

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

February 13, 2018

1:10 p.m.

**MEMBERS PRESENT**

Representative Chris Tuck, Chair  
Representative Gabrielle LeDoux, Vice Chair  
Representative Justin Parish  
Representative George Rauscher  
Representative Dan Saddler

**MEMBERS ABSENT**

Representative Ivy Spohnholz  
Representative Lora Reinbold

**COMMITTEE CALENDAR**

HOUSE BILL NO. 307

"An Act requiring a person who commits certain offenses under the code of military justice to register as a sex offender or child kidnapper; relating to the Servicemembers Civil Relief Act; relating to contracts made by a member of the organized militia; relating to nonjudicial punishment of members of the organized militia; relating to offenses subject to court-martial proceedings; and providing for an effective date."

- MOVED CSHB 307 (MLV) OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: HB 307

SHORT TITLE: MILITARY JUSTICE & MILITIA CIVIL RELIEF

SPONSOR(s): REPRESENTATIVE(S) TUCK

01/24/18	(H)	READ THE FIRST TIME - REFERRALS
01/24/18	(H)	MLV, JUD
01/30/18	(H)	MLV AT 1:30 PM GRUENBERG 120
01/30/18	(H)	Heard & Held
01/30/18	(H)	MINUTE (MLV)
02/06/18	(H)	MLV AT 1:00 PM GRUENBERG 120
02/06/18	(H)	Heard & Held
02/06/18	(H)	MINUTE (MLV)
02/13/18	(H)	MLV AT 1:00 PM GRUENBERG 120

## **WITNESS REGISTER**

KENDRA KLOSTER, Staff  
Representative Chris Tuck  
Alaska State Legislature  
Juneau, Alaska

**POSITION STATEMENT:** Explained Amendment 2 during the hearing on HB 307, on behalf of Representative Tuck, prime sponsor.

LIEUTENANT COLONEL CHRIS WEAVER, Judge Advocate  
Alaska National Guard Joint Staff  
Department of Military & Veterans' Affairs (DMVA)  
Joint Base Elmendorf-Richardson (JBER)

**POSITION STATEMENT:** Answered a question during the hearing on HB 307.

## **ACTION NARRATIVE**

[1:10:09 PM](#)

**CHAIR CHRIS TUCK** called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:10 p.m. Representatives LeDoux, Rauscher, Saddler, Parish, and Tuck were present at the call to order.

### **HB 307-MILITARY JUSTICE & MILITIA CIVIL RELIEF**

[1:10:56 PM](#)

CHAIR TUCK announced that the only order of business would be House Bill 307 HOUSE BILL NO. 307, "An Act requiring a person who commits certain offenses under the code of military justice to register as a sex offender or child kidnapper; relating to the Servicemembers Civil Relief Act; relating to contracts made by a member of the organized militia; relating to nonjudicial punishment of members of the organized militia; relating to offenses subject to court-martial proceedings; and providing for an effective date."

[Left pending from the House Special Committee on Military and Veterans' Affairs meeting on 2/6/18 was a motion to adopt Amendment 1, as amended.]

[1:10:56 PM](#)

CHAIR TUCK reviewed that [before being amended], Amendment 1, labeled 30-LS1099\A.1, Glover, 2/5/18, had read as follows:

Page 10, line 15, following "prisoner":

Insert "or unlawfully uses a drug with a prisoner"

Page 12, line 3, following "alcohol":

Insert "or a drug"

Page 12, line 9, following "drunk":

Insert "or under the influence of a controlled substance"

Page 12, line 9, following "direct.":

Insert "In this subsection, "controlled substance" has the meaning given in AS 26.05.870."

