

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version: HB 126
Fiscal Note Number: _____
() Publish Date: _____

Identifier: HB126-MVA-NGMHQ-3-20-15
Title: CODE OF MILITARY JUSTICE; APPEALS
Sponsor: JUDICIARY
Requester: House Judiciary

Department: Department of Military and Veterans' Affairs
Appropriation: Military and Veterans' Affairs
Allocation: National Guard Military Headquarters
OMB Component Number: 2135

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services	99.4		99.4	99.4	99.4	99.4	99.4
Travel	7.6		7.6	7.6	7.6	7.6	7.6
Services	0.1		0.1	0.1	0.1	0.1	0.1
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	107.1	0.0	107.1	107.1	107.1	107.1	107.1

Fund Source (Operating Only)

1004 Gen Fund	107.1		107.1	107.1	107.1	107.1	107.1
Total	107.1	0.0	107.1	107.1	107.1	107.1	107.1

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues							
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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? **Yes**
If yes, by what date are the regulations to be adopted, amended or repealed? **07/01/16**

Why this fiscal note differs from previous version:

Not applicable, initial version.

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Division: <u>Administrative Services</u>	Date: <u>03/20/2015 05:00 PM</u>
Approved By: <u>Bob Doehl, Deputy Commissioner</u>	Date: <u>03/20/15</u>
Agency: <u>Military and Veterans' Affairs</u>	

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

BILL NO. HB 126

Analysis

This legislation instructs and authorizes the Department of Military and Veterans' Affairs and the Alaska National Guard to create a code of military justice, and attendant regulations and procedures. It supplements and replaces portions of the existing Alaska Military Code, which went into effect during Alaska's territorial days (AS 26.05).

This bill requires the Alaska National Guard to create specific military offenses and penalties. It lays out procedures for the administration of courts-martial, and requires that the Alaska National Guard create further regulations to fill procedural gaps. It sets up a three-panel Military Appeals Commission within the Department of Military and Veterans' Affairs to hear appeals from courts-martial. This law retains policy from the existing Alaska Military Code whereby all crimes existing under civilian law will be left to civilian authorities for prosecution.

If this bill is enacted, commanders will have a new disciplinary tool in the form of what's known as "non-judicial punishment." In severe cases, they will have the option to call a court-martial to punish soldiers. The administration and completion of a court-martial will involve expenditure of time and funds, including attorney salaries, witness costs, the training and employing of military judges, and other related costs. Based on evidence from National Guards in other states as well as active duty components, the Department of Military and Veterans' Affairs predicts that courts-martial will be used infrequently, averaging two courts-martial per year.

The provision of staff for courts-martial will be accomplished by placing members of the Alaska National Guard or Active Guard Reserve into State Active Duty status. The personnel required for each court-martial will include: a military judge, attorneys for both sides, paralegals for both attorneys and the judge, bailiff, escorts for the accused, a court reporter, witnesses, and panel members. There are standard travel and per diem costs associated with the three-member Military Appeals Commission, as well as any out-of-town witnesses.

For the estimated two courts-martial per year, one case is anticipated to be appealed to the Military Appeals Commission and to the court of appeals. Personnel costs were established based on the 2015 State Active Duty pay scale, multiplied by the number of days estimated to be required of each position, multiplied by the number of staff required in each position. Witness costs include witness fees, travel and per diem costs as applicable.

Military judge	\$7.3
Attorneys	\$34.2
Paralegals	\$33.7
Bailiff	\$1.6
Escorts	\$2.8
Court Reporter	\$1.1
Witnesses	\$8.4
<u>Panel</u>	<u>\$10.3</u>
Total personnel costs	\$99.4

Witness fees and travel costs \$6.5

Military Appeals Commission costs are based on one meeting per year, with two of the three members traveling to the meeting location. Commission meetings are expected to last two days.

Total commission costs \$1.2