

NEW SECTION. Sec. 5. Section 159, chapter 51, Laws of 1970 ex. sess., section 21, chapter 73, Laws of 1971 ex. sess. and RCW 47.17.790 are each repealed.

Passed the Senate March 2, 1984.

Passed the House February 24, 1984.

Approved by the Governor March 15, 1984.

Filed in Office of Secretary of State March 15, 1984.

CHAPTER 198

[Substitute Senate Bill No. 4579]

STATE MILITIA—RETENTION POTENTIAL REVIEW—COMPENSATION CRITERIA

AN ACT Relating to the militia; amending section 1, chapter 72, Laws of 1925 ex. sess. as amended by section 31, chapter 130, Laws of 1943 and RCW 38.12.170; amending section 33, chapter 130, Laws of 1943 and RCW 38.12.180; amending section 43, chapter 130, Laws of 1943 as last amended by section 81, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.24.050; amending section 2, chapter 46, Laws of 1974 ex. sess. and RCW 38.24.060; amending section 40, chapter 130, Laws of 1943 and RCW 38.40.030; repealing section 23, chapter 130, Laws of 1943 and RCW 38.12.090; repealing section 51, chapter 130, Laws of 1943 and RCW 38.24.030; and repealing section 50, chapter 130, Laws of 1943 and RCW 38.24.040.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 1, chapter 72, Laws of 1925 ex. sess. as amended by section 31, chapter 130, Laws of 1943 and RCW 38.12.170 are each amended to read as follows:

The governor may dismiss any commissioned or warrant officer of the organized militia of Washington for any of the following reasons:

- (1) Conviction of an infamous crime((-));
- (2) Absence from his command for more than thirty days without proper leave((-));
- (3) Sentence of dismissal by court martial, duly approved((-));
- (4) Upon muster out of the organization to which (~~such~~) the officer is then assigned((-);
- (5) Acceptance of the resignation of (~~such~~) the officer (~~PROVIDED, That~~), but no officer (~~shall~~) may be discharged or his resignation accepted while under arrest or against whom military charges have been preferred, or until he (~~shall have~~) has turned over to his successor or satisfactorily accounted for all state and federal moneys((-) and military property for which he (~~shall be~~) is accountable or responsible((-);
- (6) Removal of his actual residence to such distance from the station of his command as to render it impracticable for him to perform the duties of his office((-);
- (7) Incompetence or unfitness for military service as determined by the duly approved findings of a board of inquiry appointed for that purpose by the adjutant general.

The adjutant general shall annually appoint and convene qualitative retention boards to review the military personnel records of officers who have completed three or more years service in the Washington state guard to determine their retention potential and acceptability for continuation in an active status. In the conduct of the reviews, the regulation issued by the adjutant general to implement this provision shall conform to the extent practicable to that governing the army national guard.

Sec. 2. Section 33, chapter 130, Laws of 1943 and RCW 38.12.180 are each amended to read as follows:

Commissioned officers of the organized militia of Washington shall be retired by order of the commander-in-chief with the rank respectively held by them at the time of such retirement for the following reasons:

(1) Unfitness for military service by reason of permanent physical disability.

(2) Upon request after at least five years continuous service as an officer in the organized militia of Washington.

Commissioned officers of the ~~((organized militia of Washington))~~ state guard shall upon reaching the age of sixty-four years be retired ~~((by order of the commander-in-chief in the next higher rank to that held at the time of such retirement))~~.

Retired officers shall draw no pay or allowance except when on active duty.

~~((They shall be))~~ Retired officers are subject, with their consent, to temporary detail on active duty by the commander-in-chief, and while on such duty shall receive the same pay and allowances as officers of like rank on the active list.

Sec. 3. Section 43, chapter 130, Laws of 1943 as last amended by section 81, chapter 34, Laws of 1975-'76 2nd ex. sess. and RCW 38.24.050 are each amended to read as follows:

Commissioned officers, warrant officers, and enlisted ~~((men))~~ personnel of the organized militia of Washington, while in active state service, ~~((during encampment or other periods of field training, or on any ordered state duty, or on any active duty, shall be))~~ are entitled to and shall receive the same amount of pay and allowances from the state of Washington as provided by federal laws and regulations for commissioned officers, warrant officers, and enlisted ((men)) personnel of the United States army ~~((: PROVIDED, That))~~ if federal pay and allowances are not authorized. Officers shall receive travel expenses in accordance with RCW 43.03.050 and 43.03.060 ~~((as now existing or hereafter amended: PROVIDED, FURTHER, That))~~. For periods of such active state service ~~((other than for annual field training))~~, commissioned officers, warrant officers, and enlisted ~~((men))~~ personnel of the organized militia of Washington shall receive either such pay and allowances or ~~((twenty-five))~~ thirty dollars per day, whichever is greater.

