

**SB**

**143**

# FISCAL NOTE

**STATE OF ALASKA**  
**1997 LEGISLATIVE SESSION**

**BILL NO. SB143**

Revision Date: \_\_\_\_\_ Dept Affected: Military and Veterans Affairs  
 Title: An Act relating to education benefits for BRU: Alaska National Guard  
members of the Alaska National Guard, Alaska Naval Militia... Component: Office of the Commissioner  
 Sponsor: Senate Rules  
 Requestor: (S) STA Component Serial No. #414

Expenditures/Revenues (Thousands of Dollars)

OPERATING EXPENDITURES	FY98	FY99	FY00	FY01	FY02	FY03
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CAPITAL EXPENDITURES</b>	0.0	0.0	0.0	0.0	0.0	0.0
<b>CHANGE IN REVENUES ( )</b>	0.0	0.0	0.0	0.0	0.0	0.0

FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other						
<b>TOTAL</b>	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY97) cost: \$ none

**POSITIONS**

FULL-TIME	0	0	0	0	0	0
PART-TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

There is no anticipated impact to the Department of Military & Veterans Affairs with implementation of this legislation.

Prepared by: Carol Carroll, Director *Carol Carroll* Phone: 465-4730  
 Division: Administrative Services Date: 2-Apr-97  
 Approved by Commissioner: *Carol Carroll* Date: 4/2/97  
 Agency: Military and Veterans Affairs

0-LS0765\E  
Ford  
3/21/97

CS FOR SENATE BILL NO. 143( )

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTIETH LEGISLATURE - FIRST SESSION

BY

Offered:  
Referred:

Sponsor(s): SENATE RULES COMMITTEE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to education benefits for members of the Alaska National Guard,  
2 Alaska Naval Militia, or Alaska Territorial Guard."

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

4 \* Section 1. AS 26.05.295(a) is amended to read:

5 (a) Each active enlisted member of the Alaska National Guard or the Alaska  
6 Naval Militia who has completed the initial voluntary enlistment period of service that  
7 fulfills the mandatory requirement for military service under 50 U.S.C. App. 451 - 456,  
8 458 - 471 (Military Selective Service Act of 1967) is [AND A PERSON WHO  
9 SERVED IN THE ALASKA TERRITORIAL GUARD FOR 90 DAYS OR MORE OR  
10 WHOSE SERVICE WAS FOR LESS THAN 90 DAYS BECAUSE OF INJURY OR  
11 DISABILITY INCURRED IN THE LINE OF DUTY ARE] eligible for educational  
12 assistance benefits in Alaska educational facilities. [NOTWITHSTANDING THE

13 REFERENCE TO MANDATORY MILITARY SERVICE REQUIREMENTS, EACH  
14 ACTIVE ENLISTED FEMALE MEMBER IS FULLY ELIGIBLE FOR

**EDUCATIONAL ASSISTANCE BENEFITS UNDER THIS SECTION AFTER COMPLETING SIX YEARS OF ENLISTED SERVICE.]**

\* Sec. 2. AS 26.05.295(b) is amended to read:

(b) Except as provided in this subsection, educational [EDUCATIONAL] programs and monetary benefits available to persons under (a) of this section are based on and equivalent to those of the federal Veterans Administration education program. Educational assistance may only be provided for a program or class in which the person is a student in good standing.

\* Sec. 3. AS 26.05.296(a) is amended to read:

