

as provided in this section. Such grants shall be made annually on or before the last day of June of each year and shall be made only to those conservation districts that apply for the grants. After all the grant requests have been submitted, the initial grants in any year shall be made so that a conservation district shall not receive a grant in excess of the lesser of: (1) an amount equal to the total moneys obtained by the conservation district from all other sources, other than any grants obtained from the state, during the preceding calendar year; or (2) twenty-two thousand five hundred dollars. If the appropriated moneys are insufficient to make the maximum level of the initial grants, each grant amount shall be reduced by an equal dollar amount until the total amount of the grants is equal to the amount of the appropriation.

However, further grants shall be made to those conservation districts that were limited to grants of twenty-two thousand five hundred dollars if the appropriated moneys are in excess of the amount of the initial distribution of grants, but the total of both grants to any conservation district in any year shall not exceed an amount equal to the total moneys obtained by that conservation district from all other sources, other than any grants obtained from the state, during the preceding calendar year. If the appropriated moneys are insufficient to make the second distribution of grants, each grant under the second distribution shall be reduced by an equal dollar amount until the total amount of all the grants is equal to the amount of the appropriation.

NEW SECTION. Sec. 3. If any provision of this act or its application to any person or circumstance is held invalid, the remainder of the act or the application of the provision to other persons or circumstances is not affected.

Passed the House March 8, 1989.

Passed the Senate April 4, 1989.

Approved by the Governor April 18, 1989.

Filed in Office of Secretary of State April 18, 1989.

CHAPTER 19

[Substitute Senate Bill No. 5097]

STATE MILITIA—REVISED PROVISIONS

AN ACT Relating to the state militia; amending RCW 38.04.010, 38.04.020, 38.04.030, 38.04.040, 38.08.010, 38.08.030, 38.08.040, 38.08.050, 38.08.070, 38.08.090, 38.12.010, 38.12.020, 38.12.030, 38.12.060, 38.12.070, 38.12.095, 38.12.115, 38.12.125, 38.12.150, 38.12.170, 38.12.180, 38.12.200, 38.16.010, 38.16.020, 38.16.030, 38.20.010, 38.20.040, 38.20.050, 38.24.010, 38.24.050, 38.24.060, 38.32.010, 38.32.020, 38.32.070, 38.32.080, 38.32.090, 38.32.120, 38.40.010, 38.40.020, 38.40.030, 38.40.040, 38.40.050, 38.40.060, 38.40.100, 38.40.110, 38.40.120, 38.40.130, 38.44.010, 38.44.020, 38.44.030, 38.44.040, 38.44.050, 38.44.060, and 38.48.050; repealing RCW 38.08.080, 38.40.071, 38.40.080, and 38.40.160; adding new sections to Title 38 RCW; and adding a new section to chapter 38.16 RCW.

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

Sec. 1. Section 12, chapter 130, Laws of 1943 as amended by section 133, chapter 220, Laws of 1963 and RCW 38.04.010 are each amended to read as follows:

When used in this act, the following words, terms, phrases shall have the following meaning:

The word "militia" shall mean the military forces provided for in the Constitution and laws of the state of Washington.

The term "organized militia" shall be the general term to include both state and national guard and whenever used applies equally to all such organizations (~~and shall be analogous to "state military forces" as defined in RCW 38.38.004~~).

The term "national guard" shall mean that part of the military force of the state that is organized, equipped and federally recognized under the provisions of the national defense act of the United States, and, in the event the national guard is called into federal service or in the event the state guard or any part or individual member thereof is called into active state service by the commander-in-chief, the term shall also include the "Washington state guard" or any temporary organization set up in times of emergency to replace either the "national guard" or "state guard" while in actual service of the United States.

The term "state guard" shall mean that part of the military forces of the state that is organized, equipped, and recognized under the provisions of the State Defense Forces Act of the United States (32 U.S.C. Sec. 109, as amended).

The term "active state service" or "active training duty" shall be construed to be any service on behalf of the state, or at encampments whether ordered by state or federal authority or any other duty requiring the entire time of any organization or person except when called or drafted into the federal service by the president of the United States (~~and shall be analogous to "active state duty" as defined in RCW 38.38.004~~).

The term "~~((on active))~~ inactive duty" shall include periods of drill and such other training and service not requiring the entire time of the organization or person, as may be required under state or federal laws, regulations, or orders, including travel to and from such duty (~~and shall be analogous to "duty status other than active state duty" as defined in RCW 38.38.004~~).

The terms "in service of United States" and "not in service of United States" as used herein shall be understood to mean the same as such terms when used in the national defense act of congress and amendments thereto.

The term "military" refers to any or all of the armed forces.

The term "armory" refers to any state-owned building, warehouse, vehicle storage compound, organizational maintenance shop or other facility and the lands appurtenant thereto used by the Washington national guard

for the storage and maintenance of arms or military equipment or the administration or training of the organized militia.

The term "member" refers to a soldier or airman of the organized militia.

Sec. 2. Section 80, chapter 130, Laws of 1943 and RCW 38.04.020 are each amended to read as follows:

Whenever used in this act, the word "officer" shall be understood to designate commissioned and warrant officers, and the words "enlisted men" or "enlisted persons" shall be understood to designate members of the organized militia of Washington other than commissioned or warrant officers. The convictions and punishments mentioned unless otherwise specifically designated, shall be understood to be respectively convictions and punishments by military courts.

Sec. 3. Section 2, chapter 130, Laws of 1943 as last amended by section 55, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.04.030 are each amended to read as follows:

The militia of the state of Washington shall consist of all able bodied citizens of the United States and all other able bodied persons who have ~~((or shall have))~~ declared their intention to become citizens of the United States, residing within this state, who shall be more than eighteen years of age, and shall include all persons who are members of the national guard and the state guard, and said militia shall be divided into two classes, the organized militia and the unorganized militia.

Sec. 4. Section 4, chapter 130, Laws of 1943 and RCW 38.04.040 are each amended to read as follows:

The organized militia of Washington shall consist of the commissioned officers, warrant officers, enlisted ~~((men))~~ persons, organizations, staffs, corps, and departments of the regularly commissioned, warranted and enlisted militia of the state, organized and maintained pursuant to law. Its numerical strength, composition, distribution, organization, arms, uniforms, equipment, training and discipline shall be prescribed by the governor in conformity with, and subject to the limitations imposed by the laws and regulations of the United States and the laws of this state: PROVIDED, HOWEVER, That the minimum enlisted strength of the organized militia of this state shall never be less than two thousand. The organized militia may include persons residing outside the state of Washington.

