



LAWS OF ALASKA

2000

Source
SCS CSHB 331(RLS)

Chapter No.
70

AN ACT

Relating to compensation of members of the Alaska National Guard and Alaska Naval Militia in active service; changing the name of the Alaska State Militia to the Alaska State Defense Force; relating to compensation and work status for members of the Alaska State Defense Force; and providing for an effective date.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

THE ACT FOLLOWS ON PAGE 1

Approved by the Governor: May 22, 2000
Actual Effective Date: May 23, 2000

AN ACT

1 Relating to compensation of members of the Alaska National Guard and Alaska Naval Militia
2 in active service; changing the name of the Alaska State Militia to the Alaska State Defense
3 Force; relating to compensation and work status for members of the Alaska State Defense Force;
4 and providing for an effective date.

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6 * Section 1. AS 02.15.090(a) is amended to read:

7 (a) In operating an airport or air navigation facility owned or controlled by the
8 state, the department may enter into contracts, leases, and other arrangements covering
9 periods not exceeding 55 years with a person, municipality, or the United States,
10 granting the privilege of using or improving an airport or air navigation facility or a
11 portion of it or space in it for commercial, governmental, or other public purposes,
12 including private plane tie down; or conferring the privilege of supplying goods,

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1 commodities, services, or facilities at an airport or air navigation facility. The
2 department may establish the terms and conditions and fix the charges, rentals, and
3 fees for the privileges or services that are reasonable and uniform for the same class
4 of privilege or service. Charges, rentals, or fees authorized by this subsection may be
5 fixed for the international airports by order of the commissioner or by negotiated or
6 competitively offered contract. Notwithstanding AS 37.10.050(a), the fixing of
7 charges, rentals, or fees as permitted under this subsection is not subject to the
8 adoption of regulation provisions of AS 44.62 (Administrative Procedure Act). The
9 terms, conditions, charges, rentals, and fees shall be established with due regard to the
10 property and improvements used and the expense of operation to the state. However,
11 use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons
12 shall be permitted without rental charges. If the department permits space in state-
13 owned or state-controlled airports to be used as lounges for members of the United
14 States armed forces, the Alaska National Guard, the Alaska Naval Militia, or the
15 Alaska State **Defense Force** [MILITIA] and if the lounges are operated by persons
16 exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may
17 not be charged for the use of the space. The department shall provide for public
18 notice and an opportunity to comment before a charge, rental, or fee is fixed by order
19 of the commissioner as permitted under this subsection. The public may not be
20 deprived of its rightful, equal, and uniform use of the airport, air navigation facility,
21 or a portion of them.

22 * Sec. 2. AS 26.05.010(b) is amended to read:

23 (b) The militia is divided into two classes:

24 (1) the organized militia, consisting of the Alaska National Guard, the
25 Alaska Naval Militia, and the Alaska State **Defense Force**; [MILITIA,] and

26 (2) the unorganized militia, consisting of all qualified persons available
27 for service but not serving in the organized militia.

28 * Sec. 3. AS 26.05.030(d) is amended to read:

29 (d) The Alaska State **Defense Force** [MILITIA] consists of units authorized
30 by the governor, and manned by volunteer personnel qualifying under state law and
31 regulation. All **defense force** [STATE MILITIA] personnel shall be

1 (1) appointed, commissioned, or warranted, and assigned by the
2 governor or the adjutant general as the governor's designee;

3 (2) subject to serve on state active duty at the call and by order of the
4 governor.

5 * Sec. 4. AS 26.05.100 is amended to read:

6 Sec. 26.05.100. Alaska State Defense Force [MILITIA]. A state militia,
7 known as the Alaska State Defense Force, may be organized through voluntary
8 enlistments under regulations as to discipline and training that [WHICH] may be
9 prescribed by the governor. During the time that the Alaska National Guard or the
10 Alaska Naval Militia, or any part of either of them, is not available to the state by
11 reason of active federal service, or the National Guard or Naval Militia requires
12 augmentation to perform its state mission, the governor may activate the Alaska State
13 Defense Force [STATE MILITIA].