(a) To the extent funds are available, the adjutant general may [SHALL] authorize the payment of up to 100 [NOT MORE THAN 50] percent of the cost of tuition and required fees for each active [OR RETIRED] member of the Alaska National Guard or the Alaska Naval Militia [AND EACH PERSON WHO SERVED IN THE ALASKA TERRITORIAL GUARD FOR 90 DAYS OR MORE OR WHOSE ALASKA TERRITORIAL GUARD SERVICE WAS FOR LESS THAN 90 DAYS BECAUSE OF INJURY OR DISABILITY INCURRED IN THE LINE OF DUTY,] if the member [OR PERSON] attends an educational, vocational, or technical training school in this state. The adjutant general may prioritize categories of education benefits to encourage recruitment and retention of Alaska National Guard members. Payments authorized under this section for active [OR RETIRED] members of the Alaska National Guard or the Alaska Naval Militia continue so long as the active member is a student in good standing in the educational program or class and participates satisfactorily in unit training activities [OR A RETIRED MEMBER IS ON THE RETIRED LIST AND PURSUES THE COURSE OF STUDY IN A MANNER ACCEPTABLE TO THE SCHOOL. PAYMENTS AUTHORIZED UNDER THIS SECTION FOR PERSONS WHO SERVED IN THE ALASKA TERRITORIAL GUARD CONTINUE AS LONG AS THE PERSON PURSUES THE COURSE OF STUDY IN A MANNER ACCEPTABLE TO THE SCHOOL].

\* Sec. 4. AS 26.05 is amended by adding a new section to read:

Sec. 26.05.298. Definition for AS 26.05.295 and 26.05.296. In AS 26.05.295 and 26.05.296, "good standing" means the student is enrolled, attending, and meeting

1 the minimum requirements for successful completion of the program or class.

2 \* Sec. 5. AS 26.05.295(c), 26.05.295(d), and 26.05.296(b) are repealed.



Official Business

# Alaska State Legislature

## Senate

### Rules Committee

State Capitol  
Juneau, AK. 99801-1182

#### SPONSOR SUMMARY

#### SB 143 - National Guard Tuition Assistance

Senate Bill 143 would make refinements in the Alaska National Guard tuition assistance program. This modestly funded DMVA program is one of the tools available to the Adjutant General for improving skill levels among personnel, in response to the emerging needs of the Guard.

This bill will strengthen the Guard's recruitment and retention goals, and give more discretion to the Adjutant General for applying educational benefits to the organization's most pressing needs. It will also afford enlisted personnel college and other schooling opportunities necessary for entry into the officer corps, should enlisted Guard members pursue that career path.

In Section 1 of the bill, active enlisted personnel are targeted as the group made eligible for educational assistance in ALASKA educational facilities. Retirees and former members of the Alaska Territorial Guard are excluded from eligibility in order to emphasize the DMVA recruitment and retention objectives. Funds are simply not available for a broader range program.

Section 2 provides that recipients of educational benefits be students in good standing in the program or class undertaken.

Section 3 of Senate Bill 143 gives the Adjutant General the latitude to authorize payment levels up to 100% for tuition and required fees at institutions in Alaska. It also allows the AG to prioritize categories of educational benefits to support vital recruitment and retention objectives.

Section 4 defines a student in good standing for purposes of the program.

Section 5 repeals the noted statute references as unnecessary. The first removes the provision for calculating retirees' eligibility, the second removes the ineligibility for benefits under more than one program, and the third removes the ineligibility if the member is qualified for federal benefits.

If there are questions, please contact Tim Benintendi at 3770.

**Cross references.** — For transition provisions relating to the 1981 and 1983 amendments to this section, see § 7, ch. 56, SLA 1981, and § 2, ch. 62, SLA 1983, in the Temporary and Special Acts.

**Effect of amendments.** — The 1990 amendment added the language beginning "and if the department requires" at the end of paragraph (c)(3).

**Sec. 26.05.270. Payment of military claims.** All bills, claims, and demands for military purposes shall be certified and audited as prescribed by law and shall be paid from the state general fund in the normal manner upon submission of vouchers by the adjutant general. If the organized militia, or any part of it, is called into active service of the state in case of war, disaster, insurrection, rebellion, tumult, riot, invasion, breach of peace, or to execute or enforce the law, vouchers for legally allowed pay and expenses for this service or compensation for injuries shall be drawn upon the general fund of the state treasury and paid out of money in that fund not otherwise appropriated. (§ 29 ch 150 SLA 1955; am § 3 ch 19 SLA 1968)

**Sec. 26.05.280. Transportation, subsistence, and supplies.** There shall be provided by the state, transportation and subsistence for all officers and enlisted persons who are ordered into active service by the state for encampment, field duty, or other duty. Necessary transportation, stores and subsistence for troops when ordered on duty shall be contracted by the proper officers and paid for as other military bills. Contracting under this section is governed by AS 36.30 (State Procurement Code). (§ 30 ch 150 SLA 1955; am § 10 ch 141 SLA 1972; am § 26 ch 106 SLA 1986)

**Editor's notes.** — Because of the amendment of § 69, ch. 106, SLA 1986 by § 27, ch. 65, SLA 1987, the 1986 amendment of this section by § 26, ch. 106, SLA 1986 is effective January 1, 1988.