Sec. 5. Section 5, chapter 130, Laws of 1943 and RCW 38.08.010 are each amended to read as follows:

The governor shall cause the organized militia of this state at all times to conform to all federal laws and regulations as are now or may hereafter from time to time become operative and applicable, notwithstanding anything in the laws of this state to the contrary. Except as and when otherwise specifically provided by federal laws, the organized militia of Washington,

or any part thereof, shall be subject to call for United States service at such times, in such manner, and in such numbers as may from time to time be prescribed by the United States.

In conformity with the provisions of federal statutes, officers and enlisted ~~((men))~~ persons of the organized militia called or drafted into federal service by order or proclamation of the president of the United States, shall upon release from federal service revert to their former status, grade and rank, as members of the organized militia of Washington, and shall continue to serve in the organized militia of Washington until separated therefrom in the manner provided by law.

Sec. 6. Section 8, chapter 130, Laws of 1943 and RCW 38.08.030 are each amended to read as follows:

The governor may by proclamation declare the county or city in which troops are serving, or any specific portion thereof, to be under either complete or limited martial law to the extent, in his or her opinion, that the re-establishment or maintenance of law and order may be promoted.

"Complete martial law" is the subordination of all civil authority to the military;

"Limited military law" is a partial subordination of civil authority by the setting up of an additional police power vested in the military force which shall have the right to try all persons apprehended by it in such area by a military tribunal or turn such offender over to civil authorities within five days for further action, during which time the writ of habeas corpus shall be suspended in behalf of such person.

Sec. 7. Section 6, chapter 130, Laws of 1943 and RCW 38.08.040 are each amended to read as follows:

In event of war, insurrection, rebellion, invasion, tumult, riot, mob, or organized body ~~((of men))~~ acting together by force with intent to commit a felony or to offer violence to persons or property, or by force and violence to break and resist the laws of this state, or the United States, or in case of the imminent danger of the occurrence of any of said events, or whenever responsible civil authorities shall, for any reason, fail to preserve law and order, or protect life or property, or the governor believes that such failure is imminent, or in event of public disaster, the governor shall have power to order the organized militia of Washington, or any part thereof, into active service of the state to execute the laws, and to perform such duty as ~~((he))~~ the governor shall deem proper.

Sec. 8. Section 9, chapter 130, Laws of 1943 and RCW 38.08.050 are each amended to read as follows:

In event of, or imminent danger of, war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process or breach of the peace, if the governor shall have ordered into active service all of the available forces of the organized militia of Washington and shall consider them insufficient in

number to properly accomplish the purpose, he or she may then in addition order out the unorganized militia or such portion thereof as he may deem necessary, and cause them to perform such military duty as the circumstances may require.

Sec. 9. Section 15, chapter 130, Laws of 1943 and RCW 38.08.070 are each amended to read as follows:

Whenever the governor shall desire the attendance of a personal staff upon any occasion, he or she shall detail therefor officers from the active list of the organized militia of Washington; the officers detailed shall attend in uniform and shall constitute the personal staff of the governor for that occasion, reverting upon completion of such duty to their regular assignments.

Sec. 10. Section 92, chapter 130, Laws of 1943 as amended by section 1, chapter 86, Laws of 1969 ex. sess. and RCW 38.08.090 are each amended to read as follows:

The governor, through the adjutant general, shall promulgate in orders such rules (~~and regulations~~) and amendments (~~thereto~~) not inconsistent with law as (~~he~~) the governor may deem necessary for the organization, maintenance and training of the militia, and the acquisition, use, issue or disposal of military property. The governor's regulatory powers herein with respect to military property shall include reasonable authority to make regulations controlling the use and temporary disposal of military property including real property for civic purposes where consistent with federal law and regulations, in a manner similar to the law pertaining to the use of armories. (~~Such rules and~~) The adopted regulations (~~when so promulgated~~) shall have the same force and effect as (~~though herein~~) if enacted.

Sec. 11. Section 2, chapter 250, Laws of 1957 as amended by section 3, chapter 338, Laws of 1981 and RCW 38.12.010 are each amended to read as follows:

The governor, with the advice and consent of the senate, shall appoint an adjutant general who shall be chief of staff to the governor, and may be removed by the governor at will. (~~He~~) The adjutant general shall appoint the civilian employees and other personnel of (~~his~~) the department and may remove any of them in (~~his discretion~~) accordance with applicable law.

The expenses of the adjutant general's department, necessary to the military service, shall be audited, allowed, and paid as other military expenditures.

The adjutant general must execute an official bond running to the state in the penal sum of twenty thousand dollars conditioned for the faithful performance of his or her duties. The bond shall be submitted to the attorney general for approval, and when approved shall be filed in the office of the secretary of state. The cost of the bond shall be paid by the state.

The adjutant general may obtain and pay for, from funds appropriated for military purposes, a surety bond or bonds running to the state covering such officers of the organized militia responsible to the state for money or military property, as may be advisable to insure proper accountability. The bond or bonds shall be approved and filed in the same manner as the adjutant general's bond.

Sec. 12. Section 3, chapter 250, Laws of 1957 as amended by section 32, chapter 75, Laws of 1977 and RCW 38.12.020 are each amended to read as follows:

~~((+))~~ The adjutant general shall:

(1) Keep rosters of all active, reserve, and retired officers of the militia, and all other records, and papers required to be kept and filed therein, and shall submit to the governor such reports of the operations and conditions of the organized militia as the governor may require.

(2) ~~((He shall))~~ Cause the military law, and such other military publications as may be necessary for the military service, to be prepared and distributed at the expense of the state, to the ~~((commissioned officers))~~ departments and units of the organized militia.

(3) ~~((He shall))~~ Keep just and true accounts of all monies received and disbursed by him or her.

(4) ~~((He shall))~~ Attest all commissions issued to military officers of this state.

(5) ~~((He shall))~~ Make out and transmit all militia reports, returns, and communications prescribed by acts of congress or by direction of the ~~((War))~~ department of defense and the national guard bureau.

(6) ~~((He shall))~~ Have a seal, and all copies, orders, records, and papers in his or her office, duly certified and authenticated under the seal, shall be evidence in all cases in like manner as if the originals were produced. The seal now used in the office of the adjutant general shall be the seal of his or her office and shall be delivered by him or her to ~~((his))~~ the successor. All orders issued from his or her office shall be authenticated with the seal.

(7) ~~((He shall))~~ Make such regulations pertaining to the preparation of reports and returns and to the use, maintenance, care, and preservation of property in possession of the state for military purposes, whether belonging to the state or to the United States, as in his or her opinion the conditions demand.

(8) ~~((He shall))~~ Attend to the care, preservation, safekeeping, and repairing of the arms, ordinance, accoutrements, equipment, and all other military property belonging to the state, or issued to the state by the United States for military purposes, and keep accurate accounts thereof. Any property of the state military department which, after proper inspection, is found unsuitable or no longer needed for use of the state military forces, shall be disposed of in such manner as the governor shall direct and the proceeds

thereof used for replacements in kind or by other needed authorized military supplies, and the adjutant general may execute the necessary instruments of conveyance to effect such sale or disposal.

