

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

March 5, 2024

1:01 p.m.

**MEMBERS PRESENT**

Representative Stanley Wright, Chair  
Representative Laddie Shaw  
Representative Ben Carpenter  
Representative George Rauscher  
Representative Dan Saddler  
Representative Cliff Groh  
Representative Andrew Gray

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

HOUSE BILL NO. 228

"An Act establishing the Alaska mental health and psychedelic medicine task force; and providing for an effective date."

- MOVED CSHB 228 (MLV) OUT OF COMMITTEE

HOUSE BILL NO. 312

"An Act relating to the appointment of an assistant adjutant general; and providing for an effective date."

- MOVED HB 312 OUT OF COMMITTEE

PRESENTATION(S): PROGRAM ELEMENT CODE LEVELING INITIATIVE

- HEARD

**PREVIOUS COMMITTEE ACTION**

BILL: HB 228

SHORT TITLE: MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE

SPONSOR(S): REPRESENTATIVE(S) ARMSTRONG

01/16/24	(H)	PREFILE RELEASED 1/8/24
01/16/24	(H)	READ THE FIRST TIME - REFERRALS
01/16/24	(H)	HSS, STA, FIN
02/02/24	(H)	MLV REPLACES HSS REFERRAL

02/02/24 (H) BILL REPRINTED  
 02/13/24 (H) MLV AT 1:00 PM GRUENBERG 120  
 02/13/24 (H) Heard & Held  
 02/13/24 (H) MINUTE (MLV)  
 02/29/24 (H) MLV AT 1:00 PM GRUENBERG 120  
 02/29/24 (H) Heard & Held  
 02/29/24 (H) MINUTE (MLV)  
 03/05/24 (H) MLV AT 1:00 PM GRUENBERG 120

BILL: HB 312

SHORT TITLE: ASSISTANT ADJUTANT GENERAL APPOINTMENT  
 SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

02/09/24 (H) READ THE FIRST TIME - REFERRALS  
 02/09/24 (H) MLV  
 02/22/24 (H) MLV AT 1:00 PM GRUENBERG 120  
 02/22/24 (H) -- MEETING CANCELED --  
 02/29/24 (H) MLV AT 1:00 PM GRUENBERG 120  
 02/29/24 (H) Heard & Held  
 02/29/24 (H) MINUTE (MLV)  
 03/05/24 (H) MLV AT 1:00 PM GRUENBERG 120

**WITNESS REGISTER**

FORREST WOLFE, Staff  
 Representative Stanley Wright  
 Alaska State Legislature  
 Juneau, Alaska

**POSITION STATEMENT:** Explained the changes in Version P, a proposed committee substitute for HB 228, on behalf of Representative Wright, prime sponsor.

ANGELA LAFLAMME, Legislative Liaison  
 Office of the Commissioner  
 Department of Military and Veterans' Affairs  
 Joint Base Elmendorf-Richardson

**POSITION STATEMENT:** Introduced the Program Element Code Leveling Initiative presentation and presenter Brigadier General Brian Kyle.

BRIGADIER GENERAL BRIAN KILE, Assistant Adjutant General  
 Alaska Air National Guard  
 None given

**POSITION STATEMENT:** Gave the Program Element Code Leveling Initiative presentation.

**ACTION NARRATIVE**

[1:01:27 PM](#)

**CHAIR STANLEY WRIGHT** called the House Special Committee on Military and Veterans' Affairs meeting to order at 1:01 p.m. Representatives Shaw, Carpenter, Groh, Gray, and Wright were present at the call to order. Representatives Saddler and Rauscher arrived as the meeting was in progress.

**HB 228-MENTAL HEALTH/PSYCHEDELIC MED. TASK FORCE**

[1:02:04 PM](#)

CHAIR WRIGHT announced that the first order of business would be HOUSE BILL NO. 228, "An Act establishing the Alaska mental health and psychedelic medicine task force; and providing for an effective date."

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REPRESENTATIVE SHAW moved to adopt the proposed committee substitute (CS) to HB 228, labeled 33-LS0976\P as a working document.

