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Referred: State Affairs and
Finance

1 IN THE HOUSE

BY MILLER AND DUNCAN

2 HOUSE BILL NO. 388

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH 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 14.25.060(c) is amended to read:

11 (c) The total military service claimed may not exceed five years.
12 The total Alaska National Guard and Alaska Naval Militia service claimed
13 may not exceed five years. The combined total of outside, [AND] mili-
14 tary, and Alaska National Guard and Alaska Naval Militia service may
15 not exceed 10 years, except that, if entry into the armed forces is
16 immediately preceded by membership service and within one year after
17 discharge is continued by membership service, that service will not be
18 counted for purposes of determining the applicability of the 10-year
19 limitation on the combined total of outside, [AND] military, and Alaska
20 National Guard and Alaska Naval Militia service. The combined total of
21 outside, military, Alaska National Guard and Alaska Naval Militia, and
22 Alaska BIA service may not exceed 15 years.

23 * Sec. 2. AS 14.25.100(a) is amended to read:

24 (a) A member who served as an active member of the armed forces of
25 the United States may receive credited [CREDITABLE] service under this
26 system up to a maximum of five years. Each 12 months of military service
27 equals one school year, and lesser military periods will be determined
28 for credit purposes in a proportionate ratio to a year. To receive
29 credited [CREDITABLE] service under this section, the member must have

1 received a discharge other than dishonorable. Except as provided in (f)
2 of this section, credit [CREDIT] for service in the armed forces shall
3 be granted only if the member makes contributions for the service [IN
4 THE SAME MANNER AS REQUIRED FOR OUTSIDE SERVICE] under AS 14.25.060.
5 [THE MILITARY SERVICE CREDITED UNDER THIS SECTION SHALL BE INCLUDED IN
6 THE 10-YEAR LIMITATION OF OUTSIDE SERVICE AS SPECIFIED IN AS 14.25.060,
7 EXCEPT IF ENTRY INTO THE ARMED FORCES IS IMMEDIATELY PRECEDED BY ALASKA
8 MEMBERSHIP SERVICE AND FOLLOWING DISCHARGE IS CONTINUED BY ALASKA
9 MEMBERSHIP SERVICE WITHIN ONE YEAR THEREAFTER, SERVICE MAY NOT BE
10 COUNTED FOR PURPOSES OF DETERMINING THE APPLICABILITY OF THE 10-YEAR
11 LIMITATION ON OUTSIDE SERVICE.]

12 * Sec. 3. AS 14.25.100 is amended by adding a new subsection to read:

13 (f) Notwithstanding AS 14.25.060 and (a) of this section, a
14 member is not required to make contributions for credit for service in
15 the armed forces if the member is a member or former member of the
16 Alaska National Guard or Alaska Naval Militia, or a former member of
17 the Territorial Guard, and the military service claimed under this
18 section plus the Alaska National Guard, Alaska Naval Militia or Terri-
19 torial Guard service equals or exceeds 20 years.

20 * Sec. 4. AS 14.25 is amended by adding a new section to read:

21 Sec. 14.25.103. CREDIT FOR MEMBERSHIP IN THE ALASKA NATIONAL
22 GUARD AND ALASKA NAVAL MILITIA. (a) A member who is a member of the
23 Alaska National Guard or Alaska Naval Militia may receive credited
24 service under this system for all or a part of his credited service
25 under the Alaska National Guard and Alaska Naval Militia retirement
26 system (AS 26.05.222 - 26.05.227) by electing to forgo four months of
27 credited service under that retirement system for each month of service
28 credited under this system. Each 12 months of service credited under
29 this system equals one school year, and lesser periods will be deter-

1 mined for credit purposes in a proportionate ratio to a year.

2 (b) A member who is a former member of the Alaska National Guard
3 or Alaska Naval Militia with at least six years credited service under
4 the Alaska National Guard and Alaska Naval Militia retirement system
5 (AS 26.05.222 - 26.05.227) may receive credited service under (a) of
6 this section. If the member has received retirement benefits under the
7 Alaska National Guard and Alaska Naval Militia retirement system and
8 wishes to claim credited service with respect to the months for which
9 benefits have been paid, he is indebted to the retirement fund in the
10 amount of those benefits. Compound interest at the rate prescribed by
11 regulation adopted by the administrator shall be added to the arrearage
12 indebtedness beginning on the date the member received the first benefit
13 for which he is indebted to the retirement fund or July 1, 1980, which-
14 ever is later, and continuing to the date of payment from the
15 retirement fund or the date of retirement, whichever occurs first.