(9) ~~((He shall))~~ Issue the military property as the necessity of service requires and make purchases for that purpose. No military property shall be issued or loaned to persons or organizations other than those belonging to the militia, except ~~((in an emergency and then only with the approval of the adjutant general))~~ as permitted by applicable state or federal law.

(10) ~~((He shall))~~ Keep on file in his office the reports and returns of military units, and all other writings and papers required to be transmitted to and preserved at the general headquarters of the state militia.

(11) ~~((He shall))~~ Keep all records of volunteers commissioned or enlisted for all wars or insurrections, and of individual claims of citizens for service rendered in these wars or insurrections, and he or she shall also be the custodian of all records, relics, trophies, colors, and histories relating to such wars now in possession of, or which may be acquired by the state.

(12) ~~((He shall))~~ Establish and maintain as part of his or her office a bureau of records of the services of the organized militia of the state, and upon request furnish a copy thereof or extract therefrom, attested under seal of his or her office, and such attested copy shall be prima facie proof of service, birthplace, and citizenship.

(13) ~~((He shall))~~ Keep a record of all real property owned or used by the state for military purposes, and in connection therewith he or she shall have sole power to execute all leases to acquire the use of real property by the state for military purposes, or lease it to other agencies for use for authorized activities. ((He)) The adjutant general shall also have full power to execute and grant easements for rights of way for construction, operation, and maintenance of utility service, water, sewage, and drainage for such realty.

Sec. 13. Section 21, chapter 130, Laws of 1943 as last amended by section 1, chapter 218, Laws of 1983 and RCW 38.12.030 are each amended to read as follows:

Whenever a vacancy has occurred, or is about to occur in the office of the adjutant general, the governor shall order to active service for that position from the active list of the Washington army national guard or Washington air national guard an officer not below the rank of a field grade officer who has had at least ten years service as an officer on the active list of the Washington army national guard or the Washington air national guard during the fifteen years next prior to such detail. The officer so detailed shall during the continuance of his or her service as the adjutant general hold the rank of a general officer.

Whenever a vacancy has occurred, or is about to occur, in the offices of assistant adjutants general for the Washington army national guard or the Washington air national guard, the adjutant general with the concurrence

of the governor may appoint an officer of the army national guard or the air national guard, who has had at least ten years service in the active list of his respective branch during the fifteen years next prior to such detail. The officer so detailed, may during the continuance of his service as assistant adjutant general hold the rank of a general officer.

If, by reason of the call or draft of officers of the Washington army national guard and/or air national guard into federal service, there is no officer of the Washington national guard available for detail as the adjutant general or as an assistant adjutant general who possesses the requisite qualifications, the governor may appoint any officer or former officer of the organized militia of Washington as acting adjutant general or as an acting assistant adjutant general. If the officers on detail as the adjutant general or as assistant adjutants general are appointed, called, or drafted into the military service of the United States by order or proclamation of the president, they shall be granted leaves of absence by the governor, and are entitled, upon release from federal service, to return to their former status as adjutant general or as assistant adjutants general of Washington, and during the period that they are in federal service, the duties of these offices shall be performed by an acting adjutant general and acting assistant adjutants general, appointed by the governor, as provided in this section, who shall receive the same pay provided for the adjutant general and/or assistant adjutants general respectively, during the period of such assignments.

The adjutant general shall receive an annual salary equal to the base pay of a major general in the United States army. The assistant adjutant general for the Washington army national guard and the assistant adjutant general for the Washington air national guard shall each receive an annual salary equal to the base pay of an officer of equivalent grade in the United States army or United States air force but not to exceed that of a brigadier general. So long as a member of the judiciary of the state of Washington is available for judicial work at such times and under such conditions as may be set forth by local rules and custom, that member may serve as an active member of the national guard or air national guard.

Sec. 14. Section 19, chapter 130, Laws of 1943 as amended by section 41, chapter 292, Laws of 1971 ex. sess. and RCW 38.12.060 are each amended to read as follows:

All commissioned and warrant officers of the organized militia of Washington shall be appointed and commissioned or warranted by the governor only as hereinafter provided. No person shall be so appointed and commissioned or warranted unless he or she shall be a citizen of the United States and of this state and more than eighteen years of age. Every commissioned and warranted officer shall hold office under his or her commission or warrant until he or she shall have been regularly appointed and commissioned or warranted to another rank or office, or until he or she shall have been regularly retired, discharged, dismissed or placed in the reserve.

Sec. 15. Section 20, chapter 130, Laws of 1943 and RCW 38.12.070 are each amended to read as follows:

No person shall be appointed and commissioned or warranted to any office in the organized militia of Washington unless he or she shall have been examined and adjudged qualified therefor by an examining board, appointed by the adjutant general, and whose report shall have been approved by the authority appointing the board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be as prescribed by the laws or regulations of the United States or those of this state. Whenever a commissioned officer shall have been examined for promotion pursuant to this section and shall have been adjudged not qualified therefor, upon approval by the authority appointing the board of its report to that effect such officer (~~shall~~) may be honorably discharged, retired or placed in the reserve as the governor shall direct.

Sec. 16. Section 1, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.095 are each amended to read as follows:

Whenever a commissioned officer is to be appointed or promoted either to fill a vacancy in the organized militia (Washington army national guard, Washington air national guard and the Washington state guard) or for any other reason, the officer to be appointed or promoted shall be selected by the officer promotion board(~~(= PROVIDED, HOWEVER, That)~~). This selection in no way will change the powers of the governor under RCW 38.12.060(= AND PROVIDED FURTHER, HOWEVER, That). This section in no way applies to appointments or promotions to adjutant general or assistant adjutant general, to the appointment of officers to the rank of captain, lieutenant, or warrant officer, or to the promotion of second lieutenants, first lieutenants, or warrant officers.

Sec. 17. Section 3, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.115 are each amended to read as follows:

The officer promotion board will meet from time to time as directed by the adjutant general. The board will select the best qualified officer for each promotion to be made in the organized militia, (~~(will approve or disapprove the appointment of all of the commissioned officers in the organized militia;)~~) and will do any other act pertaining thereto directed by the adjutant general or allowed or directed by statute.

