

CS FOR HOUSE BILL NO. 327(STA)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - SECOND SESSION

BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 5/7/02

Referred: Finance

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

A BILL

FOR AN ACT ENTITLED

1 **"An Act relating to state officers and employees who are called to active duty as reserve**
2 **or auxiliary members of the armed forces of the United States; and providing for an**
3 **effective date."**

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

5 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 INTENT. It is the intent of the legislature that officers and employees of agencies of
8 state government who are members of reserve and auxiliary military units, including the
9 Alaska National Guard and Alaska Naval Militia, are not penalized regarding their salary and
10 benefits while on certain active duty, such as active duty during large-scale activations.

11 * **Sec. 2.** AS 39.20 is amended by adding new sections to read:

12 **Article 5. Continuation of Pay and Benefits for Certain Members**
13 **of the Armed Forces.**

14 **Sec. 39.20.450. Continuation of pay and benefits for certain executive**

1 **branch members of the reserve and auxiliary units of the armed forces.** (a)
 2 Notwithstanding any contrary provision of law, the governor, through the issuance of
 3 an administrative order, may authorize state officers and employees in the executive
 4 branch who are members of a reserve or auxiliary component of the armed forces of
 5 the United States, including the Alaska National Guard and the Alaska Naval Militia,
 6 and who are called to active duty by the appropriate state or federal authority to
 7 continue to receive for up to 90 days the equivalent of their state compensation and
 8 some or all of their state benefits.

9 (b) The Department of Administration shall implement an order issued by the
 10 governor under this section. The Department of Administration may adopt emergency
 11 regulations to implement an order issued by the governor under this section, including
 12 regulations regarding the scope of compensation and benefits and any allocation
 13 between the state and the state officer or employee of contributions relating to the
 14 benefits. Emergency regulations adopted under this section

15 (1) are not subject to AS 44.62 (Administrative Procedure Act);

16 (2) take effect immediately unless the Department of Administration
 17 specifies another date; and

18 (3) remain in effect for not more than 180 days.

19 **Sec. 39.20.454. Definitions.** In AS 39.20.450 - 39.20.454,

20 (1) "benefits" includes credited service in a state retirement system,
 21 membership in the supplemental employee benefits system under AS 39.30.150 -
 22 39.30.180, and group life and health insurance provided under AS 39.30.090 -
 23 39.30.095 or under a collective bargaining agreement;

24 (2) "executive branch" includes a department, agency, institution,
 25 board, commission, authority, public corporation, the Alaska Pioneers' Home, and any
 26 other unit of the executive branch of state government, but does not include the Alaska
 27 Railroad Corporation or the University of Alaska.

28 * **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to
 29 read:

30 APPLICABILITY. Until a collective bargaining agreement in effect on the effective
 31 date of this Act expires, this Act applies to state employees covered by that collective

1 bargaining agreement only if that agreement is modified to accept the provisions of this Act.

2 * **Sec. 4.** The uncodified law of the State of Alaska is amended by adding a new section to

3 read:

4 **RETROACTIVITY.** This Act is retroactive to September 11, 2001.

5 * **Sec. 5.** This Act takes effect immediately under AS 01.10.070(c).