16 (c) Except as provided in (b) of this section, a member is not
17 required to make contributions for credited service allowed under this
18 section.

19 (d) The credited service allowed under this section may not
20 exceed an aggregate period of five years.

21 (e) A member may not receive credited service under this section
22 if credit for membership in the Alaska National Guard or Alaska Naval
23 Militia was granted under the public employees' retirement system
24 (AS 39.35).

25 (f) In this section, "credited service under the Alaska National
26 Guard and Alaska Naval Militia retirement system" means the total
27 number of months that a person included in that system was a member of
28 the Territorial Guard, Alaska National Guard, or Alaska Naval Militia.

29 * Sec. 5. AS 14.25.220(10) is amended to read:

1 (10) "credited service" means all membership service as pro-
2 vided in (20) of this section, plus outside, military, Alaska National
3 Guard, Alaska Naval Militia, Territorial Guard, and BIA service not
4 exceeding 15 years, with outside, Alaska National Guard, Alaska Naval
5 Militia, Territorial Guard, and military service limited to 10 years
6 except under the conditions set out in AS 14.25.100;

7 * Sec. 6. AS 23.30 is amended by adding a new section to read:

8 Sec. 23.30.238. MEMBERS OF THE NATIONAL GUARD AND NAVAL MILITIA.
9 A member of the Alaska National Guard or Alaska Naval Militia while on
10 active duty for the state and lawfully performing his duties is an
11 employee of the state for the purposes of this chapter. Weekly compen-
12 sation for disability or death under this section may not be less than
13 the initial payment of compensation under AS 23.30.175.

14 * Sec. 7. AS 26.05.160(a) is amended to read:

15 (a) The adjutant general of the state is appointed by the governor.
16 The governor shall prescribe the grade of the adjutant general which may
17 [SHALL] not exceed major general. The governor may appoint the adjutant
18 general from a list of not less than three eligible persons submitted by
19 the National Guard Advisory Board. To be eligible for appointment as
20 adjutant general, a person shall be a citizen of the state, be a member
21 of the Alaska National Guard with at least five years service, and hold
22 or have held a federally recognized field-grade commission. An adjutant
23 general who is appointed after December 1, 1982, before assuming his
24 duties, shall have completed the command and general staff course or its
25 equivalent and at least one additional course, either residential or
26 correspondence, at one of the war colleges operated by the United States
27 Department of Defense. However, if the person appointed adjutant gen-
28 eral after December 1, 1982, was a field grade officer of the Alaska
29 National Guard or Alaska Naval Militia before July 1, 1980, war college

1 study is not required. The adjutant general shall make returns and
2 reports to the Chief, National Guard Bureau, and to the governor or to
3 the officers designated by the Chief, National Guard Bureau, and the
4 governor, at the times and in the form prescribed.

5 * Sec. 8. AS 26.05 is amended by adding new sections to read:

6 Sec. 26.05.165. NATIONAL GUARD ADVISORY BOARD. (a) There is
7 established the National Guard Advisory Board, whose members are ap-
8 pointed by the governor and serve at his pleasure. The National Guard
9 Advisory Board is composed of

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

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

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

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

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

20 (6) two public members.

21 (b) Members appointed under (a)(1) - (5) of this section shall be
22 members of the Alaska National Guard Association or one of its subsidi-
23 ary officer or enlisted associations.

24 Sec. 26.05.166. TERM OF OFFICE. Members of the National Guard
25 Advisory Board shall be appointed for overlapping terms of three years.
26 A person appointed to fill a vacancy on the National Guard Advisory
27 Board shall serve for the remainder of the unexpired term.

28 Sec. 26.05.167. QUORUM. A majority of the membership of the
29 National Guard Advisory Board constitutes a quorum to transact the

1 business of the board, but a majority of the members of the board must
2 approve the list of persons recommended for appointment to the office
3 of the adjutant general under AS 26.05.160(a).

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

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

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

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

14 (3) recommend to the governor legislation that will enhance
15 the recruitment, retention, and retirement programs for the Alaska
16 National Guard and Alaska Naval Militia;

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

20 * Sec. 9. AS 26.05.222 is amended to read:

21 Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL
22 GUARD AND ALASKA NAVAL MILITIA RETIREMENT SYSTEM. (a) There is estab-
23 lished an Alaska National Guard and Alaska Naval Militia retirement
24 system. The commissioner of administration shall administer the Alaska
25 National Guard and Alaska Naval Militia retirement system.