Sec. 18. Section 4, chapter 34, Laws of 1974 ex. sess. and RCW 38.12.125 are each amended to read as follows:

The officer promotion board shall be composed as follows:

(1) For promotions or appointments of army national guard officers, the board will consist of the adjutant general, the assistant adjutant general army, and the five (~~(senior)~~) commanders senior in grade and date of rank in that grade in the Washington army national guard(= PROVIDED, HOWEVER, That). If the board is selecting an officer for promotion to

the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced(~~(-PROVIDED FURTHER, HOWEVER, That))~~. If the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

(2) For promotions or appointments of air national guard officers, the board will consist of the adjutant general, the assistant adjutant general air, and the five ~~((senior))~~ commanders senior in grade and date of rank in that grade in the Washington air national guard(~~(-PROVIDED, HOWEVER, That))~~. If the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced(~~(-PROVIDED FURTHER, HOWEVER, That))~~. If the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

(3) For promotions or appointments of state guard officers, the board will consist of the adjutant general, the assistant adjutant general army, and the five ~~((senior))~~ officers senior in grade and in date of rank in that grade in the state guard(~~(-PROVIDED, HOWEVER, That))~~. If the board is selecting an officer for promotion to the rank of colonel, any member of the board who is a lieutenant colonel will be automatically disqualified and will not be replaced(~~(-PROVIDED FURTHER, HOWEVER, That))~~. If the board is selecting an officer for promotion to the rank of brigadier general, any member of the board who is a lieutenant colonel or who is a colonel will be automatically disqualified and will not be replaced.

Sec. 19. Section 29, chapter 130, Laws of 1943 and RCW 38.12.150 are each amended to read as follows:

Every officer, duly commissioned or warranted shall within such time as may be provided by law or by regulations, take the oath of office prescribed by law, and give bond, if required. In case of neglect or refusal so to do, ~~((he))~~ the officer shall be considered to have resigned such office and a new appointment may be made as provided by law.

Sec. 20. Section 1, chapter 72, Laws of 1925 ex. sess. as last amended by section 1, chapter 198, Laws of 1984 and RCW 38.12.170 are each amended to read as follows:

The governor may ~~((dismiss))~~ terminate the membership of 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 or her 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 the officer is then assigned;

(5) Acceptance of the resignation of the officer, but no officer may be discharged or his or her resignation accepted while under arrest or against whom military charges have been preferred, or until he or she has turned over to his or her successor or satisfactorily accounted for all state and federal moneys and military property for which he or she is accountable or responsible;

(6) Removal of his or her actual residence to such distance from the station of his or her command as to render it impracticable for him or her to perform the duties of his or her office;

(7) Incompetence or unfitness for military service as determined by the duly approved findings of a board of ~~((inquiry))~~ officers 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. 21. Section 33, chapter 130, Laws of 1943 as amended by section 2, chapter 198, Laws of 1984 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 state guard shall upon reaching the age of sixty-four years be retired.

Retired officers shall draw no pay or allowance ~~((except when on active duty))~~ from the state unless recalled to service.

Retired officers are subject, with their consent, to temporary detail on active ~~((duty))~~ state service 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. 22. Section 37, chapter 130, Laws of 1943 as amended by section 1, chapter 93, Laws of 1982 and RCW 38.12.200 are each amended to read as follows:

Every commissioned officer of the organized militia of Washington shall within sixty days from the date of the order whereby he or she shall

have been appointed, provide ((himself)) at ((his)) the officer's own expense, with the uniform and equipment prescribed by the governor for his or her rank and assignment.

There shall be audited and may be paid, at the option of the adjutant general, to each properly uniformed and equipped officer of the active list of the organized militia of Washington, not in federal service an initial uniform allowance of one hundred dollars and annually thereafter for each twelve months state service an additional uniform allowance of fifty dollars, subject to such regulations as the commander-in-chief may prescribe to be audited and paid upon presentation of proper voucher.

NEW SECTION. Sec. 23. A new section, to be codified as RCW 38.14.006, is added to Title 38 RCW to read as follows:

The Washington state guard will be available to serve, at the call of the governor in the place of the national guard of the state of Washington under the provisions of this title when the national guard is in the service of the United States, or when otherwise ordered to active state service by the governor. The Washington state guard shall consist of commissioned and warrant officers and enlisted persons commissioned, warranted, or enlisted under the provisions of this title. Persons enlisted under section 30 of this act shall be enrolled in accordance with regulations promulgated by the adjutant general.

NEW SECTION. Sec. 24. A new section, to be codified as RCW 38.14.012, is added to Title 38 RCW to read as follows:

No member of the Washington state guard shall by reason of such membership be exempt from federal military service under the laws of the United States.

NEW SECTION. Sec. 25. A new section, to be codified as RCW 38.14.018, is added to Title 38 RCW to read as follows:

Members of the Washington state guard shall serve without pay except when on active state service with the state as defined in RCW 38.04.010, or when serving on inactive duty as defined in RCW 38.04.010 under orders of the governor specifically authorizing pay. When ordered to active state service or when serving on inactive duty in a pay status, members of the Washington state guard will be paid as prescribed for members of the national guard in RCW 38.24.050, except longevity adjustments for pay will be based solely on total service with the Washington state guard.

NEW SECTION. Sec. 26. A new section, to be codified as RCW 38.14.024, is added to Title 38 RCW to read as follows:

The governor may obtain from the federal government such arms and other equipment and supplies as may be available for issue, donation or loan for the use of the Washington state guard. When such property is provided by the federal government, it will be utilized, maintained, and disposed of in

accordance with federal requirements and with property rules and regulations promulgated under the provisions of RCW 38.08.090.

NEW SECTION. Sec. 27. A new section, to be codified as RCW 38.14.030, is added to Title 38 RCW to read as follows:

Members of the Washington state guard may participate in such training opportunities as may be available from the federal government and as approved by the adjutant general. Where required as a condition of such participation, the military department may reimburse the federal government for the costs of such training.

NEW SECTION. Sec. 28. A new section, to be codified as RCW 38.14.036, is added to Title 38 RCW to read as follows:

The adjutant general shall establish by regulation qualifications for appointment of commissioned and warrant officers in the Washington state guard.

Sec. 29. Section 35, chapter 130, Laws of 1943 and RCW 38.16.010 are each amended to read as follows:

The period of enlistment in the ~~((organized militia of))~~ Washington national guard shall ~~((be for three years. PROVIDED, That no original enlistment may be consummated unless the term thereof can be completed before the applicant attains the age of sixty-four))~~ conform to the laws and regulations of the United States department of defense governing such enlistments including the term of such enlistments and the maximum and minimum age of enlistment.

NEW SECTION. Sec. 30. A new section is added to chapter 38.16 RCW to read as follows:

The period of enlistment in the Washington state guard shall be set by regulation by the adjutant general: PROVIDED, That no original enlistment may be consummated unless the term thereof can be completed before the applicant attains the age of sixty-four.