14 * Sec. 5. AS 26.05.260(b) is amended to read:

15 (b) Members of the Alaska National Guard and Alaska Naval Militia are
16 entitled to receive, for each day of active service under AS 26.05.070, pay [AND
17 ALLOWANCES] equal to 200 percent of the minimum daily basic pay [THOSE]
18 provided by federal laws and regulations for members of equivalent grades of the
19 United States armed forces. However, a member may not receive less than \$105 [\$65]
20 per day for active service performed during the fiscal year ending June 30, 2000
21 [1982]. For fiscal years beginning after June 30, 2000 [1982], the minimum payment
22 of \$105 [\$65] shall be increased one percent for each percent increase in the consumer
23 price index for [OF] Anchorage, Alaska, as determined by the United States
24 Department of Labor, Bureau of Labor Statistics, not to exceed an annual increase of
25 four [10] percent. The increase, if any, takes effect not more than 30 days after the
26 release of the consumer price index. The consumer price index that is published
27 immediately after July 1, 1999 [1981], is the reference base index.

28 * Sec. 6. AS 26.05.260(d) is amended to read:

29 (d) A member of the organized militia who, while performing duties under
30 AS 26.05.070, including transit to and from the member's home of record, suffers an
31 injury or disability in the line of duty is entitled to all compensation and benefits

1 available under AS 23.30 (Alaska Workers' Compensation Act). For a member of the
2 Alaska State Defense Force, compensation and benefits under this subsection are
3 provided as though the member were a state employee.

4 * Sec. 7. AS 26.05.260(e) is amended to read:

5 (e) If a member of the organized militia dies as a result of an injury or
6 disability suffered in the line of duty while performing duties under AS 26.05.070,
7 including transit to and from the member's home of record, death benefits shall be paid
8 to the persons in the amounts specified in AS 23.30.215. For a member of the
9 Alaska State Defense Force, the death benefits under this subsection are provided
10 as though the member were a state employee.

11 * Sec. 8. AS 26.05.260(h) is repealed and reenacted to read:

12 (h) For purposes of computation of benefits under AS 23.30, the earnings of
13 a member of the

14 (1) Alaska National Guard or Alaska Naval Militia are presumed to be
15 no less than 200 percent of the minimum daily basic pay authorized for a member of
16 the regular armed forces of the United States in the same grade or rank as the Alaska
17 National Guard or Alaska Naval Militia member at the time of the injury or death;

18 (2) Alaska State Defense Force are presumed to be equal to the pay and
19 allowances authorized by (j) of this section for the duties being performed by the
20 member while on active state service at the time of the injury or death; if the member
21 of the Alaska State Defense Force did not receive pay or allowances authorized under
22 (j) of this section, the earnings of the member are presumed to be no less than 200
23 percent of the minimum daily basic pay authorized for a member of the regular armed
24 forces of the United States in the same grade or rank as the Alaska State Defense
25 Force member at the time of the injury or death.

26 * Sec. 9. AS 26.05.260(i) is amended to read:

27 (i) In this section, "member" means an active commissioned or warrant officer
28 or enlisted man or woman in the Alaska National Guard or Alaska Naval Militia,
29 or a volunteer serving in the active service of the Alaska State Defense Force
30 [ORGANIZED MILITIA].

31 * Sec. 10. AS 26.05.260 is amended by adding new subsections to read:

1 (j) When active state service is authorized by the governor or by the adjutant
2 general as the governor's designee, members of the Alaska State Defense Force are
3 entitled to receive, for each day of active service under AS 26.05.070, pay and
4 allowances as provided in this subsection. Pay is equal to that provided under
5 AS 39.27.011 - 39.27.020 for equivalent assignments of state officials or employees,
6 including adjustments under AS 39.27.025, if applicable. Allowances shall be paid to
7 the same extent, in the same manner, and under the same conditions as provided for
8 state officials and employees under AS 39.20.110 - 39.20.170. However, pay or
9 allowances are not authorized for training or community service activities of members
10 of the Alaska State Defense Force.

11 (k) Members of the Alaska State Defense Force are entitled to pay and other
12 benefits only as provided in this section. Members of the Alaska State Defense Force
13 are not state employees. However, compensation and benefits under AS 23.30
14 provided for in (d), (e), and (h) of this section for members of the Alaska State
15 Defense Force are provided as though the member were a state employee. Nothing
16 in this section entitles a member of the Alaska State Defense Force to retirement
17 benefits.

18 * Sec. 11. AS 26.05.340(a) is amended to read:

19 (a) In no case may any part of the Alaska National Guard, Alaska Naval
20 Militia, or the Alaska State Defense Force [STATE MILITIA] be used against any
21 labor organization or for the purpose of strike breaking within the state.

22 * Sec. 12. This Act takes effect immediately under AS 01.10.070(c).