Page 12, line 13, following "alcohol":

Insert "or a drug"

CHAIR TUCK said the purpose of Amendment 1 was to clarify Sections 21-23, which relate to the use of alcohol and controlled substances. He explained that the first part Amendment 1 specifies unlawful use, because prohibiting the use of cough syrup is not the intention of the bill. Regarding the proposed change on page 12, line 3, to insert "or a drug", he said that means legal or illegal. He said it took him a while to fully understand Section 21, which refers to AS 26.05.860. He advised that although a person may not be under the influence, he/she could have a hangover as a result of indulgence and be unfit for work. He said that makes sense. Regarding the proposed change to page 12, line 9, regarding "controlled substance", he recalled that the committee had been concerned about controlled substances also being those that are legal prescriptions. He said if that is still a concern, then there is an amendment the committee could consider specifying that the controlled substance is "other than a controlled substance taken in accordance with a valid prescription". He said he thinks that with that minor modification, everything else in Amendment 1, [as amended], falls into place. He expressed willingness to removed Section 21 if committee members still find it problematic.

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REPRESENTATIVE SADDLER indicated that he thought the committee could accomplish what it wished by amending Amendment 1, [as

amended], in the way described by Chair Tuck [rather than deleting Section 21].

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CHAIR TUCK moved to adopt Amendment 2 to Amendment 1, as amended, to add the following language following the insertion of "or under the influence of a controlled substance", as proposed on line 8 of Amendment 1:

other than a controlled substance taken in accordance  
with a valid prescription

CHAIR TUCK, in response to Representative Saddler, explained that Conceptual Amendment 1 to Amendment 1 had been adopted on 2/6/18 to amend a typographical error.

CHAIR TUCK asked if there was any objection to Amendment 2 to Amendment 1, [as amended]. There being none, it was so ordered.

CHAIR TUCK noted that Representative Reinbold, who was not currently present, had objected to the motion to adopt Amendment 1 on 2/6/18.

[1:17:32 PM](#)

The committee took a brief at-ease at 1:17 p.m.

[1:17:49 PM](#)

CHAIR TUCK announced that the objection to the motion to adopt Amendment 1, [as amended], was maintained.

[1:18:15 PM](#)

The committee took a brief at-ease at 1:18 p.m.

[1:18:25 PM](#)

A roll call vote was taken. Representatives Rauscher, Saddler, LeDoux, Parish, and Tuck voted in favor of Amendment 1, as amended. Therefore, by a vote of 5-0, Amendment 1, as amended, was adopted.

[1:19:17 PM](#)

REPRESENTATIVE LEDOUX moved to adopt Amendment 2, labeled 30-LS1099\A.2, Glover, 2/5/18, which read as follows:

Page 1, line 3:

Delete "a member of the organized militia"  
Insert "servicemembers"

Page 6, line 8, following "militia":

Insert "; contracts"

Page 6, lines 17 - 18:

Delete "member of the organized militia"  
Insert "servicemember"

Page 6, line 18, following "services":

Insert "provided in this state"

Page 6, line 19:

Delete "member"  
Insert "servicemember"

Page 6, line 20:

Delete "member"  
Insert "servicemember"

Page 6, lines 26 - 27:

Delete "member of the organized militia"  
Insert "servicemember"

Page 6, line 28:

Delete "member"  
Insert "servicemember"

Page 6, line 29:

Delete "member"  
Insert "servicemember"

Page 6, line 30:

Delete "member" in both places  
Insert "servicemember" in both places

Page 7, line 1:

Delete "member"  
Insert "servicemember"

Page 7, line 2:

Delete "member" in both places

Insert "servicemember" in both places

Page 7, line 5:

Delete "member"

Insert "servicemember"

Page 7, line 6:

Delete "member"

Insert "servicemember"

Page 7, line 8:

Delete "member of the organized militia"

Insert "servicemember"

Page 7, line 9:

Delete "member"

Insert "servicemember"

Page 7, line 10:

Delete "member"

Insert "servicemember"

Page 7, line 13:

Delete "member"

Insert "servicemember"

Page 7, line 15:

Delete "member"

Insert "servicemember"

Page 7, line 16:

Delete "member of the organized militia"

Insert "servicemember"

Page 7, line 17:

Delete "member"

Insert "servicemember"

Page 7, line 18:

Delete "member"

Insert "servicemember"

Page 7, line 22:

Delete all material.

