

HOUSE BILL REPORT

HB 1137

As Reported by House Committee On:
Housing, Community Development & Veterans

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].

<p>Brief Summary of Bill</p> <ul style="list-style-type: none">• 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).

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.

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 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:

(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.

Persons Testifying: Representative Leavitt, prime sponsor; Bret Daugherty, Washington National Guard & Washington Military Department; and Scott Humphrey, National Guard Association of Washington.

Persons Signed In To Testify But Not Testifying: None.