REPRESENTATIVE CARPENTER objected for the purpose of discussion.

[1:02:50 PM](#)

FORREST WOLFE, Staff, Representative Stanley Wright, Alaska State Legislature, on behalf of Representative Wright, prime sponsor, read the explanation of changes [included in committee packet], which read as follows [original punctuation provided]:

The Military & Veterans' Affairs Committee Substitute for House Bill 228 (Work Order 33-LS0976\P) reflects the two amendments made at the previous committee hearing on 2/29/24.

1. Page 2, following line 24: Inserts a new paragraph to read:
  - o "(9) one member representing psychiatric nurse practitioners, selected by the board of directors of the Alaska Advanced Practice Registered Nurse Alliance;"
  - o Renumbers the following paragraphs accordingly.

2. Page 1, line 8: Deletes "Department of Commerce, Community, and Economic Development" and inserts "legislature."

3. Page 3, Line 3 subsection (c): deletes "The task force shall elect a chair from among its members" and inserts "The members appointed by the president of the senate and the speaker of the house of representatives under (b)(11) and (12) of this section shall serve as co-chairs of the task force."

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REPRESENTATIVE CARPENTER removed his objection. There being no further objection, Version P was adopted as the working document.

[1:04:37 PM](#)

REPRESENTATIVE SHAW moved to report CSHB 228, Version 33-LS0976\P, out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, CSHB 228(MLV) was reported out of the House Special Committee on Military and Veterans' Affairs.

[1:05:01 PM](#)

The committee took an at-ease from 1:05 p.m. to 1:08 p.m.

**HB 312-ASSISTANT ADJUTANT GENERAL APPOINTMENT**

[1:08:12 PM](#)

CHAIR WRIGHT announced that the next order of business would be HOUSE BILL NO. 312, "An Act relating to the appointment of an assistant adjutant general; and providing for an effective date."

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REPRESENTATIVE SHAW moved to report HB 312 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, HB 312 was reported out of the House Special Committee on Military and Veterans' Affairs.

[1:09:06 PM](#)

The committee took an at-ease from 1:09 p.m. to 1:12 p.m.

**PRESENTATION) S) : PROGRAM ELEMENT CODE LEVELING INITIATIVE**

1:12:26 PM

CHAIR WRIGHT announced that the final order of business would be the Program Element Code Leveling Initiative presentation.

1:13:09 PM

ANGELA LAFLAMME, Legislative Liaison, Office of the Commissioner, Department of Military and Veterans' Affairs, introduced the Program Element Code (PEC) Leveling Initiative presentation and presenter Brigadier General Brian Kyle.

1:13:50 PM

BRIGADIER GENERAL BRIAN KILE, Assistant Adjutant General, Alaska Air National Guard, summarized the Alaska Air National Guard Program Element Code Leveling whitepaper [included in committee packet], which read as follows [original punctuation provided]:

The Alaska Air National Guard is one of the most operational guard units in the nation with the 176th Wing on Joint Base Elmendorf-Richardson providing nearly 100% of the Air Defense, Airspace Control Authority, Personnel Recovery, and Rescue Coordination for the Alaska Command/Alaska NORAD Region commander. Complementary to the 176th Wing, the 168th Wing at Eielson Air Force Base provides nearly 100% of the Alaska NORAD Region's Air Refueling. Additionally, airmen at Clear Space Station provide nearly 100% of the region's Missile Warning Defense, Space Domain Awareness, and their critical support functions in Alaska.

The men and women who fulfill these integral 24/7 operational positions in Alaska are currently in Active Guard and Reserve (AGR) positions, a federal program through which Airmen serve in a full-time capacity on federal active-duty status under Title 32 USC. This status allows quick conversion to Title 10 USC when needed, such as in response to a national security incident or state emergency response. These types of positions provide the most flexibility for training and operationally capable guardsmen.

