

Fiscal Note

State of Alaska
2016 Legislative Session

Bill Version:	CSHB 126(JUD)
Fiscal Note Number:	8
(H) Publish Date:	1/25/2016

Identifier: HB126CS(JUD)-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)

	FY2017 Appropriation Requested	Included in Governor's FY2017 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2017	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021	FY 2022
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2016) cost: 0.0 (separate supplemental appropriation required)
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2017) 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If yes, by what date are the regulations to be adopted, amended or repealed? 07/01/16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:

A previous version cited state costs associated with possible administration and completion of courts-martial, but more recent information indicates such expenses will be covered by federal funds, so there will be no cost to the state.

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Division:	Office of the Commissioner	Date:	01/15/2016 04:00 PM
Approved By:	Bob Doehl, Deputy Commissioner	Date:	01/15/16
Agency:	Military and Veterans' Affairs		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2016 LEGISLATIVE SESSION

Analysis

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

This bill identifies specific military offenses and penalties, lays out procedures for the administration of courts-martial, and requires the Alaska National Guard to create further regulations to fill any procedural gaps. It sets up a three-member Military Appeals Commission within the Department of Military and Veterans' Affairs to hear appeals from courts-martial.

If this bill is enacted, commanders will have a new disciplinary tool in the form of "non-judicial punishment." In severe cases, they will have the option to convene courts-martial. 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 the experience of National Guards in other states, the Department of Military and Veterans' Affairs predicts courts-martial will be rare events, averaging less than one per year.

The personnel required for a court-martial would 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. Because convening and running of courts-martial constitutes preparation and training for Active Duty service, all expenses related to courts-martial and administration of non-judicial punishment will be covered using federal funds.