Sec. 31. Section 36, chapter 130, Laws of 1943 and RCW 38.16.020 are each amended to read as follows:

An enlisted ~~((man))~~ person discharged from service in the organized militia of Washington shall receive a notice of discharge in writing in such form and classification as is or shall be prescribed by law or regulations, and in time of peace discharges may be given prior to the expiration of terms of enlistment under such regulations as may be prescribed by competent authority.

Sec. 32. Section 34, chapter 130, Laws of 1943 and RCW 38.16.030 are each amended to read as follows:

The inactive national guard ~~((reserve))~~ of this state shall respectively be organized by the governor in regulations ~~((conforming))~~ in conformance with the laws, rules and regulations of the United States. It shall consist of such organizations, officers and enlisted men as the governor shall prescribe.

No commissioned officer shall be transferred or furloughed to the national guard reserve without ~~((his))~~ the officer's written consent, except as otherwise expressly provided by law. Any officer of the inactive national guard ~~((reserve))~~ may be restored to the active list by order of the governor, subject to the same examination as in the case of an original appointment to his or her rank, and in such event his or her service in ~~((reserve))~~ the inactive national guard shall not be counted in computing total length of service for relative seniority.

Sec. 33. Section 93, chapter 130, Laws of 1943 as last amended by section 1, chapter 295, Laws of 1985 and RCW 38.20.010 are each amended to read as follows:

Except as provided in this section, state-owned armories shall be used strictly for military purposes.

(1) One room, together with the necessary furniture, heat, light, and janitor service, may be set aside for the exclusive use of bona fide veterans' organizations subject to the direction of the officer in charge. Members of these veterans' organizations and their auxiliaries shall have access to the room and its use at all times.

(2) A bona fide veterans' organization may use any state armory for athletic and social events without payment of rent whenever the armory is not being used by the organized militia. The adjutant general may require the veterans' organization to pay the cost of heating, lighting, or other miscellaneous expenses incidental to this use.

(3) The adjutant general may, during an emergency, permit transient lodging of service personnel in armories.

(4) The adjutant general may, upon the recommendation of the executive head or governing body of a county, city or town, permit transient lodging of anyone in armories. The adjutant general may require the county, city or town to pay no more than the actual cost of staffing, heating, lighting and other miscellaneous expenses incidental to this use.

(5) Civilian rifle clubs affiliated with the National Rifle Association of America are permitted to use ~~((rifle))~~ small arms ranges in the armories at least one night each week under regulations prescribed by the adjutant general.

(6) State-owned armories shall be available, at the discretion of the adjutant general, for use for casual civic purposes, and amateur and professional sports and theatricals upon payment of fixed rental charges and compliance with regulations of the state military department. Children attending primary and high schools have a preferential right to use these armories.

The adjutant general shall prepare a schedule of rental charges, including a cleaning deposit, and utility costs for each state-owned armory which may not be waived except for activities sponsored by the organized militia or activities provided for in subsection (4) of this section. The rental

charges derived from armory rentals less the cleaning deposit shall be paid into the state general fund.

Sec. 34. Section 98, chapter 134, Laws of 1909 and RCW 38.20.040 are each amended to read as follows:

All armories and ~~((rifle))~~ small arms ranges and all property, real or personal, used by the national guard and not owned by the state of Washington or the United States, shall be leased or rented to the state upon such terms and conditions as shall be approved by the commander-in-chief.

Sec. 35. Section 91, chapter 130, Laws of 1943 and RCW 38.20.050 are each amended to read as follows:

Under the direction of the governor, the adjutant general shall, at the expense and in the name of the state, buy or lease, establish, equip, maintain and control such ~~((rifle))~~ small arms ranges and issue such ammunition, transportation and supplies as may be necessary to provide each unit of the organized militia of Washington with adequate means and opportunity for thorough instruction in ~~((rifle))~~ small arms practice.

Sec. 36. Section 42, chapter 130, Laws of 1943 as amended by section 14, chapter 106, Laws of 1973 and RCW 38.24.010 are each amended to read as follows:

All bills, claims and demands for military purposes shall be certified or verified and audited in the manner prescribed by regulations promulgated by the governor and shall be paid by the state treasurer from funds available for that purpose~~((PROVIDED, HOWEVER, That))~~. In all cases where the organized militia, or any part ((thereof)) of the organized militia, is called into the service of the state in case of war, riot, insurrection, invasion, breach of the peace, ((or)) to execute or enforce the laws, public disaster, or the imminent danger of the occurrence of any of these events, warrants for allowed pay and expenses for such services or compensation for injuries or death shall be drawn upon the general fund of the state treasury and paid out of any moneys in said fund not otherwise appropriated. All such warrants shall be the obligation of the state and shall bear interest at the legal rate from the date of their presentation for payment.

Sec. 37. Section 43, chapter 130, Laws of 1943 as last amended by section 3, chapter 198, Laws of 1984 and RCW 38.24.050 are each amended to read as follows:

Commissioned officers, warrant officers, and enlisted personnel of the organized militia of Washington, while in active state service or inactive duty, 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 personnel of the United States army only if federal pay and allowances are not authorized. ~~((Officers shall receive travel expenses in accordance with RCW 43-03-050 and 43-03-060.))~~ For periods of such active state service,

commissioned officers, warrant officers, and enlisted personnel of the organized militia of Washington shall receive either such pay and allowances or ((thirty dollars per day)) an amount equal to one and one-half of the federal minimum wage, whichever is greater.

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

If federal pay and allowances are not authorized, all 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, may, at the discretion of the adjutant general, be paid a sum equal to one day's active ((duty)) state service for each day actually employed on 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 is at a place other than the city or town of his residence.

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

Sec. 38. Section 2, chapter 46, Laws of 1974 ex. sess. as amended by section 4, chapter 198, Laws of 1984 and RCW 38.24.060 are each amended to read as follows:

All members of the organized militia of Washington who are called to active state ((active duty)) service or inactive duty shall, upon return from such duty, have those rights accorded under RCW 73.16.031, 73.16.035, 73.16.041, 73.16.051, and 73.16.061.

Sec. 39. Section 82, chapter 130, Laws of 1943 as amended by section 134, chapter 220, Laws of 1963 and RCW 38.32.010 are each amended to read as follows:

Any ((officers and men)) member of the organized militia on duty status as provided in RCW 38.38.624, or within state armories, committing offenses against the laws of the state, shall be promptly arrested by the military authorities and turned over to the civil authorities of the county or city in which the offense was committed.