In January, all 54 Adjutant Generals were notified by the Air National Guard that PEC leveling nationwide would be conducted. PEC is short for program element code, which refers to the funding code for positions. PEC leveling is an adjustment to fulltime resources, generally a change between AGR and Dual-Status Technicians. This decision was made without consideration for mission or operational needs of the states and provides only eight months to complete the transition.

The Dual-Status Technician program provides for most Air National Guard training requirements, but these airmen are not permitted to perform Title 10 designated duties. The effective loss of the ability to transition quickly into Title 10 USC results in Alaska's Air National Guard units lacking the agility to quickly respond to national security threats such as airspace penetration by peer adversaries, cyber intrusion, or air intercept operations.

Alaska will endure the most significant number of AGR to Technician conversions (88 AGR loss) in the country, with multiple Title 10 homeland defense missions critically impacted and expected degradation of operations to MISSION FAILURE starting by June 2024. The impacts will be significant:

- 100+ Civilian Search and Rescue Alert Rescue missions impacted annually.
- Air refueling impacts to NORAD alert fighters responding to Russian encroachment on US airspace.
- All Title 10 Homeland Defense missions (which do not allow DST status to complete)
- NORAD - Aerospace Control Alert and Air Sovereignty Alert
- Ballistic Missile Defense / Space Domain Awareness
- Global Airlift (MISSION DEGRADED)

Sixty-five of the affected Alaskan AGR members have already expressed retiring/separating and looking for work outside the Alaska Air National Guard.

The loss of Alaska's AGR positions will cause numerous personnel issues including:

- Loss of 65 experienced AGRs

- Recruitment for these losses will take approximately 24-36 months to recover only 50% of the departing Airmen and years to regain the experience
- Pay differential between these AGR positions adjusting to dual-status technician status will see at a minimum between \$18K and \$44k pay cut per year
- Impacts to retirements, benefits, and medical benefits

We can support the Alaska Air National Guard and avoid critical mission failures in Alaska if we:

- Stop PEC Leveling in its current form
- Ask the National Guard Bureau to provide a 24-month "get-well moratorium" to assess risk
- Increase the Air National Guard AGR end strength by 80, with prescriptive language to provide them to the Alaska Air National Guard
- Multi-state delegation for Congress support to increase the Air National Guard AGR end-strength

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CHAIR WRIGHT asked what the alert mission is and how it is important.

BRIGADIER GENERAL KILE answered that there are four different alerts, one of which is the search and rescue alert covered 24/7 by the 176<sup>th</sup> Wing at Joint Base Elmendorf-Richardson (JBER). Another is a refueling alert, which involves air re-fueling of fighter planes. There are also two ground-based alert missions, one is the alerting communications of America (ACA) alert, the other is space surveillance for ballistic missiles.

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REPRESENTATIVE RAUSCHER inquired if there is a "fix on the horizon."

BRIGADIER GENERAL KILE shared that the Alaska Air National Guard is working with various entities to stop this in its current form. He said there is not a direct fix currently; if PEC leveling was adjusted as it was rolled out on January 10, issues would arise.

REPRESENTATIVE RAUSCHER asked what committee members can do.

BRIGADIER GENERAL KILE suggested a joint resolution through the state to stop PEC leveling and re-adjust.

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REPRESENTATIVE SADDLER asked whether PEC leveling has been applied before and whether it provides cost savings.

BRIGADIER GENERAL KILE answered that in talking about program element codes, war fighting capabilities is discussed. In hypothetical example, he said the Guard wants to send search and rescue to Afghanistan to fight; however, if every rescue unit looks different, then it is unknown what the guard will get. He said the effort is to level PECs to have each look the same. He stated that 30 of the 54 are winners in the PEC leveling rollout. He relayed that the director of the Air National Guard has stated that the rollout is needed because there has been an AGR cap placed on the guard as a whole, which right now is 25,333, and indicated the need to raise it to 31,200 in order to replace some of the technician workforce.

