

Introduced: 1/9/84
Referred: Senate; Judiciary and Finance
House; Labor & Commerce,
State Affairs and Finance

EXECUTIVE ORDER NO. 58

1 Under the authority of art. III, sec. 23, of the Alaska Constitution,
2 and in accordance with AS 24.30.130(b), I order the following:

3 * Section 1. FINDINGS. As governor, I find that it would be in the
4 best interests of efficient administration and state planning to transfer
5 the veterans' service and veterans' burial allowance programs from the
6 Department of Commerce and Economic Development to the Department of Mili-
7 tary Affairs and to change the name of the latter to the Department of
8 Military and Veterans' Affairs in recognition of this reassignment of
9 functions.

10 * Sec. 2. AS 18.60.525(c) is amended to read:

11 (c) AS 18.60.475 -- 18.60.545 do not apply to the Department of
12 Military and Veterans' Affairs in carrying out the provisions of
13 AS 26.03.010 -- AS 26.25.030 which pertain to planning for and re-
14 sponding to radiation which results from the detonation of nuclear
15 weapons.

16 * Sec. 3. AS 26.03.010 is amended to read:

17 Sec. 26.03.010. RECRUITMENT AND RETENTION DIVISION. There is
18 created within the Department of Military and Veterans' Affairs a
19 division of recruitment and retention.

20 * Sec. 4. AS 26.05.224(c) is amended to read:

21 (c) An eligible member or former member may elect to receive his
22 retirement pension beginning on the first day of the month in which he
23 becomes eligible for retirement, or the member or former member may
24 elect to defer payment to a later date. Payment of a deferred retire-
25 ment benefit may not begin until application for the benefit is filed
26 with and approved by the Department of Military and Veterans' Affairs.
27 Deferred retirement payments must be made monthly at the rate of \$100.

28 * Sec. 5. AS 26.05.224(d) is amended to read:
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1 (d) A retirement benefit payable to a member at the time of the
2 death of the member shall be paid in a lump sum to the designated
3 beneficiary of the member. The member may change or revoke the desig-
4 nation of a beneficiary without notice to the beneficiary at any time.
5 If a member designates more than one beneficiary, each shall share
6 equally unless the member specifies a different allocation. The
7 designation of a beneficiary and a change or revocation of a benefi-
8 ciary shall be made on a form provided by the Department of Military
9 and Veterans' Affairs and is not effective until filed with the De-
10 partment of Military and Veterans' Affairs. If a member fails to
11 designate a beneficiary or if no designated beneficiary survives the
12 member, the death benefit under this subsection shall be paid to his
13 estate.

14 * Sec. 6. AS 26.05.226 is amended to read:

15 Sec. 26.05.226. CONTRIBUTIONS. (a) The Department of Military
16 and Veterans' Affairs shall contribute to the Alaska National Guard
17 and Alaska Naval Militia retirement system the amounts determined by
18 the commissioner of administration as necessary to

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

21 (2) administer the system.

22 (b) The amount required for contributions from the Department of
23 Military and Veterans' Affairs under (a) of this section shall be
24 included in the annual appropriations made to the Department of Mili-
25 tary and Veterans' Affairs.

26 * Sec. 7. AS 26.05.228(b)(2) is amended to read:

27 (2) a separate account for the Department of Military and
28 Veterans' Affairs' contribution to fund the system based on the actu-
29 arial requirements of the system as established by the commissioner of

1 administration under this chapter;

2 * Sec. 8. AS 26.10.010 is amended to read:

3 Sec. 26.10.010. REGULATIONS AND REPORTS. The Department of
4 Military and Veterans' Affairs [COMMERCE] shall adopt [RULES AND]
5 regulations necessary to carry out the purposes of this chapter. The
6 department shall submit a report of its activities relating to veter-
7 ans services for the preceding year to the governor before January 15
8 of each year.

9 * Sec. 9. AS 26.10.030 is amended to read:

10 Sec. 26.10.030. ACCEPTANCE OF GIFTS, DONATIONS, AND GRANTS. The
11 Department of Military and Veterans' Affairs [COMMERCE] may receive
12 gifts, donations, and grants from any person or agency. All gifts,
13 donations, and grants shall be placed in the veterans service fund and
14 used in accordance with the donor's instructions.

15 * Sec. 10. AS 26.10.040 is amended to read:

16 Sec. 26.10.040. TRAINING IN REHABILITATION AND SERVICE WORK.
17 The Department of Military and Veterans' Affairs [COMMERCE] may ap-
18 prove expenditures by veterans organizations and may reimburse them
19 for their expenditures in employing full time service officers, for
20 necessary travel expenses, including travel by service officers out-
21 side of the state not more than once each year for purposes of train-
22 ing in veterans' rehabilitation and service work, and for per diem not
23 exceeding that [THOSE] allowed state employees. The department shall
24 limit payments to veterans' organizations to an amount which will
25 fairly compensate them for salaries and expenses paid to their full
26 time service officers in performing rehabilitation work for veterans,
27 including the prosecution of their claims and solution of their prob-
28 lems arising out of military service. This service and assistance
29 shall be given to all veterans and their dependents and to all

1 beneficiaries of any military claim and shall include but not be
2 limited to those services now given by the service departments of the
3 respective organizations.

4 * Sec. 11. AS 26.10.050 is amended to read:

5 Sec. AS 26.10.050. APPROVAL OF PAYMENTS. Payment to a veterans
6 organization shall first be approved by the Department of Military and
7 Veterans' Affairs [COMMERCE] and so far as possible shall be on an
8 equitable basis for rehabilitation work done.

