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1 IN THE SENATE

2 SENATE BILL NO. 74

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska National Guard and
7 Alaska Naval Militia; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 23.30.265(11) is amended to read:

11 (11) "employee" means an employee employed by an employer as
12 defined in [PARAGRAPH] (12) of this section, including a member of the
13 Alaska National Guard or Alaska Naval Militia while on active duty for
14 the state and lawfully performing his duties;

15 * Sec. 2. AS 26.05.160(a) is amended to read:

16 (a) The adjutant general of the state is appointed by the gover-
17 nor. The governor shall prescribe the grade of the adjutant general
18 which may [SHALL] not exceed major general. The governor may, in his
19 discretion, appoint the adjutant general from a list of not less than
20 three eligible persons submitted by the National Guard Advisory Board.
21 To be eligible for appointment as adjutant general, a person shall be a
22 citizen of the state, be a member of the Alaska National Guard with at
23 least five years service, and hold or have held a federally recognized
24 field-grade commission. The adjutant general, before assuming his
25 duties, must have completed the command and general staff course or
26 its equivalent and at least one additional course, either residential
27 or correspondence, at one of the war colleges. The adjutant general
28 shall make returns and reports to the Chief, National Guard Bureau, and
29 to the governor or to the officers designated by the Chief, National

1 Guard Bureau, and the governor, at the times and in the form prescribed.

2 * Sec. 3. AS 26.05 is amended by adding new sections to read:

3 Sec. 26.05.165. NATIONAL GUARD ADVISORY BOARD. (a) There is
4 established the National Guard Advisory Board, whose members are
5 appointed by the governor and serve at his pleasure. The National Guard
6 Advisory Board is composed of

7 (1) an employee of the Department of Military Affairs who is
8 a member of the Alaska National Guard or Alaska Naval Militia;

9 (2) an officer in the Alaska Army National Guard, not em-
10 ployed by the Department of Military Affairs;

11 (3) an enlisted person in the Alaska Army National Guard, not
12 employed by the Department of Military Affairs;

13 (4) an officer in the Alaska Air National Guard, not employed
14 by the Department of Military Affairs;

15 (5) an enlisted person in the Alaska Air National Guard, not
16 employed by the Department of Military Affairs;

17 (6) two public members.

18 (b) Members appointed under (a)(1) - (5) of this section shall be
19 members of the Alaska National Guard Association, Incorporated or one of
20 its subsidiary officer or enlisted associations.

21 Sec. 26.05.166. TERM OF OFFICE. (a) Members of the National
22 Guard Advisory Board shall be appointed for overlapping terms of three
23 years.

24 (b) Of the seven initial appointees, two shall be appointed for
25 one-year terms, two for two-year terms, and three for three-year terms.
26 Subsequent terms for all board members are three years.

27 (c) An appointment to fill a vacancy in an unexpired term is for
28 the unexpired term.

29 Sec. 26.05.167. QUORUM. A majority of the membership of the

1 National Guard Advisory Board constitutes a quorum to transact the
2 business of the board, but a majority of the members of the board must
3 approve the lists of recommended persons for the governor's considera-
4 tion under AS 26.05.160(a).

5 Sec. 26.05.168. TRANSPORTATION AND PER DIEM. Members of the
6 National Guard Advisory Board receive no compensation for their service
7 on the board but are entitled to travel expenses and per diem as set out
8 in AS 39.20.180 when necessary to attend meetings of the board.

9 Sec. 26.05.169. DUTIES. The National Guard Advisory Board shall

10 (1) submit lists of recommended persons for the governor's
11 consideration under AS 26.05.160(a);

12 (2) recommend to the governor policies concerning the admin-
13 istration and operation of the Alaska National Guard and the Alaska
14 Naval Militia;

15 (3) recommend legislation that will enhance the recruitment,
16 retention, and retirement program within the Alaska National Guard and
17 Alaska Naval Militia;

18 (4) recommend basic force requirements and unit structuring
19 for further recommendation to the National Guard Bureau which will
20 enhance the efficiency of the militia.