26 (b) The commissioner of administration may adopt regulations to
27 implement the Alaska National Guard and Alaska Naval Militia retirement
28 system. Regulations adopted by the commissioner under this subsection
29 relate to the internal management of state agencies and their adoption

1 is not subject to the Administrative Procedure Act (AS 44.62).

2 * Sec. 10. AS 26.05.223 is amended to read:

3 Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN SYSTEM. A
4 member of the Alaska National Guard or Alaska Naval Militia shall be
5 included in this system upon commencement of membership in the Alaska
6 National Guard or Alaska Naval Militia [, OR ON JANUARY 1, 1973, WHICH-
7 EVER IS LATER, OR UPON COMMENCEMENT OF MEMBERSHIP IN THE ALASKA NAVAL
8 MILITIA OR ON JULY 1, 1980, WHICHEVER IS LATER].

9 * Sec. 11. AS 26.05.224(a)(1) is amended to read:

10 (1) upon voluntary retirement from the Alaska National Guard
11 or Alaska Naval Militia after a total of 20 years or more of satisfac-
12 tory service in the Alaska National Guard, Alaska Naval Militia, or
13 active military service in the armed forces of the United States, and
14 the reserves of them, or any combination of service in these components
15 [IF AT LEAST FIVE YEARS OF THE SERVICE IS IN THE ALASKA NATIONAL GUARD
16 OR ALASKA NAVAL MILITIA]; or

17 * Sec. 12. AS 26.05.224(b) is amended to read:

18 (b) The retirement pension is the same amount of money that is
19 payable monthly under the Alaska longevity bonus program (AS 47.45.010).
20 The retirement pension shall be paid [\$100 A MONTH PAYABLE] for the
21 total [SAME] number of months that the member participated satisfac-
22 torily in the Alaska National Guard or Alaska Naval Militia.

23 * Sec. 13. AS 26.05.224(c) is amended to read:

24 (c) An eligible member or former member may elect to receive his
25 retirement pension beginning on the first day of the month in which he
26 becomes eligible for retirement, or the member or former member may
27 elect to defer payment to a later date. Payment of a deferred retire-
28 ment benefit may not begin until application for the benefit is filed
29 with and approved by the Department of Military Affairs. [DEFERRED

1 RETIREMENT PAYMENTS MUST BE MADE MONTHLY AT THE RATE OF \$100.]

2 * Sec. 14. AS 26.05.226(a) is amended to read:

3 (a) The Department of Military Affairs shall contribute to the
4 Alaska National Guard and Alaska Naval Militia retirement system the
5 amounts determined by the commissioner of administration as necessary
6 to

7 (1) fund the system based on the actuarial requirements of
8 the system as established by the commissioner of administration; and

9 (2) administer the system.

10 * Sec. 15. AS 26.05.227(3) is amended to read:

11 (3) "system" means the Alaska National Guard and Alaska
12 Naval Militia retirement system.

13 * Sec. 16. AS 26.05.260(c) is amended to read:

14 (c) A member [ENLISTED PERSONS] of the Alaska [ARMY NATIONAL
15 GUARD, AIR] National Guard or Alaska [AND] Naval Militia shall receive
16 for each day of active service for the state, under orders of the
17 governor, pay and allowances equal to those provided by federal laws
18 and regulations for members [ENLISTED PERSONS] of like grades of the
19 United States Army, United States Air Force and United States Navy,
20 plus compensation equal to the per diem allowance payable to a state
21 officer or employee at the location where the service is performed.

22 [HOWEVER, NO ENLISTED PERSON SHALL RECEIVE PAY AND ALLOWANCES OF LESS
23 THAN \$6 A DAY.]

24 * Sec. 17. AS 26.05.260 is amended by adding new subsections to read:

25 (h) A member of the Alaska National Guard or Alaska Naval Militia
26 who is injured or disabled while on active duty for the state and while
27 lawfully performing his duties, including transit to and from his home
28 of record, is entitled to the compensation and benefits available under
29 the Alaska Workers' Compensation Act (AS 23.30) for the injury or dis-

1 ability.