REPRESENTATIVE SADDLER used an anecdote. He asked, in terms of the Air National Guard Force nationwide, whether there is a provision for allocating the winners and losers so that personnel who have gone through the training are maintained. He inquired whether people lost to the Alaska Guard would go to a "net-gain" guard.

BRIGADIER GENERAL KILE stated that there is a zero-sum gain, as there is no change in force numbers for the Air National Guard as a whole; it is just rearranging full-time employment authorities to level every PEC.

REPRESENTATIVE SADDLER inquired as to feedback from partners in the North American Aerospace Defense Command (NORAD).

BRIGADIER GENERAL KILE answered that the Guard has not engaged with Canada, but is engaged with NORAD Northcom, so indirectly with Canada. He said the Guard has also been engaged with Alcom and Palcom.

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REPRESENTATIVE CARPENTER asked, regarding the active component relying on the reserves to fulfill its mission, whether the active component have the capacity to pick up the slack where the reserve component may be curtailed.

BRIGADIER GENERAL KILE responded that there is some capacity, as well as some ability to provide manning days to help augment the technicians holding the alert. Regarding pulling active-duty personnel to do the missions, he said there is limited space capacity.

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REPRESENTATIVE GRAY said that as a former Guard soldier, he has been unable to tell the difference between an AGR and a "tech" since they are both wearing uniforms and are present during the week. He asked AGR and tech people about PEC leveling, and they said the silver lining of being a tech is that they have more freedom, set hours, compensation time, and union representation. A tech has the freedom to say "no," whereas an AGR has to do what they are told. He relayed a comment from an AGR stating that in her department, if people were changed from AGR to tech, then she would quit; there is no way she would do that workload with a decrease in pay and benefits. He asked if there is a way to do a committee resolution opposing PEC leveling.

REPRESENTATIVE WRIGHT answered, "Absolutely."

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REPRESENTATIVE GROH stated that Alaska is lucky to have a large number of dedicated national guard personnel. He asked whether there was a strategy or historical pattern that lead to the reliance on people in the National Guard doing tasks rather than active duty.

BRIGADIER GENERAL KILE responded that in looking at the Alaska Air National Guard's growth, it started in 1989, which was the fall of the Cold War, and started getting rid of active-duty missions. Going into the early '90s, the active duty was getting rid of missions and referring them to the guard; the 71<sup>st</sup> Recuse Squadron left in 1989 and the 210<sup>th</sup> Rescue Squadron was set up in its place in 1993. He summarized that it was the draw-down of the Cold War, as well as the changing landscape, that lead to the missions being handed to the Guard.

REPRESENTATIVE GROH thanked Brigadier General Kile and thanked the Chair Wright for bringing the issue to the committee's attention.

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REPRESENTATIVE CARPENTER questioned whether the PEC leveling is expected to happen to the U.S. Army as well.

BRIGADIER GENERAL KILE answered that three years ago the Army made similar changes. He said there is no push to make this particular change in the Army, but there is a push for "the Air" if the cap is not removed. He advised that there are two more phases to the PEC leveling that are being looked at, as well as cross PEC leveling; tech leveling throughout the states is the plan.

REPRESENTATIVE CARPENTER pointed to the list in the whitepaper regarding what will be significantly impacted. He asked whether the PEC leveling has a classified impact that Brigadier General Kile is unable to share today.

BRIGADIER GENERAL KILE answered yes.

REPRESENTATIVE CARPENTER commented that the list is concerning but said he cannot imagine leadership at the U.S. Department of Defense would allow ballistic missile defense to slip. He cautioned that whatever is going on at the national level in regard to force leveling needs to be understood before the state takes a position.

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REPRESENTATIVE SADDLER asked if the National Guard Bureau has given Brigadier General Kile dispensation to take the case to the committee.

BRIGADIER GENERAL KILE answered yes, in that the Guard has put itself at odds with the bureau. Concerns related to the bureau fell on deaf ears.

[1:41:45 PM](#)

#### **ADJOURNMENT**

There being no further business before the committee, the House Special Committee on Military and Veterans' Affairs meeting was adjourned at 1:42 p.m.