Armed Forces to recover from manufacturer or seller for injury caused by defective military material, equipment, supplies, or components thereof. 38 ALR3d 1247.

**Collateral references.** — Right of member of

**Sec. 26.05.290. Further equipment and armories.** The governor may requisition from the Secretary of Defense the arms and equipment that are available for state forces, and make available to state forces the facilities of state armories not required by the federal government and their equipment as may be available. (§ 31 ch 150 SLA 1955)

**Sec. 26.05.295. Educational assistance for enlisted personnel.** (a) Each active enlisted member of the Alaska National Guard or the Alaska Naval Militia who has completed the initial voluntary enlistment period of service that fulfills the mandatory requirement for military service under 50 U.S.C. App. 451 — 456, 458 — 471 (Military Selective Service Act of 1967) and a person who served in the Alaska Territorial Guard for 90 days or more or whose service was for less than 90 days because of injury or disability incurred in the line of duty are eligible for educational assistance benefits in Alaska educational facilities. Notwithstanding the reference to mandatory military service requirements, each active enlisted female member is fully eligible for educational assistance benefits under this section after completing six years of enlisted service.

(b) Educational programs and monetary benefits available to persons under (a) of this section are based on and equivalent to those of the federal Veterans Administration education program.

(c) For the purposes of computing eligible benefits under this section when the eligibility is based on being an active enlisted member of the Alaska National Guard or the Alaska Naval Militia, each retirement point earned as a member of the Alaska National Guard or the Alaska Naval Militia is equivalent to one day's active military service. Computation of credit for retirement points is based on the retirement credits record in accordance with existing federal National Guard and Reserve regulations.

(d) Persons applying for or receiving educational assistance benefits under this section are ineligible to apply for or receive benefits under AS 26.05.296. (§ 1 ch 248 SLA 1970; am §§ 13, 14 ch 34 SLA 1973; am §§ 1, 2 ch 132 SLA 1976; am §§ 6, 7 ch 93 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective September 30, 1991, in subsection (a), substituted "and a person who served in the Alaska Territorial Guard for 90 days or more or whose service was for less than 90 days because of injury or disabil-

ity incurred in the line of duty are" for "is" in the first sentence; and, in subsection (c), inserted "when the eligibility is based on being an active enlisted member of the Alaska National Guard or the Alaska National Militia" in the first sentence.

**Sec. 26.05.298. Tuition assistance.** (a) To the extent funds are available, the adjutant general shall authorize the payment of not more than 50 percent of the cost of tuition and required fees for each active or retired member of the Alaska National Guard or the Alaska Naval Militia and each person who served in the Alaska Territorial Guard for 90 days or more or whose Alaska Territorial Guard service was for less than 90 days because of injury or disability incurred in the line of duty, if the member or person attends an educational, vocational, or technical training school in this state. Payments authorized under this section for active or retired members of the Alaska National Guard or the Alaska Naval Militia continue so long as the active member participates satisfactorily in unit training activities or a retired member is on the retired list and pursues the course of study in a manner acceptable to the school. Payments authorized under this section for persons who served in the Alaska Territorial Guard continue as long as the person pursues the course of study in a manner acceptable to the school.