~~((Extra duty pay or allowances to enlisted men rated as cooks, may be authorized by the commander-in-chief during periods of field service or any other duty for which pay is authorized, but in no case shall such additional extra duty pay or allowances exceed two dollars per day.))~~

The value of articles issued to any ~~((enlisted man))~~ member and not returned in good order on demand, and legal fines or forfeitures, may be deducted from ~~((such enlisted man's))~~ the member's pay.

All ~~((officers not regular state employees))~~ members detailed to serve on any board or commission ordered by the governor, or on any court of inquiry or court martial ordered by proper authority, ~~((shall))~~ may, at the discretion of the adjutant general, be paid a sum equal to one day's active duty for each day actually employed on ~~((such))~~ the board or court or engaged in the business thereof, or in traveling to and from the same; and in addition thereto travel expenses in accordance with RCW 43.03.050 and 43.03.060 as now existing or hereafter amended when such duty ~~((shall be))~~ is at a place other than the city or town of his residence.

Necessary transportation, quartermasters' stores, and subsistence for troops when ordered on state active duty may be contracted for and paid for as are other military bills.

Sec. 4. Section 2, chapter 46, Laws of 1974 ex. sess. and RCW 38.24-.060 are each amended to read as follows:

All members of the organized militia of Washington who are called to state active duty shall, upon return from such duty, have ~~((the same rights of employment or reemployment as they would have if they had been called to active duty in the United States army))~~ those rights accorded under RCW 73.16.031, 73.16.035, 73.16.041, 73.16.051, and 73.16.061.

Sec. 5. Section 40, chapter 130, Laws of 1943 and RCW 38.40.030 are each amended to read as follows:

If any ~~((officer or enlisted man))~~ member of the organized militia is ~~((wounded))~~ injured, incapacitated, or otherwise disabled while in active state service as a member of the military force of the state, he or she shall receive from the state of Washington just and reasonable relief in the amount to be determined as ~~((hereinafter))~~ provided in this section, including necessary medical ~~((aid. In case such officer or enlisted man))~~ care. If the member dies from disease contracted or injury received or is killed while in active state service under order of the governor, then the dependents of ((such)) the deceased shall receive such compensation as may be allowed as ((hereinafter)) provided in this section. If the United States or any agent thereof, in accordance with any federal statute or regulation, furnishes monetary assistance, benefits, or other temporary or permanent relief to militia members or to their dependents for injuries arising out of and occurring in the course of their activities as militia members, but not including Social Security benefits, then the amount of compensation which any militia member or his or her dependents are otherwise entitled to receive from the

state of Washington as provided in this section shall be reduced by the amount of monetary assistance, benefits, or other temporary or permanent relief the militia member or his or her dependents have received and will receive from the United States or any agent thereof as a result of his or her injury. All claims arising under this section shall be inquired into by a board of three officers, at least one being a medical officer, to be appointed by the adjutant general. ~~((Such))~~ The board ~~((to have))~~ has the same power to take evidence, administer oaths, issue subpoenas ~~((and))~~, compel witnesses to attend and testify and produce books and papers, and punish their failure to do so as is possessed by a general court martial. The amount of compensation or benefits payable shall conform as nearly as possible to the general schedule of payments and awards provided under the workmen's compensation law in effect in the state of Washington at the time the disability or death occurred. The findings of the board shall be reviewed by the adjutant general and submitted to the governor for final approval. The reviewing officer or the governor may return the proceedings for revision or for the taking of further testimony. The action of the board when finally approved by the governor ~~((shall be))~~ is final and conclusive and ~~((shall))~~ constitutes the fixed award for ~~((such))~~ the injury or loss and ~~((shall be))~~ is a debt of the state of Washington.

NEW SECTION. Sec. 6. The following acts or parts of acts are each repealed:

- (1) Section 23, chapter 130, Laws of 1943 and RCW 38.12.090;
- (2) Section 51, chapter 130, Laws of 1943 and RCW 38.24.030; and
- (3) Section 50, chapter 130, Laws of 1943 and RCW 38.24.040.

Passed the Senate March 3, 1984.

Passed the House February 26, 1984.

Approved by the Governor March 15, 1984.

Filed in Office of Secretary of State March 15, 1984.

CHAPTER 199

[Substitute Senate Bill No. 4628]

SHERIFFS—CIVIL SERVICE FOR EMPLOYEES

AN ACT Relating to civil service for employees of county sheriffs; amending section 12, chapter 1, Laws of 1959 as last amended by section 1, chapter 133, Laws of 1982 and RCW 41.14.120; and amending section 13, chapter 1, Laws of 1959 as amended by section 4, chapter 153, Laws of 1979 ex. sess. and RCW 41.14.130.

Be it enacted by the Legislature of the State of Washington:

Sec. 1. Section 12, chapter 1, Laws of 1959 as last amended by section 1, chapter 133, Laws of 1982 and RCW 41.14.120 are each amended to read as follows:

No person in the classified civil service who has been permanently appointed or inducted into civil service under provisions of this chapter, shall