2 (i) If a member of the Alaska National Guard or Alaska Naval
3 Militia dies as a result of an injury or disability received while on
4 active duty for the state and while lawfully performing his duties,
5 including transit to and from his home of record, his designated bene-
6 ficiaries are entitled to receive death benefits allowed beneficiaries
7 under the Alaska Workers' Compensation Act (AS 23.30). In addition,
8 the Department of Military Affairs shall send to the beneficiaries,
9 within 15 days of receipt by the department of notice of the member's
10 death, a payment equal to six times the deceased member's monthly
11 salary as designated in (c) of this section, including special and
12 incentive pay, applicable on the date of the member's death. This
13 additional payment will be made only if (1) the death occurs on or
14 before the 120th day after the member's release from active duty ordered
15 by the governor, and (2) a state surgeon in the Alaska National Guard
16 or Alaska Naval Militia determines that the member's death resulted
17 from an injury or disability received during that active duty period.
18 The Department of Military Affairs shall also pay to the designated
19 beneficiaries the pay and allowances accrued but unpaid to the member
20 at the time of death within 15 days after the date of notice of his
21 death is received by the department. Persons are considered to be
22 designated beneficiaries when they are designated as beneficiaries in a
23 member's military personnel record file. If a member does not
24 designate a beneficiary, beneficiaries under this subsection shall be
25 determined in accordance with the Alaska Workers' Compensation Act
26 (AS 23.30).

27 * Sec. 18. AS 26.05.265 is amended to read:

28 Sec. 26.05.265. REENLISTMENT BONUS. (a) A bonus shall be paid
29 to an enlisted [A] person who, at the time his enlistment is completed,

1 reenlists or extends an enlistment in the Alaska National Guard or the
2 Alaska Naval Militia for six years. The bonus is \$3,000 payable in the
3 amount of \$1,000 at the satisfactory completion of the second year of
4 reenlistment or extension, \$1,000 at the satisfactory completion of the
5 fourth year, and \$1,000 at the satisfactory completion of the sixth
6 year. [A SUM EQUAL TO 10 DAYS OF BASIC PAY FOR EACH YEAR HE REENLISTS
7 OR EXTENDS HIS ENLISTMENT, COMPUTED ACCORDING TO A MEMBER'S GRADE AT
8 THE END OF EACH QUALIFYING YEAR AND PAYABLE AT THAT TIME. PAYMENT OF A
9 BONUS IS CONTINGENT UPON THE MEMBER SATISFACTORILY PARTICIPATING IN
10 UNIT TRAINING ACTIVITIES FOR THE YEAR FOR WHICH PAYMENT IS TO BE MADE.]

11 (b) A person who has a break in service of more than 30 days for-
12 feits his eligibility for a reenlistment bonus.

13 * Sec. 19. AS 26.05.296(a) is amended to read:

14 (a) To the extent funds are available, the adjutant general shall
15 authorize the payment of not more than 75 [50] percent of the cost of
16 tuition, books, and required fees for each active and retired [MALE OR
17 FEMALE] member of the Alaska National Guard or the Alaska Naval Militia
18 who attends an educational, vocational, or technical training school in
19 Alaska. Payments authorized under this section continue so long as (1)
20 the active member participates satisfactorily in unit training activi-
21 ties or the retired member is on the retired member list; and (2) the
22 member pursues the course of study in a manner acceptable to the school.

23 * Sec. 20. AS 26.05 is amended by adding a new section to read:

24 Sec. 26.05.297. ALASKA SENIOR RESERVE OFFICERS' TRAINING CORPS
25 SCHOLARSHIP PROGRAM. (a) There is established in the Department of
26 Military Affairs an Alaska Senior Reserve Officers' Training Corps
27 scholarship program.

28 (b) Persons meeting the eligibility requirements of (c) of this
29 section may receive a scholarship equal to the cost of resident tuition,

1 fees, and books at the University of Alaska for each semester to the
2 extent money is available.

3 (c) To be eligible for a scholarship, a person must

4 (1) be enrolled as a full-time student at the University of
5 Alaska and qualify for resident tuition status;

6 (2) be participating in the Senior Reserve Officers' Training
7 Corps program at the University of Alaska for that semester;

8 (3) be a member of the Alaska National Guard or Alaska Naval
9 Militia;

10 (4) maintain a satisfactory standard of academic achievements
11 as prescribed by the adjutant general;

12 (5) meet all federal requirements for appointment as an
13 officer in the Alaska National Guard;

14 (6) agree in writing that he will accept an appointment, if
15 offered, as a commissioned officer in the Alaska National Guard or
16 Alaska Naval Militia and that he will serve in the Alaska National
17 Guard or Alaska Naval Militia for a period of time prescribed by the
18 adjutant general.