(b) Persons who have established eligibility for educational assistance benefits under 38 U.S.C. 1651 — 1687 (Veterans Administration education program), AS 26.05.295, or any other educational benefits by having served in active or reserve forces of the United States other than those mentioned in (a) of this section are not eligible for tuition assistance under this section. (§ 3 ch 132 SLA 1976; am § 6 ch 56 SLA 1981; am § 8 ch 93 SLA 1991)

**Effect of amendments.** — The 1991 amendment, effective September 30, 1991, rewrote subsection (a).

**Sec. 26.05.300. Statement of policy on military justice.** An offense committed by a member of the militia, organized or unorganized, shall be tried in civil courts and prosecuted by civil authorities except offenses of a purely military nature. This policy shall be executed and carried into effect at all times and applies to all encampments, armory drill periods, and parade periods in addition to any duty performed by the militia under AS 26.05.070. (§ 32 ch 150 SLA 1955)

**Collateral references.** — Rights of members of Armed Forces to bring actions in civilian courts against their superiors, federal cases, 76 L. Ed. 2d 891.

**Sec. 26.05.310. Military courts for the Alaska militia.** (a) Except in organizations in the service of the United States, military courts in the Alaska militia, including the Alaska National Guard and the Alaska Naval Militia, are of three kinds: general, special, and summary courts-martial.

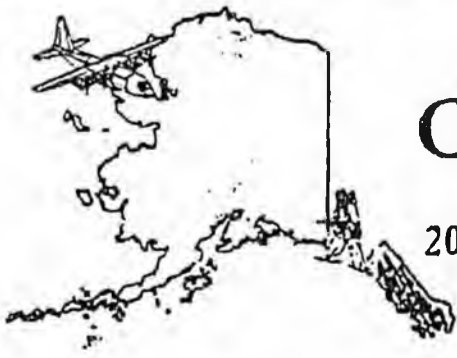
(b) When practicable considering finances, personnel, and administration, military courts shall be constituted like similar courts provided for by the laws and regulations governing the armed forces of the United States and shall follow the forms and procedure prescribed for those courts. (§ 33 ch 150 SLA 1955; am § 15 ch 34 SLA 1973)

**Collateral references.** — 54 Am. Jur. 2d, Military and Civil Defense, § 210 et seq. 57 C.J.S., Militia, §§ 24, 25.

Jurisdiction of court martial as to conviction and sentence of member of National Guard unit. 15 ALR2d 392.

Rights of members of Armed Forces to bring actions in civilian courts against their superiors, federal cases, 76 L. Ed. 2d 891.

**Sec. 26.05.320. General court-martial.** (a) A general court-martial of the Alaska National Guard or the Alaska Naval Militia shall be convened only by order of the



# ALASKA NATIONAL GUARD OFFICER'S ASSOCIATION

200 West 34th Avenue, Suite 727 Anchorage, Alaska 99503  
(907) 333-3259

February 7, 1997

Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

**SUBJECT: Alaska State Tuition Exemption Program (A-STEP)**

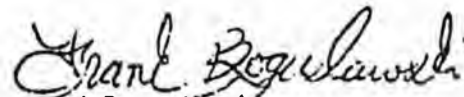
On behalf of the Alaska National Guard Officer's Association, I request your help in sponsoring/supporting a bill to establish an Alaska State Tuition Exemption Program to provide educational benefits to Alaska National Guard members. College education has become a significant obstacle for many of our future National Guard leaders. Today, our young talented Alaskans cannot become officers without college education.

To maintain a viable National Guard in Alaska to meet the needs of the state and nation, it is imperative to attract the best and the brightest young Alaskans. A number of other states, to include Oklahoma and Louisiana, have already implemented such programs. The results have been very positive in terms of increased readiness of the National Guard and promoting mature behavior among citizen soldiers through higher education.

What about cost? In many cases, tuition exemption is not "lost" revenues as many Guardsmen using A-STEP would not otherwise have been paying tuition to attend college. A-STEP participants would provide other revenues to the school through room, board, books, and fees. When combined with National Guard pay, a college education would be within reach for a greater number of Alaskans.

Thank you for your continued support of the Alaska National Guard. If you can help our Citizen Soldiers take A-STEP to a better and more professional life, I and my legislative affairs committee stands ready to assist with draft proposals or additional information you may require. My phone number is 333-3259 and my local representatives in Juneau are: Captain Duff Mitchell who can be contacted at 789-8393 (pager) or 790-2722 (home), or First Lieutenant Don Mercer at 789-2855.

Sincerely,

  
Frank Bogusławski  
President