21 * Sec. 4. AS 26.05.222 is amended to read:

22 Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL
23 GUARD AND ALASKA NAVAL MILITIA RETIREMENT PLAN. There is established
24 in the public employees retirement system of Alaska a separate Alaska
25 National Guard and Alaska Naval Militia retirement plan and account,
26 which shall be administered as a part of and in like manner as the
27 public employees retirement system.

28 * Sec. 5. AS 26.05.223 is amended to read:

29 Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN PLAN. A [AN

1 ACTIVE] member of the Alaska National Guard or Alaska Naval Militia
2 shall be included in this plan upon commencement of his [ACTIVE] member-
3 ship in the Alaska National Guard or Alaska Naval Militia [, OR ON
4 JANUARY 1, 1973, WHICHEVER IS LATER. INCLUSION IN THE PLAN IS A CONDI-
5 TION OF ACTIVE MEMBERSHIP IN THE ALASKA NATIONAL GUARD].

6 * Sec. 6. AS 26.05.224(a) is amended to read:

7 (a) A [AN ACTIVE] member of the Alaska National Guard on or after
8 January 1, 1971 or a member of the Alaska Naval Militia on or after
9 July 1, 1979 is eligible for a retirement pension [PAY]

10 (1) upon voluntary retirement after a total of 20 years or
11 more of membership in the Territorial Guard, Alaska National Guard, or
12 Alaska Naval Militia when added to periods of active military service,
13 if any, in the armed forces of the United States [AND UPON REACHING 55
14 YEARS OF AGE], or

15 (2) upon involuntary retirement because of federal standards
16 imposed on Alaska National Guard or Alaska Naval Militia members, re-
17 gardless of length of service.

18 * Sec. 7. AS 26.05.224(b) is amended to read:

19 (b) The retirement pension [RETIREMENT PAY] is \$50 a month, pay-
20 able [TO BE CONTINUED] for the total [SAME] number of months that the
21 person was a member of the Territorial Guard, Alaska National Guard, or
22 Alaska Naval Militia. Payment of the retirement pension shall begin
23 (1) in the case of voluntary retirement, the first month after the
24 person's 55th birthday or separation from the Alaska National Guard or
25 Alaska Naval Militia, whichever is later; or (2) in the case of involun-
26 tary retirement because of federal standards, the first month after the
27 person's separation from the Alaska National Guard or Alaska Naval Mili-
28 tia. A member or former member may elect to have payment of retirement
29 pension benefits deferred until any month after they would otherwise be-

1 gin under this subsection. Payment of a deferred benefit may not begin
2 until application for the benefit is filed with and approved by the
3 Department of Military Affairs. However, deferred benefits which have
4 not been paid to a person entitled to them by the time of his death
5 shall be paid to his designated beneficiary, regardless of whether the
6 person filed an application for payment of those benefits before his
7 death.

8 * Sec. 8. AS 26.05.260(c) is amended to read:

9 (c) A member [ENLISTED PERSONS] of the Alaska [ARMY NATIONAL
10 GUARD, AIR] National Guard and Alaska Naval Militia shall receive for
11 each day of active service for the state, under orders of the governor,
12 pay and allowances equal to those provided by federal laws and regula-
13 tions for members [ENLISTED PERSONS] of like grades of the United States
14 Army, United States Air Force and United States Navy, plus compensation
15 equivalent to the per diem allowance payable to state officers and em-
16 ployees for the locale at which the duty is being performed. [HOWEVER,
17 NO ENLISTED PERSON SHALL RECEIVED PAY AND ALLOWANCES OF LESS THAN \$6 A
18 DAY.]