Renumber the following paragraph accordingly.

Page 7, line 24, following "AS 26.05.010(b)(1)":

Insert ";

(2) "servicemember" means a member of the armed forces of the United States or a member of the organized militia of the state"

REPRESENTATIVE SADDLER objected for the purpose of discussion.

[1:20:06 PM](#)

KENDRA KLOSTER, Staff, Representative Chris Tuck, Alaska State Legislature, on behalf of Representative Tuck, prime sponsor of HB 307, said Amendment 2 relates to the Civil Service Members Relief Act and would change reference of "a member of the organized militia" to "servicemembers". She noted that the last page of Amendment 2 explains that "servicemember" encompasses armed forces of the U.S. and members of the organized militia of states. In response to Representative Saddler, she listed all those entities included in the armed forces of the United States: the Alaska Air Guard, the Alaska Army Guard, the Alaska State Defense Force, and the Alaska Naval Militia.

REPRESENTATIVE SADDLER removed his objection to the motion to adopt Amendment 2. There being no further objection, Amendment 2 was adopted.

[1:22:12 PM](#)

REPRESENTATIVE LEDOUX moved to report HB 307, as amended, out of committee with individual recommendations and the accompanying fiscal notes.

[1:22:44 PM](#)

REPRESENTATIVE RAUSCHER objected to ask if "this applies only to servicemembers completely."

CHAIR TUCK answered that is correct.

REPRESENTATIVE RAUSCHER removed his objection.

[1:22:55 PM](#)

REPRESENTATIVE SADDLER objected to ask for clarification regarding "offenses subject to court martial proceedings", found in the bill title. He cited "such authority as shall be punished as a court martial may direct" and asked if "this

excludes deliberately any administrative disciplinary measures." He asked how administrative disciplinary measures and court martial punishment differ.

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LIEUTENANT COLONEL CHRIS WEAVER, Judge Advocate, Alaska National Guard Joint Staff, Department of Military & Veterans' Affairs (DMVA), told Representative Saddler that administrative procedures are "something totally separate" and are "still on the table when misconduct occurs."

[1:24:37 PM](#)

REPRESENTATIVE RAUSCHER directed attention to language on Page 6, line 19, of HB 307, which is a provision that would allow a servicemember to get out of a service contract [such as with an Internet provider] if that servicemember receives orders to relocate for a period of 90 or more days. He asked if the credit rating of servicemembers would be affected.

CHAIR TUCK offered his understanding that because the contract would be ended, there would be no adverse effect on the servicemember's credit rating, because "no further monies would be owed, unless they're delinquent already."

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REPRESENTATIVE PARISH speculated that [the provision] would actually provide an extra measure of protection for the servicemember's credit rating, because he/she would not have a delinquent bill being charged month after month in his/her absence.

[1:26:04 PM](#)

REPRESENTATIVE SADDLER directed attention to page 7, lines 1-7, and he said it was brought to his attention that the bill language presumes that a servicemember would have orders in advance of deployment that would "kick in the provisions" of the Servicemembers Civil Relief Act. He suggested that it might be advantageous for the next committee of referral to include language such that the provisions protecting the servicemember to leave would be issued in advance, because sometimes the servicemember has to leave immediately and there can be no 90-day notice.

CHAIR TUCK proffered that the 90 days refers to the 90-day minimum deployment.

[1:27:28 PM](#)

REPRESENTATIVE SADDLER removed his objection.

[1:27:56 PM](#)

The committee took a brief at-ease at 1:28 a.m.

[1:28:18 PM](#)

CHAIR TUCK announced that there being no further objection, CSHB 307(MLV) was reported out of the House Special Committee on Military and Veterans' Affairs.

[1:28:42 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:29 p.m.