Sec. 40. Section 81, chapter 130, Laws of 1943 as amended by section 135, chapter 220, Laws of 1963 and RCW 38.32.020 are each amended to read as follows:

Offenses under chapter 38.38 RCW committed while on ((active)) inactive duty or active state service as defined in RCW 38.04.010 may be tried and punished as provided under chapter 38.38 RCW after this ((active)) duty or service has terminated, and if found guilty the accused shall be punished accordingly. Any ((officers and men)) member of the organized

militia on "inactive duty" or "active state service," as defined in RCW 38.04.010, committing any offense under chapter 38.38 RCW, where the offense charged is also made an offense by the civil law of this state, may, in the discretion of the officer whose duty it is to approve the charge, be turned over to the proper civil authorities for trial.

Any (~~officers and men~~) member of the organized militia on "inactive duty" or "active state service," as defined in RCW 38.04.010, committing any offense under chapter 38.38 RCW, may, if such offense is committed upon a military reservation of the United States within this state, be turned over to the civil authorities for trial as provided by federal law.

Sec. 41. Section 84, chapter 130, Laws of 1943 as amended by section 139, chapter 220, Laws of 1963 and RCW 38.32.070 are each amended to read as follows:

If any (~~soldier~~) member is known to have removed from the state, and, through ignorance or neglect, has failed to apply for discharge, (~~his~~) the discharge may be requested by his or her immediate commanding officer.

Sec. 42. Section 10, chapter 130, Laws of 1943 and RCW 38.32.080 are each amended to read as follows:

Any member of the militia who shall have been ordered out for either state or federal service and who shall refuse or wilfully or negligently fail to report at the time and place and to the officer designated in the order or to the representative or successor of such officer, shall be deemed guilty of desertion, and shall suffer such penalty as a general court martial may direct, unless he or she shall produce a sworn certificate from a licensed physician of good standing that he or she was physically unable to appear at the time and place designated(~~(- PROVIDED, That))~~. Any person chargeable with desertion under this section may be taken by force and compelled to serve.

Sec. 43. Section 11, chapter 130, Laws of 1943 and RCW 38.32.090 are each amended to read as follows:

Any physician who shall knowingly make and deliver a false certificate of physical disability concerning any member of the militia who shall have been ordered out or summoned for active service shall be guilty of perjury and, upon conviction, as an additional penalty, shall forfeit forever his or her license and right to practice (~~his profession~~) in this state.

Sec. 44. Section 52, chapter 130, Laws of 1943 as amended by section 137, chapter 220, Laws of 1963 and RCW 38.32.120 are each amended to read as follows:

The commanding officer at any drill, parade, encampment or other duty may place in arrest for the time of such drill, parade, encampment or other duty any person or persons who shall trespass on the camp grounds, parade grounds, rifle range or armory, or in any way or manner interrupt or molest the orderly discharge of duty of those on duty, or who shall disturb

or prevent the passage of troops going to or returning from any regularly ordered tour of duty; and ~~((he))~~ may prohibit and prevent the sale or use of all spirituous liquors, wines, ale or beer, or holding of huckster or auction sales, and all gambling therein, and remove disorderly persons beyond the limits of such parade or encampment, or within a distance of two miles therefrom, and ~~((he))~~ the commanding officer shall have full authority to abate as common nuisances all disorderly places, and bar all unauthorized sales within such limits. Any person violating any of the provisions of this section, or any order issued in pursuance thereof, shall be guilty of a misdemeanor, and upon conviction shall be fined not more than one hundred dollars, or imprisoned not more than thirty days, or by both such fine and imprisonment.

No license or renewal thereof shall be issued or granted to any person, firm or corporation for the sale of intoxicating or spirituous liquors within a distance of three hundred feet from any armory used by the state of Washington for military purposes, without the approval of the adjutant general.

Sec. 45. Section 13, chapter 130, Laws of 1943 and RCW 38.40.010 are each amended to read as follows:

Members of the militia ordered into active service of the state by any proper authority shall not be liable civilly or criminally for any act or acts done by them while on such duty nor shall any action lie against any officer or enlisted ~~((man))~~ person for any acts done by ~~((him))~~ the officer or enlisted person in line of duty by virtue of any order which may thereafter be held invalid by any civil court. When a suit or proceeding shall be commenced in any court by any person against any officer or enlisted ~~((man))~~ person of the militia for any act done by such officer or enlisted ~~((man))~~ person in his or her official capacity or in the discharge of any duty, or against any person acting under the authority or order of such officer or by virtue of any warrant issued pursuant to law, the defendant may require the person prosecuting or instituting the proceeding to give security for the payment of all costs that may be awarded to the defendant, and the defendant in all cases may make a general denial and, under such general denial, give all other or any special defense matter in evidence. In case the plaintiff shall be nonsuited or the verdict or judgment be in favor of the defendant, treble costs shall be assessed against the plaintiff. The defendant in such action shall be defended by the attorney general at the expense of the state, but private counsel may also be employed by the defendant. The venue of all such actions shall be Thurston county and the state of Washington shall be in all cases a necessary party defendant.

Sec. 46. Section 14, chapter 130, Laws of 1943 and RCW 38.40.020 are each amended to read as follows:

The commanding officer of any of the military forces of the state of Washington engaged under the order of proper authority in the suppression

of insurrection, the dispersion of a mob, the protection of life or property, or the enforcement of the laws, shall exercise (~~his~~) discretion as to the propriety of the means to be used in controlling or dispersing of any mob or other unlawful assembly and, if he or she exercises his or her honest judgment thereon, he or she shall not be liable in either a civil or criminal action for any act done in line of duty.

Sec. 47. Section 40, chapter 130, Laws of 1943 as last amended by section 5, chapter 185, Laws of 1987 and RCW 38.40.030 are each amended to read as follows:

If any member of the organized militia is injured, incapacitated, or otherwise disabled while in active state service or inactive duty as a member of the (~~(military force of the state))~~ organized militia, he or she shall receive from the state of Washington just and reasonable relief in the amount to be determined as provided in this section, including necessary medical care. If the member dies from disease contracted or injury received or is killed while in active state service or inactive duty under order of the governor, then the dependents of the deceased shall receive such compensation as may be allowed as 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. The board has the same power to take evidence, administer oaths, issue subpoenas, 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 workers' 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 is final and conclusive and constitutes the fixed award for the injury or loss and is a debt of the state of Washington.

Sec. 48. Section 46, chapter 130, Laws of 1943 and RCW 38.40.040 are each amended to read as follows:

A person, who either (~~(by himself)~~) alone, or with another, wilfully deprives a member of the organized militia of Washington of his or her employment or prevents(~~(-by himself or another,)~~) such member being employed, or obstructs or annoys said member or his or her employer in (~~(his)~~) their trade, business or employment, because he or she is such member, or dissuades any person from enlisting in said organized militia by threat or injury to him or her in (~~(his)~~) their employment, trade or business, in case he or she shall so enlist, shall be guilty of a gross misdemeanor and on conviction thereof shall be fined in a sum not exceeding five hundred dollars, or imprisonment in the county jail not more than six months, or by both such fine and imprisonment.

