

ALASKA STATE LEGISLATURE
HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS

January 28, 2016

1:07 p.m.

MEMBERS PRESENT

Representative Bob Herron, Chair
Representative Gabrielle LeDoux, Vice Chair
Representative Jim Colver
Representative Shelley Hughes
Representative Bob Lynn
Representative Max Gruenberg
Representative Chris Tuck

MEMBERS ABSENT

All members present

COMMITTEE CALENDAR

OVERVIEW(S): RURAL ENGAGEMENT INITIATIVE UTILIZING THE ALASKA
STATE DEFENSE FORCE

- HEARD

PREVIOUS COMMITTEE ACTION

No previous action to record

WITNESS REGISTER

ROBERT DOEHL, Deputy Commissioner
Office of the Commissioner
Department of Military & Veterans Affairs
Joint Base Elmendorf-Richardson, Alaska

POSITION STATEMENT: Provided a PowerPoint presentation
entitled, "Alaska State Defense Force Rural Initiative," and
dated 1/28/16.

ACTION NARRATIVE

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VICE CHAIR GABRIELLE LEDOUX called the House Special Committee
on Military and Veterans' Affairs meeting to order at 1:07 p.m.
Representatives LeDoux, Hughes, Gruenberg, Lynn, and Tuck were

present at the call to order. Representatives Herron and Colver arrived as the meeting was in progress.

**OVERVIEW(S): Rural Engagement Initiative
Utilizing the Alaska State Defense Force**

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VICE-CHAIR LEDOUX announced that the only order of business would be an overview of the Rural Engagement Initiative Utilizing the Alaska State Defense Force.

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ROBERT DOEHL, Deputy Commissioner, Office of the Commissioner, Department of Military & Veterans Affairs, introduced the Alaska State Defense Force Rural Initiative, which has been developed by the administration to expand the Alaska State Defense Force (ASDF) in order to make the force more relevant to the homeland security needs of Alaska. Mr. Doehl described ASDF as the second least well-known component of DMVA, and said it was created by AS 26.05.100 and is part of the state's organized militia, along with the Alaska Army National Guard, the Alaska Air National Guard, and the Alaska Naval Militia. Mr. Doehl noted that the original language of the statute that created ASDF also allowed for Scout units in the Western, Northwestern, and Arctic regions of Alaska, and established legislative intent for the force [slide 2]. Further, AS 26.05.070 applies if the organization, or a part thereof, is placed into state active duty.

REPRESENTATIVE HUGHES asked for the purpose of state defense forces established in Alaska and elsewhere.

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MR. DOEHL explained that a state defense force is authorized by 32 U.S. Code (U.S.C.) Section 109, which is a reservation clause that allows states to maintain a state militia solely for state purposes. The state defense force of Alaska, and the other states that have active forces, exist to perform state missions beyond the ability of regular state governments and municipalities, and are not subject to deployment or control by the federal government. For example, ASDF would respond to an event or disaster that is beyond the control of the normal government structure, but to which the military does not respond. Unlike the Alaska National Guard, ASDF is always under

state control, is 100 percent state funded, and members are generally not paid for training - although they do receive compensation for active disaster response and for exercises - and receive minimal state equipment. He characterized members of ASDF as unpaid, tremendous patriots who are dedicated to Alaska and to the nation, and who are willing to take their own time, and to sacrifice, in order to be prepared when they are needed [slide 3].

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[VICE-CHAIR LEDOUX passed the gavel to Chair Herron.]

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REPRESENTATIVE TUCK asked Mr. Doehl for clarification on unpaid training.

MR. DOEHL responded that members are not reimbursed for training expenses.

REPRESENTATIVE LEDOUX inquired as to whether ASDF members are subject to the Alaska Code of Military Justice.

MR. DOEHL referred to pending legislation that would place members under the Alaska Code of Military Justice, but said they are not at this time.

REPRESENTATIVE HUGHES expressed her appreciation for the dedication of the members of ASDF, and asked for a description of a typical defense force volunteer.

MR. DOEHL was hesitant to describe a typical member as they represent a broad demographic with the common denominator of dedication. As a whole, members tend to be individuals who are more established in their careers and who often have previous military experience. Members range from airline captains, surgeons, and business leaders. Many are post-[the terrorist attacks of September 11, 2001] service members, and many have service-connected injuries that make it difficult to continue in regular military service, so joining ASDF provides the means to continue to serve.

REPRESENTATIVE HUGHES asked for the percentage of veterans in the force.

MR. DOEHL estimated 75 percent veterans. He stressed that ASDF also provides an opportunity for those who would like to serve but who do not have a former military affiliation.

REPRESENTATIVE HUGHES restated her appreciation for the volunteers' sense of duty.

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CHAIR HERRON asked whether volunteers are recruited.

MR. DOEHL responded that ASDF does not have recruiters and generally creates awareness by word of mouth, or on its web site.

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REPRESENTATIVE GRUENBERG asked for clarification on the relevance of the Alaska Code of Military Justice.

