority Report:** Do pass. Signed by 32 members: Representatives Ormsby, Chair; Bergquist, 2nd Vice Chair; Robinson, 1st Vice Chair; Stokesbary, Ranking Minority Member; MacEwen, Assistant Ranking Minority Member; Rude, Assistant Ranking Minority Member;

---

*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.*

Caldier, Cody, Dolan, Dye, Fitzgibbon, Hansen, Hoff, Hudgins, Jinkins, Kraft, Macri, Mosbrucker, Pettigrew, Pollet, Ryu, Schmick, Senn, Springer, Stanford, Steele, Sullivan, Sutherland, Tarleton, Tharinger, Volz and Ybarra.

**Staff:** Meghan Morris (786-7119).

**Background:**

The State Militia.

The Washington 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 National Guard may also be called into federal service. The State Guard is available for service when the National Guard is called into federal service.

The Governor may order the state militia into active service, among other purposes, in the event of war or other threat of force or violence against the laws of the state or the United States, for a public disaster, or when otherwise required for the health, safety, or welfare of the public. Officers and enlisted members of the state militia, while in active state service or inactive duty, are entitled to receive the same amount of pay and allowances from the state as provided by federal laws and regulations for officers and enlisted members of the United States Army. State payment is only provided if federal pay and allowances are not authorized. For periods of active state service, officers and enlisted members receive the greater of the amount of the Army pay and benefits, or an amount equal to 1.5 of the federal minimum wage.

Minimum Wage.

As of January 1, 2019, Washington's minimum wage for persons 16 and over is \$12 per hour. The federal minimum wage has been \$7.25 per hour since July 24, 2009.

National Wildfire Coordinating Group.

The National Wildfire Coordinating Group (Group) was established in 1976 to coordinate the wildfire operations of various agencies. The Group also develops standards for training, equipment, aircraft, suppression priorities, and other operational areas. On an annual basis, the Group establishes a pay structure for emergency workers hired to address an immediate fire emergency, extreme fire potential, or other emergency. This pay structure is referred to as the Administratively Determined Pay Plans for Emergency Workers.

**Summary of Bill:**

For periods of active service paid by the state, National Guard pay is set at the greater of:

- pay and allowances equal to that of the United States Armed Forces;
- state minimum wage; or
- for wildland fire response, pay rates established by the National Wildfire Coordinating Group's Administratively Determined Pay Plans for Emergency Workers.

In addition, the Director of the Washington State Military Department must establish a pay structure for wildland fire response that is commensurate with the pay structure of other state agencies providing wildland fire response. The pay structure is subject to the approval of the Office of Financial Management.

**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 (Housing, Community Development & Veterans):**

(In support) State law setting the pay of National Guard members has not been updated in 30 years. When enacted, the state and federal minimum wage were very similar, but now the state minimum wage is much higher. National Guard members become state employees when called into state service. In some cases, they are being paid less than the minimum wage. Most members are paid at 1.5 times federal minimum wage and do not receive federal benefits. This bill ensures National Guard members are paid fairly and creates parity between National Guard members and other firefighters. Many members take time off from higher paying jobs to serve, and the low pay impacts family budgets. It was not much of an issue 10 years ago when the Guard was being called once every 10 years, but now they are being called to state service much more frequently.

(Opposed) None.

**Staff Summary of Public Testimony (Appropriations):**

(In support) State law governing pay for state active service has not been updated in 30 years. As a result, junior ranking enlisted soldiers and airmen earn less than state minimum wage when fighting fires or responding to other domestic emergencies in Washington State.

In 1989 when the law was written, legislators agreed to pay Washington's guardsman the greater of 1-1/2 times the federal minimum wage; or the Army and Air Force base pay. The federal minimum wage has been \$7.25 per hour for nearly a decade while the state minimum wage is now \$12 per hour. Federal military pay for junior soldiers and airmen is around \$6 to \$7 an hour for basic pay. The bulk of the Washington Military Department's response crews are junior ranking soldiers and airmen who are earning about \$10.80 per hour when paid according to the law as written in 1989. Meanwhile, in the team next to soldiers and airmen, equally trained and qualified junior ranking firefighters working for the Department of Natural Resources (DNR) are making \$19 per hour.

House Bill 1137 would set a floor equal to our state's minimum wage and would pay soldiers and airmen trained in firefighting the same rate used by the DNR, which is set by the National Wildfire Coordinating Group. This bill puts equality of pay on the fire line to take care of soldiers and airmen. Fighting wildfires is hazardous and can be deadly. National guardsman deserve this pay.

(Opposed) None.

**Persons Testifying** (Housing, Community Development & Veterans): Representative Leavitt, prime sponsor; Bret Daugherty, Washington National Guard & Washington Military Department; and Scott Humphrey, National Guard Association of Washington.

**Persons Testifying** (Appropriations): Bret Daugherty, Washington National Guard, Washington Military Department; Robert Sweeney, National Guard Association Of Washington; Dick Marcelynas, Veterans Legislative Coalition; and Rex Bruce, City of Dupont.

**Persons Signed In To Testify But Not Testifying** (Housing, Community Development & Veterans): None.

**Persons Signed In To Testify But Not Testifying** (Appropriations): None.