19 * Sec. 9. AS 26.05.260 is amended by adding new subsections to read:

20 (h) A member of the Alaska National Guard or Alaska Naval Militia,
21 while on active duty for the state and lawfully performing his duties,
22 including transit to and from his home of record, who is injured or
23 suffers a disability while performing those duties is entitled to all
24 compensation and benefits available under the Alaska Workmen's Compen-
25 sation Act (AS 23.30) for the injury or disability.

26 (i) The designated beneficiary of a member of the Alaska National
27 Guard or Alaska Naval Militia who dies as a result of an injury or
28 disability received while on active duty for the state and lawfully
29 performing his duties, including transit to and from his home of record,

1 is entitled to receive death benefits allowed beneficiaries under the
2 Alaska Workmen's Compensation Act (AS 23.30). In addition, the member's
3 beneficiaries shall be sent, within 15 days of receipt of notice of the
4 member's death, payment in an amount equal to six times the member's
5 monthly salary as designated in (c) of this section, including special
6 and incentive pay, applicable at the date of the member's death. This
7 additional payment will be made only if the death occurs on or before
8 the 120th day after the member's release from state active duty, and
9 only if the state surgeon in the Alaska National Guard or Alaska Naval
10 Militia has first determined that the member's death resulted from an
11 injury or disability received during that active duty period. Desig-
12 nated beneficiaries shall be paid the pay and allowances accrued but
13 unpaid to the member at the time of death within 15 days after the date
14 of notice of his death is received. Beneficiaries are considered to be
15 designated when they are designated as beneficiaries in the member's
16 military personnel record file. If the member does not designate a
17 beneficiary, the beneficiary under this subsection shall be determined
18 in accordance with the Alaska Workmen's Compensation Act (AS 23.30).

19 * Sec. 10. AS 26.05. is amended by adding new sections to read:

20 Sec. 26.05.297. ALASKA NATIONAL GUARD SENIOR ROTC SCHOLARSHIP
21 PROGRAM. (a) There is established within the Department of Military
22 Affairs an Alaska National Guard Senior ROTC scholarship program under
23 which eligible persons will receive a grant equivalent to the current
24 cost of resident tuition, fees, and books at the University of Alaska
25 for each eligible semester to the extent funds are available and subject
26 to the projected officer needs of the Alaska National Guard and the
27 Alaska Naval Militia.

28 (b) To be eligible for this scholarship, a person must
29 (1) be enrolled as a full-time student at the University of

1 Alaska and qualify for resident tuition status;

2 (2) be enrolled and participating in the Senior ROTC program
3 at the University of Alaska for the qualifying semester;

4 (3) be a satisfactory participating member of the Alaska
5 National Guard or Alaska Naval Militia;

6 (4) maintain a satisfactory standard of academic achievement;

7 (5) meet all current federal requirements for appointment as
8 an officer in the Alaska National Guard or Alaska Naval Militia; and

9 (6) be selected by the adjutant general.

10 (c) Scholarship benefits under this section may be awarded in
11 addition to any funds expended under AS 26.05.295 or 26.05.296.

12 Sec. 26.05.346. DEFINITION. As used in this chapter, "member of
13 the Alaska National Guard or Alaska Naval Militia" means a commissioned
14 or warrant officer or enlisted person in the Alaska National Guard or
15 Alaska Naval Militia.

16 * Sec. 11. AS 14.25.100(a) is amended to read:

17 (a) A teacher who served as an active member of the armed forces
18 of the United States after December 31, 1939 may receive creditable
19 service under this retirement system up to a maximum of five years. Each
20 12 months of military service equals one school year, and lesser mili-
21 tary periods will be determined for credit purposes in a proportionate
22 ratio to a year. To receive creditable service under this section, the
23 teacher must have received a discharge other than dishonorable. Except
24 as provided in (f) of this section, credit [CREDIT] for service in the
25 armed forces shall be granted only if the teacher makes contributions
26 for the service [IN THE SAME MANNER AS REQUIRED FOR OUTSIDE SERVICE]
27 under AS 14.25.060. [THE MILITARY SERVICE CREDITED UNDER THIS SECTION
28 SHALL BE INCLUDED IN THE 10-YEAR LIMITATION OF OUTSIDE SERVICE AS SPECI-
29 FIED IN AS 14.25.060, EXCEPT IF ENTRY INTO THE ARMED FORCES IS IMMEDI-