MR. DOEHL further explained that proposed HB 126, in its current form, would apply to ASDF; however, under current statute, the Alaska Code of Military Justice is not applicable to ASDF members.

REPRESENTATIVE GRUENBERG surmised that currently nothing governs an offense committed by a member of ASDF while he or she is on duty. He asked whether the state criminal code would apply.

MR. DOEHL answered that state and federal criminal laws apply to members of the National Guard and ASDF. He acknowledged some minimal administrative remedies are contained in the pending legislation. In further response to Representative Gruenberg, he confirmed that under present circumstances, administrative action is possible.

REPRESENTATIVE GRUENBERG asked whether transportation and room and board are covered for ASDF volunteers attending training exercises.

MR. DOEHL said training expenses are paid by the volunteer, unless called to a disaster or certain exercises, which may be reimbursed. In further response to Representative Gruenberg, he explained ASDF is not staffed in remote areas due to transportation expense; however, the governor's initiative would allow for members to participate in a local setting.

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REPRESENTATIVE GRUENBERG observed that currently, ASDF operates as an urban organization.

MR. DOEHL concurred, and said ASDF has a presence in Juneau, Soldotna, Valdez, Bethel, and Fairbanks.

REPRESENTATIVE HUGHES offered her understanding that the state currently receives about \$62 million from the federal government for the Alaska National Guard, and ASDF receives state funds in the amount of \$30,000. She asked whether the Alaska Code of Military Justice [if amended by pending legislation] would apply to those training at their own time and expense.

MR. DOEHL informed the committee that DMVA's interpretation of the pending legislation is that the Alaska Code of Military Justice would apply to members during training, because of the voluntary acceptance of personal jurisdiction provision.

REPRESENTATIVE LEDOUX added that the Alaska Code of Military Justice would apply to members of the Alaska National Guard and ASDF [24 hours per day, 7 days per week, 365 days per year], whether they are training or not.

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REPRESENTATIVE LYNN asked whether there are age limits imposed on the 86 members.

MR. DOEHL said there are no age limits, although he opined ASDF does not have the statutory authority to accept someone less than 18 years of age. In further response to Representative Lynn, he said there are some women serving; also, the present uniforms denote Alaska, but are undergoing a transition.

REPRESENTATIVE LYNN asked how often, and how many days, a member typically serves in training or other kinds of duty.

MR. DOEHL answered that a typical member of ASDF serves 24 days per year in training; in addition, there are exercises and "actual call outs," which are determined by need and funding. In further response to Representative Lynn, he explained training consists of skills such as first aid, reconnaissance, and special services.

REPRESENTATIVE LYNN asked what equipment is provided.

MR. DOEHL answered that a basic uniform kit is provided; collective equipment has mostly been donated. He suggested other collective gear necessary under the governor's rural initiative would consist of communications gear, optics, and mass disaster first aid kits. In further response to Representative Lynn, he said ASDF does not have the authority to request space-available flights, although members of the National Guard can request space-available flights when in duty status, and after retirement.

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REPRESENTATIVE LEDOUX inquired as to whether a volunteer on duty is eligible for workman's compensation.

MR. DOEHL said a volunteer on state active duty and who is participating in an exercise, or responding to a disaster, is treated as a state employee at this time. In further response to Representative LeDoux, he recalled an instance of an individual who was not covered by workers' compensation, therefore, a tort liability attached, and the incident was resolved. He acknowledged that this is a significant issue.

REPRESENTATIVE LEDOUX surmised the injured person may have actually been better off under the tort system.

MR. DOEHL advised that tort litigation provides for a broader range of recovery, and the workers' compensation system provides for more certainty of recovery at a lower level.

REPRESENTATIVE LEDOUX asked whether ASDF has a presence in Anchorage.

MR. DOEHL replied that most Anchorage members participate at the Alaska Army National Guard Alcantra Armory Complex in Wasilla; however, a few participate at Joint Base Elmendorf-Richardson (JBER). In further response to Representative LeDoux, he said volunteers must demonstrate physical fitness for the duties they would be performing, and there are non-commissioned officer development courses, officer candidate school, and professional development courses available to volunteers.

REPRESENTATIVE GRUENBERG expressed his concern about "the ability to sue in National Guard situations." In 2003, legislation was enacted which dealt with workers' compensation, and he inquired as to the effect of the rural initiative.

MR. DOEHL said the rural initiative does not address the changes in tort and workers' compensation law that were made in 2003. In 2003, legislation clarified the applicability of a workers' compensation remedy related to guard service, and clarified that workers' compensation is not a remedy if a person was serving under Title 32 U.S.C. at the time of an injury. The legislation was in response to circumstances following a plane crash.

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REPRESENTATIVE GRUENBERG stressed that he is interested in pursuing the aforementioned area, although "... we - for political purposes - dropped it last week, but my interest remains." He requested a briefing on the subject.

REPRESENTATIVE LYNN asked whether ASDF volunteers have access to firearms and firearms training for personal self-defense.