Sec. 49. Section 48, chapter 130, Laws of 1943 and RCW 38.40.050 are each amended to read as follows:

No member of the organized militia of Washington shall be discharged by his or her employer by reason of the performance of any military duties upon which he or she may be ordered. When any member of the organized militia of Washington is ordered upon active state service or inactive duty which takes (~~(him)~~) the member from his or her employment (~~(he)~~) the member may apply upon the termination of such duty to be restored to his or her position and employment, and if the tour of duty shall have continued for a period not longer than three months, any employer or the officer or manager of any firm or corporation having authority to reemploy such member and failing to do so shall be guilty of a gross misdemeanor, and on conviction thereof shall be fined in any sum not exceeding five hundred dollars, or imprisonment in the county jail for a period not exceeding six months, or by both such fine and imprisonment.

Sec. 50. Section 1, chapter 113, Laws of 1939 as amended by section 1, chapter 236, Laws of 1957 and RCW 38.40.060 are each amended to read as follows:

Every officer and employee of the state or of any county, city, or other political subdivision thereof who is a member of the Washington national guard or of the army, navy, air force, coast guard, or marine corps reserve of the United States, or of any organized reserve or armed forces of the United States shall be entitled to and shall be granted military leave of absence from such employment for a period not exceeding fifteen days during each calendar year. Such leave shall be granted in order that the person may take part in active training duty in such manner and at such time as he may be ordered to active training duty. Such military leave of absence shall be in addition to any vacation or sick leave to which the officer or employee might otherwise be entitled, and shall not involve any loss of efficiency rating, privileges, or pay. During the period of military leave, the officer or

employee shall receive from the state, or the county, city, or other political subdivision, his or her normal pay.

Sec. 51. Section 53, chapter 130, Laws of 1943 and RCW 38.40.100 are each amended to read as follows:

Orders for duty may be oral or written. Officers and enlisted ~~((men))~~ persons may be warned for duty as follows: Either by stating the substance of the order, or by reading the order to the person warned, or by delivering a copy of such order to such person, or by leaving a copy of such order at his or her last known place of abode or business, with some person of suitable age and discretion, or by sending a copy of such order or notice containing the substance thereof, to such ~~((man))~~ person by mail, directed to ~~((him-at))~~ his or her last known place of abode or business. Orders may be transmitted by telegraph or telephone. Such warning may be given by any officer or authorized enlisted ~~((man))~~ person. The officer or enlisted ~~((man))~~ person giving such warning shall, when required, make a return thereof, containing the names of persons warned and the time, place and manner of warning. Such returns shall be verified on oath and shall be prima facie evidence, on the trial of any person returned as a delinquent, of the facts therein stated.

Sec. 52. Section 47, chapter 130, Laws of 1943 and RCW 38.40.110 are each amended to read as follows:

No club, society, association, corporation, employer, or organization shall by any constitution, rule, bylaws, resolution, vote or regulation, or otherwise, discriminate against or refuse to hire, employ, or reemploy any member of the organized militia of Washington because of his or her membership in said organized militia ~~((, in respect to his eligibility to membership in such club, society, association, corporation or organization, or in respect to his rights to retain and exercise the rights of membership therein))~~. Any person or persons, club, society, association, employer, corporation, or organization, violating or aiding, abetting, or assisting in the violation of any provision of this section shall be guilty of a misdemeanor and on conviction thereof shall be fined in any sum not exceeding one hundred dollars and in addition thereto shall forfeit right to do business for a period of thirty days. Any person who has been discriminated against in violation of this section shall have a civil cause of action for damages.

Sec. 53. Section 54, chapter 130, Laws of 1943 and RCW 38.40.120 are each amended to read as follows:

No organized body ~~((of men))~~ other than the recognized militia organizations of this state, armed forces of the United States, students of educational institutions where military science is a prescribed part of the course of instruction or bona fide veterans organizations shall associate themselves together as a military company or organize or parade in public

with firearms: PROVIDED, That nothing herein shall be construed to prevent authorized parades by the organized militia of another state or armed forces of foreign countries. Any person participating in any such unauthorized organization shall be guilty of a misdemeanor.

Sec. 54. Section 49, chapter 130, Laws of 1943 and RCW 38.40.130 are each amended to read as follows:

The officers, or the officers and enlisted (~~((men))~~) persons of any regiment, battalion, company or similar unit of the organized militia of Washington, or the officers and enlisted (~~((men))~~) persons of any two or more companies or similar units of the organized militia of the state of Washington, located at the same station, are hereby authorized to organize themselves into a corporation for social purposes and for the purpose of holding, acquiring and disposing of such property, real and personal, as such military organizations may possess or acquire. Such corporations shall not be required to pay any filing or license fee to the state.

The dissolution or disbandment of any such unit as a military organization shall not in itself terminate the existence of the corporation, but the existence of the same may continue for the period limited in its articles of incorporation for the benefit of such corporation.

Upon the dissolution or disbandment of any such unit which shall not have incorporated, and which shall at the time of such dissolution or disbandment possess any funds or property, the title to such funds or property shall immediately vest in the state of Washington, and the adjutant general shall take possession thereof and dispose of the same to the best interest of the organized militia of Washington.

Sec. 55. Section 4, chapter 108, Laws of 1895 as last amended by section 57, chapter 154, Laws of 1973 1st ex. sess. and RCW 38.44.010 are each amended to read as follows:

Whenever the commander-in-chief shall deem it necessary, in event of, or imminent danger of war, insurrection, rebellion, invasion, tumult, riot, resistance to law or process (~~((or))~~), breach of the peace, (~~((he))~~) public disaster, or the imminent occurrence of any of these events, the commander-in-chief may order an enrollment by counties of all persons subject to military duty, designating the county assessor or some other person for each county to act as county enrolling officer. Each county enrolling officer may appoint such assistant or assistants as may be authorized by the commander-in-chief. In each county the enrollment shall include every sane able bodied inhabitant not under sentence for (~~((an infamous crime))~~) a felony, who is more than eighteen and less than forty-five years of age. The enrollment shall be made in triplicate and shall state the name, residence, age, occupation and previous or existing military or naval service of each person enrolled. When complete the rolls shall be verified under oath by the enrolling officer, who shall immediately thereupon file one copy with the adjutant

general of the state and another with the county auditor, retaining the third copy for himself or herself.