1 ATELY PRECEDED BY ALASKA MEMBERSHIP SERVICE AND FOLLOWING DISCHARGE IS
2 CONTINUED BY ALASKA MEMBERSHIP SERVICE WITHIN ONE YEAR THEREAFTER,
3 SERVICE MAY NOT BE COUNTED FOR PURPOSES OF DETERMINING THE APPLICABILITY
4 OF THE 10-YEAR LIMITATION ON OUTSIDE SERVICE.]

5 * Sec. 12. AS 14.25.100 is amended by adding a new subsection to read:

6 (f) Notwithstanding AS 14.25.060, a teacher may not be required to
7 make contributions for credit for service in the armed forces if the
8 teacher is a member or former member of the Alaska National Guard or
9 Alaska Naval Militia, or a former member of the Territorial Guard, with
10 a total period of membership of at least 20 years when added to the
11 military service claimed. Such a teacher who has made contributions for
12 military service credit is entitled to a refund of those contributions.

13 * Sec. 13. AS 14.25 is amended by adding a new section to read:

14 Sec. 14.25.105. CREDIT FOR MEMBERSHIP IN THE ALASKA NATIONAL GUARD
15 AND ALASKA NAVAL MILITIA. (a) A teacher who is a member of the Alaska
16 National Guard or Alaska Naval Militia may receive creditable service
17 under this retirement system for all or any part of his credited service
18 under the Alaska National Guard and Alaska Naval Militia retirement plan
19 (AS 26.05.222 - 26.05.226) by electing to forgo four months of credited
20 service under that retirement plan for each month of service to be
21 credited under this retirement system. Each 12 months of service to be
22 credited under this retirement system equals one school year, and lesser
23 periods will be determined for credit purposes in a proportionate ratio
24 to a year.

25 (b) A teacher who is a former member of the Alaska National Guard
26 or Alaska Naval Militia with a least six years credited service under
27 the Alaska National Guard and Alaska Naval Militia retirement plan may
28 receive creditable service under (a) of this section. If the teacher has
29 received retirement pension benefits under the Alaska National Guard and

1 Alaska Naval Militia retirement plan and wishes to claim creditable
2 service with respect to months for which benefits have been paid, he is
3 indebted to the retirement fund in the amount of those benefits. Com-
4 pound interest at the rate prescribed by regulation shall be added to
5 the arrearage indebtedness beginning the date the teacher received the
6 first benefit for which he is indebted to the retirement fund or July 1,
7 1979, whichever is later, and continuing to the date of payment or the
8 date of retirement, whichever occurs first.

9 (c) Except as provided in (b) of this section, a teacher may not
10 be required to make contributions for creditable service allowed under
11 this section.

12 (d) The creditable service allowed under this section may not
13 exceed an aggregate period of five years.

14 (e) A teacher may not receive creditable service under this sec-
15 tion if credit for membership in the Alaska National Guard or Alaska
16 Naval Militia was granted under the public employees' retirement system
17 (AS 39.35).

18 (f) As used in this section, "credited service under the Alaska
19 National Guard and Alaska Naval Militia retirement plan" means the total
20 number of months that a person included in that plan was a member of the
21 Territorial Guard, Alaska National Guard, or Alaska Naval Militia.