MR. DOEHL informed the committee that ASDF was disarmed under the Parnell Administration; prior to 2010, members provided their own weapons for training. In further response to Representative Lynn, Mr. Doehl said the administration's action was in response to an outside investigation that was critical of firearms policies and standards. He confirmed that after [the terrorist attacks of September 11, 2001], ASDF volunteers were assigned to secure key infrastructure points.

MR. DOEHL directed attention to slide 4 entitled, "Mission Task List," and said DMVA envisions ASDF Scout Battalions will perform missions that are vital to homeland security, and that will also make them more capable to support Alaska in the event of a mass disaster. He described the following missions: route and zone reconnaissance; disaster response support; damage assessment; movement and replenishment; medical station support; community disaster pre-mitigation support; and Arctic operations, survival, and movement training. The value ASDF adds to Alaska is obvious: 80 percent of Alaska's reserve force structure is located in Southcentral, a situation which limits disaster response by region; in fact, the earthquake of 3/27/64 is an example of the problem created when disaster responders are all located in one region, and outside assistance is needed. Slide 5 entitled, "Value Added to Alaska," listed the following values: distributed disaster response force; enhanced resilience for disasters; domain awareness, in order to assess remote regions such as the Arctic region; additional distributed search and rescue resources; increased incident command systems

capability; resilient communications capability; transportation expertise in austere environments; enhanced disaster evacuee shelter support; and increased evacuee transportation capability.

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MR. DOEHL displayed slide 6, "Task Organization ASDF, (Provisional Scout BN)," and pointed out that the ASDF organization would be comparable to the Alaska National Guard Scout Battalions which were previously stationed in rural Alaska, including battalion staff and an initial headquarters in Bethel, with a Company dispersed nearby. Expansion from Bethel into other rural areas would begin with Bravo and Charlie Companies, which would be small entities placed in villages. Slide 7 entitled, "Alaska State Defense Force Proposed Initial Stationing," was a graph that depicted the stationing of a distributed force, which could come together in a time of need, or dispersed "as eyes and ears, and to enhance overall state resiliency." In response to Chair Herron, he explained that using the readiness center in Bethel to house battalion headquarters would minimize cost, because ASDF can utilize the National Guard facility, which is a very capable venue and is a transportation hub.

CHAIR HERRON suggested that the committee should observe an ASDF or National Guard mission.

MR. DOEHL agreed. In response to Representative Gruenberg, he explained that HHC stands for Headquarters and Headquarters Company; Headquarters is the entity that oversees functions, and Headquarters Company houses the staff and support elements.

MR. DOEHL concluded, noting that Alaska has a long and proud tradition of a dispersed group of volunteers serving the entire state, thereby meeting the needs of homeland security and disaster response and preparation. He advised that DMVA seeks to increase Alaska National Guard participation in rural Alaska; however, there is "a gap that we need to fill now," and the ASDF rural initiative proposed by the administration is a vehicle to meet that gap.

CHAIR HERRON told a personal story related to the Alaska Territorial Guard. He then inquired as to whether the Alaska State Defense Force Rural Initiative request was included in the

budget before the House Finance Committee Subcommittee on Military and Veterans' Affairs.

MR. DOEHL answered yes, the initiative request consists of two parts: \$1.3 million is a change record request to fund the operations of establishing "the new" ASDF; the logistics, equipment, and supply procurement is a separate capital budget item of \$1 million. In further response to Chair Herron, he said, "... whatever amount is allocated for this personal change record, we will build out as much as we can with it. It's a matter of scale and what we can afford"

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REPRESENTATIVE TUCK asked whether ASDF was deployed during the snow emergency in Cordova.

MR. DOEHL said Alaska National Guard in state active duty members responded in Cordova; he pointed out that pay ranges for ASDF members, to do the same job in state active duty, are lower than those of military pay rates.

REPRESENTATIVE TUCK inquired as to how decisions are made on whether ASDF is deployed versus the Alaska National Guard.

MR. DOEHL explained that under AS 26.05.070, when the governor seeks to mobilize a portion of the organized militia, the first step is a recommendation from the Division of Homeland Security and Emergency Management, DMVA, as to the specific mission or need, such as firefighting.

REPRESENTATIVE LEDOUX returned attention to slide 6, and expressed her understanding that the four state active duty positions illustrated therein are not presently funded.

MR. DOEHL said correct. He explained:

If [the Alaska State Defense Force Rural Initiative] is funded, this would be the backbone using state active duty funding, not creating PCNs or creating positions of tenure, but rather, as funding is available to implement this, to make sure that we have good accountability and internal controls for the use of funds, for the use [and] distribution of equipment, and making sure the design and participation - the exercises - [are] appropriate to the mission.

REPRESENTATIVE LEDOUX surmised DMVA is not asking for money in the budget to fund these positions now.

MR. DOEHL clarified that DMVA included the positions in the proposal in order to facilitate mission development in Western Alaska.

CHAIR HERRON expressed his support for the initiative, although its passage may be hampered by fiscal reality.

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ADJOURNMENT

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:55 p.m.