Sec. 56. Section 5, chapter 108, Laws of 1895 as amended by section 5, chapter 134, Laws of 1909 and RCW 38.44.020 are each amended to read as follows:

Persons making an enrollment under ~~((this act))~~ RCW 38.20.040 and 38.44.020 through 38.44.060 shall, at the time of making same, serve a notice of such enrollment upon each person enrolled, by delivering such notice to ~~((him))~~ the enrollee personally or by leaving it with some person of suitable age and discretion at his or her place of business or residence, or by mailing such notice to him or her at ~~((his))~~ the enrollee's last known place of residence, and shall make a return under oath of such service to accompany the copy of the enrollment filed with the adjutant general. ~~((Such))~~ The return shall be prima facie evidence of the facts therein ((shown)).

Sec. 57. Section 6, chapter 108, Laws of 1895 as amended by section 6, chapter 134, Laws of 1909 and RCW 38.44.030 are each amended to read as follows:

Whenever an enrollment shall have been ordered under ~~((this act))~~ RCW 38.20.040 and 38.44.020 through 38.44.060, the commanding officers of existing organizations of militia, and the chiefs of all police and fire departments shall make and deliver to the enrolling officer of the county in which such organization and departments are stationed, verified lists in triplicate of the members of their respective commands and departments, and the enrolling officer shall mark "Exempt" opposite the names of all persons so listed, attaching one copy of each such list to each copy of the enrollment. The enrolling officer shall also mark "Exempt" opposite the names of all federal, state and county officers. All other persons claiming exemption must within fifteen days after service upon them of the notice of enrollment make a written verified claim in duplicate of such exemption and file the same in the office of the county auditor, who shall within five days thereafter forward one copy thereof with remarks and recommendations to the adjutant general. Upon the expiration of the time within which any claim of exemption may be filed and received by the adjutant general, the latter shall notify the county auditor of ~~((his))~~ the decision in each case where exemption has been claimed, and the county auditor shall write upon the roll opposite the name of each person whose claim of exemption has been allowed by the adjutant general, the word "Exempt." All those on the roll not marked "Exempt" shall be subject to military duty.

Sec. 58. Section 7, chapter 134, Laws of 1909 and RCW 38.44.040 are each amended to read as follows:

If any officer or person, who becomes charged under ~~((this act))~~ RCW 38.20.040 and 38.44.020 through 38.44.060 with any duty relating to an

enrollment of persons subject to military duty, refuses or neglects to perform the same within the time and substantially in the manner required by law, or if he or she shall knowingly make any false certificate, or if, when acting as county or assistant enrolling officer, he or she shall knowingly or wilfully omit from the roll any person required by ~~((this act))~~ RCW 38.20-.040 and 38.44.020 through 38.44.060 to be enrolled he or she shall thereby forfeit not less than one hundred nor more than five hundred dollars, to be sued for in the name of the state of Washington by the prosecuting attorney of the county in which such offense shall occur, the amount of the penalty to be determined by the court, and, when recovered, to be paid into the military fund of the state.

Sec. 59. Section 8, chapter 134, Laws of 1909 and RCW 38.44.050 are each amended to read as follows:

Each county enrolling officer shall be allowed the sum of five cents per name enrolled and served with notice of enrollment by ~~((him or his))~~ the enrolling officer or assistants, to be audited and paid as other military bills out of any moneys in the military fund not otherwise appropriated, and from such allowance ~~((he))~~ the enrolling officer must pay ~~((his))~~ the assistant or assistants.

Sec. 60. Section 6, chapter 108, Laws of 1895 as amended by section 9, chapter 134, Laws of 1909 and RCW 38.44.060 are each amended to read as follows:

All civil officers in each county, city and town shall allow persons authorized under ~~((this act))~~ RCW 38.20.040 and 38.44.020 through 38.44.060 to make enrollments, at all proper times, to examine their records and take copies thereof or information therefrom. It shall be the duty of every person, under the penalties provided in RCW 38.44.040, upon application of any person legally authorized to make an enrollment, truthfully to state all of the facts within his or her knowledge concerning any individual of whom the enroller shall make inquiry. In event of a violation of this section the enroller shall report the facts to the prosecuting attorney, who shall at once proceed to enforce the penalty.

Sec. 61. Section 4, chapter 277, Laws of 1953 as amended by section 1, chapter 181, Laws of 1953 and RCW 38.48.050 are each amended to read as follows:

The legislature hereby expresses its intention to secure to this state the benefits of the act of congress entitled the "National Defense Facilities Act" ~~((64 Stat. 829, U.S.C. Title 50, section 883))~~ (10 U.S.C. Sec. 2231, et seq., as amended), and the state military department shall be charged with the duty to cooperate with any official or agency of the United States having powers or duties under the provisions of the said act of congress for the acquisition, construction, expansion, rehabilitation or conversion of facilities necessary for the administration and training of units of the state military

department and reserve components of the armed forces of the United States. The provisions of the said act of congress are hereby accepted by this state and this state will observe and comply with the requirements thereof.

NEW SECTION. Sec. 62. The following acts or parts of acts are each repealed:

- (1) Section 44, chapter 130, Laws of 1943 and RCW 38.08.080;
- (2) Section 10, page 74, Laws of 1866, section 2351, Code of 1881, section 4, chapter 135, Laws of 1979 ex. sess. and RCW 38.40.071;
- (3) Section 39, chapter 130, Laws of 1943 and RCW 38.40.080; and
- (4) Section 89, chapter 130, Laws of 1943 and RCW 38.40.160.

Passed the Senate February 22, 1989.

Passed the House April 3, 1989.

Approved by the Governor April 18, 1989.

Filed in Office of Secretary of State April 18, 1989.

CHAPTER 20

[Substitute Senate Bill No. 5088]

COMMERCIAL TELEPHONE SOLICITATION REGULATION

AN ACT Relating to telephone solicitation; amending RCW 9A.82.010 and 63.14.154; adding a new chapter to Title 19 RCW; creating new sections; prescribing penalties; and providing an effective date.

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

NEW SECTION. Sec. 1. The use of telephones for commercial solicitation is rapidly increasing. This form of communication offers unique benefits, but entails special risks and poses potential for abuse. The legislature finds that the widespread practice of fraudulent commercial telephone solicitation is a matter vitally affecting the public interest for the purpose of applying the consumer protection act, chapter 19.86 RCW. For the general welfare of the public and in order to protect the integrity of the telemarketing industry, the commercial use of telephones must be regulated by law.

NEW SECTION. Sec. 2. Unfair and deceptive telephone solicitation is not reasonable in relation to the development and preservation of business. A violation of this chapter is an unfair or deceptive act in trade or commerce for the purpose of applying the consumer protection act, chapter 19.86 RCW.

NEW SECTION. Sec. 3. Unless the context requires otherwise, the definitions in this section apply throughout this chapter.

(1) A "commercial telephone solicitor" is any person who engages in commercial telephone solicitation, including service bureaus.

(2) "Commercial telephone solicitation" means: