

# SENATE BILL REPORT

## SB 5196

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As of February 19, 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:** Senators Hobbs, Zeiger, Bailey, Wagoner, Rolfes, Short, Hunt, Frockt, Palumbo, Kuderer and Mullet; by request of Military Department.

**Brief History:**

**Committee Activity:** State Government, Tribal Relations & Elections: 1/25/19, 1/30/19 [DP-WM].

Ways & Means: 2/12/19.

**Brief Summary of Bill**

- Modifies pay for National Guard members in active state service.
- Directs the adjutant general to establish a pay scale for National Guard wildfire response which takes into account experience and responsibility.

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### SENATE COMMITTEE ON STATE GOVERNMENT, TRIBAL RELATIONS & ELECTIONS

**Majority Report:** Do pass and be referred to Committee on Ways & Means.

Signed by Senators Hunt, Chair; Kuderer, Vice Chair; Zeiger, Ranking Member; Bailey, Hawkins and Takko.

**Staff:** Samuel Brown (786-7470)

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### SENATE COMMITTEE ON WAYS & MEANS

**Staff:** Jed Herman (786-7346)

**Background:** National Guard. The Washington Constitution provides for the organization of the state militia, with the Governor serving as commander-in-chief. The organized militia

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consists of the National Guard and the State Guard, situated in the Military Department under the adjutant general. The Washington National Guard includes more than 8000 soldiers and airmen and is headquartered at Camp Murray, Washington. 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:

- United States Army pay and benefits; or
- an amount equal to one and one-half of the federal minimum wage.

Minimum Wage. As of January 1, 2019, Washington's minimum wage for persons sixteen and over is \$12.00 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. Annually, the Group establishes a pay structure for emergency workers hired to address an immediate fire emergency, extreme fire potential, or other emergency, 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:

- United States armed forces pay and benefits;
- state minimum wage; or
- for wildland fire response, pay rates established by the Administratively Determined Pay Plans for Emergency Workers.

The adjutant general must establish a pay structure for wildland fire response commensurate with the pay structure of other state agencies providing wildland fire response, subject to the approval of the Office of Financial Management. The pay structure must recognize longevity and responsibility of more senior officers.

**Appropriation:** None.

**Fiscal Note:** Available.

**Creates Committee/Commission/Task Force that includes Legislative members:** No.

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

**Staff Summary of Public Testimony (State Government, Tribal Relations & Elections):**

PRO: This bill will let us pay National Guard soldiers what they deserve. Right now, they get paid less than state minimum wage when fighting fires. A lot of these soldiers are young and would get paid more working fast food or retail. This is physical, back-breaking labor, often for up to 16 hours a day. This statute has not been updated in 30 years—back then, the state and federal minimum wage were basically the same.

National Guard members are trained to the same firefighting standard as employees of other agencies and should be paid the same rate. All member organizations of the Veterans Legislative Coalition urge passage of this bill.

**Persons Testifying (State Government, Tribal Relations & Elections):** PRO: Senator Steve Hobbs, Prime Sponsor; Major General Bret Daugherty, Washington Military Department; Amanda Paine, National Guard Association of Washington; Dick Marcelynas, Veterans Legislative Coalition.

**Persons Signed In To Testify But Not Testifying (State Government, Tribal Relations & Elections):** No one.

**Staff Summary of Public Testimony (Ways & Means):** PRO: Our National Guard are being paid less than state minimum wage. Let us set a floor equal to our DNR friends and get our guard members paid fairly.

**Persons Testifying (Ways & Means):** PRO: Senator Steve Hobbs, Prime Sponsor; Major General Bret Daugherty, Commander Washington National Guard, Director Washington Military Department.

**Persons Signed In To Testify But Not Testifying (Ways & Means):** No one.