
**State Government & Tribal Relations
Committee**

HB 1321

Brief Description: Concerning the governor's authority to limit outside militia activities within the state.

Sponsors: Representatives Mena, Ortiz-Self, Parshley, Berry, Reeves, Walen, Gregerson, Ryu, Alvarado, Street, Simmons, Reed, Ormsby, Macri, Ramel, Tharinger, Pollet, Nance, Cortes, Doglio and Scott.

Brief Summary of Bill

- Prohibits a militia from another state from entering Washington unless under the authority of the federal government or with written authorization from the Governor.
- Permits the Governor to withdraw any previously granted authorization.

Hearing Date: 1/29/25

Staff: Connor Schiff (786-7093).

Background:

National Guard.

The National Guard is a state-based military force with units in each state, the territories of Guam, the Virgin Islands, Puerto Rico, and the District of Columbia (D.C.). In general, the National Guard of each state or territory is funded by the state or territory and under the control of the state or territory's governor. The D.C. National Guard is under the sole control of the federal government.

This analysis was prepared by non-partisan legislative staff for the use of legislative members in their deliberations. This analysis is not part of the legislation nor does it constitute a statement of legislative intent.

The National Guard may operate in one of three different statuses: State Active Duty status, Title 10 U.S.C. status, or Title 32 U.S.C. status.

State Active Duty.

A Governor can activate National Guard personnel to "State Active Duty" in response to natural or man-made disasters or Homeland Defense missions. State Active Duty status is regulated under the statutes of each state.

Title 10 of the United States Code.

Title 10 U.S.C. permits the President to order National Guard forces to active duty or call them into federal service. National Guard forces temporarily become part of the federal armed forces and operate under the command and control of the President until returned to state status. Under Title 10 U.S.C. status, the National Guard is considered to be "federalized."

Title 32 of the United States Code.

Title 32 U.S.C. authorizes the National Guard to perform activities specified by Congress and undertake missions at the request of the President or Secretary of Defense. Activities are paid with federal funds, but the National Guard remains under the command and control of the state or territory's governor.

Summary of Bill:

A militia from another state may not enter Washington to enforce state or federal laws unless the militia has received written authorization from the Governor or is called to service under the authority of the federal government. The Governor may withdraw any previously granted authorization, including any compact or agreement. The militia from another state must immediately cease its activities and leave the state upon receiving written notice of withdrawal or denial of entry.

Appropriation: None.

Fiscal Note: Not requested.

Effective Date: The bill contains an emergency clause and takes effect immediately.