9 * Sec. 12. AS 26.10.080(a) is amended to read:

10 (a) Upon application by the personal representative or heirs,
11 the Department of Military and Veterans' Affairs [DIVISION OF VETER-
12 ANS' AFFAIRS] shall pay a burial expense allowance not to exceed \$750
13 for burial in Alaska of a veteran who was a resident of the state at
14 the time of death.

15 * Sec. 13. AS 26.15.030(c)(1) is amended to read:

16 (1) cooperate with the federal government in matters of
17 mutual concern pertaining to loans to [THE WELFARE OF] Alaskan veter-
18 ans;

19 * Sec. 14. AS 26.20.020(a) is amended to read:

20 Sec. AS 26.20.020. CIVIL DEFENSE POWERS OF THE DEPARTMENT OF
21 MILITARY AND VETERANS' AFFAIRS. (a) The Department of Military and
22 Veterans' Affairs is responsible for carrying out the provisions of
23 this chapter and, in the event of disaster or emergency beyond local
24 control, may assume direct operational control over all or any part of
25 the civil defense functions within this state.

26 * Sec. 15. AS 26.20.200(2) is amended to read:

27 (2) "department" means the Department of Military and
28 Veterans' Affairs;

29 * Sec. 16. AS 26.23.030 is amended to read:

1 Sec. AS 26.23.030. CREATION OF THE ALASKA DIVISION OF EMERGENCY
2 SERVICES. There is created in the Department of Military and Veter-
3 ans' Affairs the Alaska division of emergency services possessing the
4 powers and duties set out in AS 26.23.040.

5 * Sec. 17. AS 26.23.220 is amended to read:

6 Sec. 26.23.220. ADMINISTRATION. This chapter shall be adminis-
7 tered by the Department of Military and Veterans' Affairs, which is
8 responsible to, and which may receive delegations of authority from,
9 the governor.

10 * Sec. 18. AS 39.25.120(c)(1) is amended to read:

11 (1) deputy and assistant commissioners of the principal
12 departments of the executive branch, including the assistant adjutant
13 general of the Department of Military and Veterans' Affairs;

14 * Sec. 19. AS 44.17.005(9) is amended to read:

15 (9) Department of Military and Veterans' Affairs

16 * Sec. 20. AS 44.35.010 is amended to read:

17 Sec. 44.35.010. ADJUTANT GENERAL. The principal executive
18 officer of the Department of Military and Veterans' Affairs is the
19 adjutant general.

20 * Sec. 21. AS 44.35.020 is amended to read:

21 Sec. 44.35.020. DUTIES OF DEPARTMENT. The Department of Mili-
22 tary and Veterans' Affairs shall

23 (1) conduct the military affairs of the state as prescribed
24 by the Military Code; and

25 (2) cooperate with the federal government in matters of
26 mutual concern pertaining to the welfare of Alaskan veterans, includ-
27 ing establishing, extending, or strengthening services for veterans in
28 Alaska.

29 * Sec. 22. AS 44.35.030 is amended to read:

1 Sec. AS 44.35.030. CONSTRUCTION OF MEMORIALS TO ALASKA VETERANS.

2 The Department of Military and Veterans' Affairs may construct memori-
3 als to Alaska veterans. A memorial constructed under this section is
4 not subject to AS 35.15 or AS 35.27.

5 * Sec. 23. AS 44.65.060(a) is amended to read:

6 (a) Except for the Department of Health and Social Services, the
7 Department of Labor, the Department of Environmental Conservation, and
8 the Department of Military and Veterans' Affairs, no state agency may

9 (1) contract, other than with the Department of Health and
10 Social Services, to have services performed which require expertise in
11 determining or reducing the hazards of radiation; or

12 (2) employ a person whose duties require expertise in
13 determining or reducing the hazards of radiation.

14 * Sec. 24. AS 46.03.290(c) is amended to read:

15 (c) During a period of emergency declared under (a) of this
16 section, each state agency, including, when appropriate, the Depart-
17 ment of Military and Veterans' Affairs under the authority conferred
18 by AS 26.20, shall take whatever action the department finds necessary
19 to meet the emergency, and to protect the public health, welfare, or
20 environment.

21 * Sec. 25. AS 26.15.030(c)(3) is repealed.

22 * Sec. 26. TRANSITION. All litigation, hearings, investigations and
23 other proceedings pending under a law amended or repealed by this Order, or
24 in connection with functions transferred by this Order, continue in effect
25 and may be continued and completed notwithstanding a transfer or amendment
26 or repeal provided for in this Order. Certificates, orders, and regu-
27 lations issued or adopted under authority of a law amended or repealed by
28 this Order remain in effect for the term issued, or until revoked, vacated,
29 or otherwise modified under the provisions of this Order. All contracts,

1 rights, liabilities, and obligations created by or under a law amended or
2 repealed by this Order, and in effect on the effective date of this Order,
3 remain in effect notwithstanding this Order's taking effect. Records,
4 equipment, and other property of agencies of the state whose functions are
5 transferred under this Order shall be transferred commensurate with the
6 provisions of this Order.

7 * Sec. 27. NAME CHANGE. To be consistent with the changes made by this
8 Order, wherever in the Alaska Statutes and in regulations adopted under
9 those statutes "Department of Military Affairs" and other terms identifying
10 that department are used, they must be read as referring to the Department
11 of Military and Veterans' Affairs. Under AS 01.05.031, the revisor of
12 statutes shall implement this section in the statutes, and, under AS 44.-
13 62.125(b)(6), the regulations attorney shall implement this section in the
14 administrative regulations.

15 * Sec. 28. This Order takes effect March 9, 1984.

16 DATED: Jan 9, 1984

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18 Bill Sheffield
19 Bill Sheffield

20 Governor
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