22 * Sec. 14. AS 14.25.060(c) is amended to read:

23 (c) The total military service claimed may not exceed five years.
24 The total Alaska National Guard and Alaska Naval Militia service claimed
25 may not exceed five years. The combined total of outside, [AND] mili-
26 tary, and Alaska National Guard and Alaska Naval Militia service may not
27 exceed 10 years, except that, if entry into the armed forces is immedi-
28 ately preceded by membership service and within one year after discharge
29 is continued by membership service, that service will not be counted for

1 purposes of determining the applicability of the 10-year limitation on
2 the combined total of outside, [AND] military, and Alaska National
3 Guard and Alaska Naval Militia service. The combined total of outside,
4 military, Alaska National Guard and Alaska Naval Militia, and Alaska BIA
5 service may not exceed 15 years.

6 * Sec. 15. AS 39.35.340 is amended by adding a new subsection to read:

7 (h) An employee may not be required to make contributions for
8 credited service under this section if the employee is a member or
9 former member of the Alaska National Guard or Alaska Naval Militia, or a
10 former member of the Territorial Guard, with a total period of member-
11 ship of at least 20 years when added to the military service claimed.
12 Such an employee who has made contributions for credited service under
13 this section is entitled to a refund of those contributions. The dead-
14 lines for verifying military service set out in (a), (b), (c), and (e)
15 of this section do not apply to such an employee.

16 * Sec. 16. AS 39.35 is amended by adding a new section to read:

17 Sec. 39.35.345. CREDIT FOR MEMBERSHIP IN THE ALASKA NATIONAL GUARD
18 AND ALASKA NAVAL MILITIA. (a) A vested employee who is a member of the
19 Alaska National Guard or Alaska Naval Militia may receive credited
20 service under this system for all or any part of his credited service
21 under the Alaska National Guard and Alaska Naval Militia retirement plan
22 (AS 26.05.222 - 26.05.226) by electing to forgo four months of credited
23 service under that retirement plan for each month of service to be
24 credited under this system.

25 (b) A vested employee who is a former member of the Alaska
26 National Guard or Alaska Naval Militia with at least six years credited
27 service under the Alaska National Guard and Alaska Naval Militia retire-
28 ment plan may receive credited service under (a) of this section. If
29 the employee has received retirement pension benefits under the Alaska

1 National Guard and Alaska Naval Militia retirement plan and wishes to
2 claim credited service with respect to months for which benefits have
3 been paid, he is indebted to this system in the amount of those bene-
4 fits. Interest as prescribed by regulation accrues on this indebtedness
5 commencing on the date the employee received the first benefit for which
6 he is indebted to this system or July 1, 1979, whichever is later. Any
7 outstanding indebtedness which exists at the time a person is appointed
8 to retirement will necessitate an actuarial adjustment to the benefits
9 payable under this section.

10 (c) Except as provided in (b) of this section, an employee may not
11 be required to make contributions for credited service allowed under
12 this section.

13 (d) The credited service allowed under this section may not exceed
14 an aggregate period of five years and may not be used to satisfy the
15 credited service requirements for normal or early retirement.

16 (e) An employee may not receive credited service under this sec-
17 tion if credit for membership in the Alaska National Guard or Alaska
18 Naval Militia was granted under AS 14.25.

19 (f) As used in this section, "credited service under the Alaska
20 National Guard and Alaska Naval Militia retirement plan" means the total
21 number of months that a person included in that plan was a member of the
22 Territorial Guard, Alaska National Guard, or Alaska Naval Militia.

23 * Sec. 17. The following laws are repealed: AS 26.05.224(c), 26.05.225,
24 26.05.227, and 26.05.260(b), (d), (e), (f), and (g).

25 * Sec. 18. A retired teacher or teacher on deferred vested status on
26 July 1, 1979 is eligible for any increase in benefits resulting from the
27 amendments to AS 14.25 in secs. 11 - 13 of this Act.

28 * Sec. 19. A retired employee or deferred vested employee on July 1, 1979
29 is eligible for any increase in benefits resulting from the amendments to

1 AS 39.35 in secs. 15 and 16 of this Act.

2 * Sec. 20. This Act takes effect July 1, 1979.

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