

CS FOR HOUSE BILL NO. 331(MLV)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

Offered: 3/3/00

Referred: State Affairs, Finance

Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

A BILL

FOR AN ACT ENTITLED

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

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

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

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

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

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

(b) The militia is divided into two classes:

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

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

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

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

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

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

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

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

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

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

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

(d) A member of the organized militia who, while performing duties under AS 26.05.070, including transit to and from the member's home of record, suffers an 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).