

# ALASKA STATE LEGISLATURE

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## **REPRESENTATIVE STEVE THOMPSON**

### **DISTRICT 10**

### MEMORANDUM

To: House State Affairs Committee

From: Representative Steve Thompson

Date: February 29, 2012

Re: Questions on House Bill 316

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Please find the question and answers from the Committee hearing held on Tuesday, February 28, 2012.

- 1. Does the Bill give advantage of one community over another in a Military Facility Zone?**
  - a. No, the Bill does not delineate or distinguish between communities that are in a Military Facility Zone. The Bill is silent on this issue.
- 2. Are National Guard and Reserve facilities included in this Bill?**
  - a. Yes, all Military facilities are included. (See page 6 Section 26.30.900(3))
- 3. What States have enacted legislation similar to HB 316?**
  - a. Virginia, Alabama, Texas, Maryland, and Arizona.
- 4. What states have included U.S. Coast Guard in similar Bills?**
  - a. Alaska is the first State to include Coast Guard Assets in a military Bill of this nature.
- 5. Is this Bill a proactive approach the offset BRAC?**
  - a. The Bill was introduced prior to the latest BRAC talks. However, this bill is proactive in that vein.

- 6. The Fiscal Note from Ted Leonard, AIDEA, states that there would be five (5) military effectiveness zones in rural Alaska. What are those five zones and do they preclude urban areas from the Bill?**
  - a. The Fiscal Note provided by Mr. Leonard was drafted from the draft version of the bill. Mr. Leonard has since provided a zero Fiscal Note that reflects no limitation on the number of zones or their location within the State.
- 7. Benefits of a Military Facility Zone: Does a municipality or business located in Military Facility Zone have priority over non-Military Facility Zone municipalities and businesses?**
  - a. It may, The Department of Military and Veterans' Affairs or any other State program MAY give priority consideration for financial assistance to municipalities and businesses located in a Military Facility Zone. The prioritization would expedite the process for funding. AIDEA and AHFC do not give priority to one over the other. (See Page 5 Line 25 Section 26.30.060(b))
- 8. Does this Bill mean that all municipalities and boroughs that apply to be a Military Facility Zone all be approved?**
  - a. No, only those areas that meet the criteria in Section 26.30.020 may be approved the Adjutant General.
- 9. Is the 60 day timeframe stated in Section 26.30.030, sufficient for the Adjutant General to make a decision determining if an areas application to be a Military Facility Zone meets the criteria in Section 26.30.020?**
  - a. Yes, that timeframe was specifically approved by the Adjutant General and the Department of Military and Veteran's Affairs.
- 10. Where does this provide that individual project must be approved by the Adjutant General instead of the city or military facility zone authority?**
  - a. The Bill speaks to the Adjutant General designating, determining, and prioritizing areas as Military Facility Zones. The Bill does not address individual projects within a Military Facility Zone requiring the approval of the Adjutant General.
- 11. Where does the Bill state that a municipality or business must be a direct contractor with DOD to be eligible for designation as a Military Facility Zone?**
  - a. The Bill addresses the criteria for designation as a Military Facility Zone in Section 26.30.020. The Bill does not speak to having direct contracts; it does speak to directly supporting the military application of a facility. (section 26.20.020(a)(2)) MOST applications involving DOD are under contract to DOD; however not all applications that support the military facility are direct contractors to DOD. Page 7 Section 26.30.900, Section AS 44.62.175(a)(9) defines in broad terms the definition of a project, the Bill is silent on a requirement to be a direct contractor.
- 12. Where does the Bill address that each Military Facility Zone will have a Liaison Committee? Where does it specifically say that?**
  - a. The Bill calls for a Military Facility Zone Authority on page 5 Section 26.30.060. That is what was referred to when the term committee was inadvertently used.

**13. Does the Bill require that a Military Facility Zone authority be established?**

- a. No, the Bill states that a municipality may create a Military Facility Zones Authority or if more than one municipality is included in a Military Facility Zone they may, by agreement, create a Military Facility Zone Authority. Page 5 Section 26.30.050(a)(b).

**14. There is a fear that the Bill would be used to limit or exclude parties from gaining from this Bill. How does the Bill protect those interests?**

- a. Section 26.30.010(d)(1) – (5) has placed safeguards into the bill to avoid that from happening through the Public Notice System (AS 44.62.175)

**15. Does AIDEA and AFHC need to have broadened or extended authority as it relates to this Bill?**

- a. No, during the final meeting in the course of the drafting of this Bill AIDEA and AFHC were present and stated that they had the ability to support this Bill as written.

**It needs to be remembered that the Department of Military and Veterans' Affairs and the Adjutant General still have to draft the regulations to carry out the provisions of this Bill.**