19 (d) A person receiving a scholarship under this section is ineli-
20 gible for benefits under AS 26.05.295 or 26.05.296.

21 * Sec. 21. AS 39.35.340 is amended by adding a new subsection to read:

22 (i) An employee is not required to make contributions for credited
23 service under this section if the employee is a member or former member
24 of the Alaska National Guard, Alaska Naval Militia, or the Territorial
25 Guard, with a total period of credited service of at least 20 years
26 when added to the military service claimed.

27 * Sec. 22. AS 39.35 is amended by adding a new section to read:

28 Sec. 39.35.345. CREDIT FOR MEMBERSHIP IN THE ALASKA NATIONAL
29 GUARD AND ALASKA NAVAL MILITIA. (a) A vested member who is a member

1 of the Alaska National Guard or Alaska Naval Militia may receive
2 credited service under this system for all or any part of his credited
3 service under the Alaska National Guard and Alaska Naval Militia retire-
4 ment system (AS 26.05.222 - 26.05.227) by electing to forgo four months
5 of credited service under that retirement system for each month of
6 service credited under this system.

7 (b) A vested member who is a former member of the Alaska National
8 Guard or Alaska Naval Militia with at least six years credited service
9 under the Alaska National Guard and Alaska Naval Militia retirement
10 system (AS 26.05.222 - 26.05.227) may receive credited service under
11 (a) of this section. If the vested member has received retirement
12 pension benefits under the Alaska National Guard and Alaska Naval
13 Militia retirement system and wishes to claim credited service with
14 respect to months for which benefits have been paid, he is indebted to
15 this system in the amount of those benefits. Interest as prescribed by
16 regulation adopted by the administrator accrues on this indebtedness
17 beginning on the date the vested member received the first benefit for
18 which he is indebted to this system or July 1, 1980, whichever is
19 later. Any outstanding indebtedness which exists at the time a person
20 is appointed to retirement will necessitate an actuarial adjustment to
21 the benefits payable under this section.

22 (c) Except as provided in (b) of this section, an employee is not
23 required to make contributions for credited service allowed under this
24 section.

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

28 (e) An employee may not receive credited service under this sec-
29 tion if credit for membership in the Alaska National Guard or Alaska

1 Naval Militia was granted under AS 14.25.

2 (f) As used in this section, "credited service under the Alaska
3 National Guard and Alaska Naval Militia retirement system" means the
4 total number of months that a person included in that system was a
5 member of the Territorial Guard, Alaska National Guard, or Alaska Naval
6 Militia.

7 * Sec. 23. AS 26.05.260(b), (d), (e), (f), and (g) are repealed.

8 * Sec. 24. A person described in AS 14.25.100(f) added by sec. 3 of this
9 Act or in AS 39.35.340(i) added by sec. 21 of this Act who made contributions
10 for military service credit before the effective date of this Act is entitled
11 to a refund of those contributions.

12 * Sec. 25. The first appointees to the National Guard Advisory Board
13 established in AS 26.05.165 added by sec. 8 of this Act shall serve the
14 following terms: two for one-year terms; two for two-year terms; and three
15 for three-year terms.

16 * Sec. 26. A retired member or a deferred vested member on July 1, 1981,
17 is eligible for any increase in benefits resulting from the amendments to
18 AS 14.25 (teachers' retirement system) in secs. 1 - 5 of this Act.

19 * Sec. 27. A retired member or deferred vested member on July 1, 1981,
20 is eligible for any increase in benefits resulting from the amendments to
21 AS 39.35 (public employees' retirement system) in secs. 21 and 22 of this
22 Act.

23 * Sec. 28. A retired member of the Alaska National Guard or Alaska Naval
24 Militia on July 1, 1981, is eligible for any increase in the retirement
25 pension payable under AS 26.05.222 - 26.05.227 resulting from the amendments
26 to AS 26.05 (Alaska National Guard and Alaska Naval Militia retirement
27 system) in secs. 9 - 13 of this Act.

28 * Sec. 29. If a retired or former member eligible for a credit or refund
29 under secs. 4, 22, or 24 of this Act dies before June 30, 1981, his bene-

1 ficiary on July 1, 1981 shall receive those accrued benefits not received by
2 the deceased.

3 * Sec. 30. The amendments made to AS 26.05.265 in sec. 18 of this Act do
4 not apply to a person who was receiving state reenlistment bonus payments
5 under AS 26.05.265 for a reenlistment or extension approved before July 1,
6 1981.

7 * Sec. 31. This Act takes effect July 1, 1981.
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