

SCOMM

115:16

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CS HB 891(MLV)

Revision Date: _____
Title: Simplify Military Pay

Dept. Affected Military and Veterans Affairs
BRU Alaska National Guard
Component Office of the Comptroller

Sponsor: House Rules Committee
Requester: Governor

Component Serial No. _____

Expenditures/Revenue

(Thousands of Dollars)

OPERATING EXPENDITURES	FY 01	FY 02	FY 03	FY 04	FY 05	FY 06
Personal Services	0.0	0.0	0.0	0.0	0.0	0.0
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES

CHANGE IN REVENUES []

FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
1091 Designated Program Receipts						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY98) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by Casey Sullivan - Aide to Representative Murkowski

Phone 465-5031

Signature



Phone _____

Date 2/29/00

1-GH2010\D

Cramer

2/29/00

CS FOR HOUSE BILL NO. 331(MLV)**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIRST LEGISLATURE - SECOND SESSION****BY THE HOUSE SPECIAL COMMITTEE ON MILITARY AND VETERANS' AFFAIRS****Offered:****Referred:****Sponsor(s): HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to compensation of members of the Alaska National Guard and
2 Alaska Naval Militia in active service; changing the name of the Alaska State
3 Militia to the Alaska State Defense Force; relating to compensation and work
4 status for members of the Alaska State Defense Force; and providing for an
5 effective date."

6 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

7 * **Section 1.** AS 02.15.090(a) is amended to read:

8 (a) In operating an airport or air navigation facility owned or controlled by the
9 state, the department may enter into contracts, leases, and other arrangements covering
10 periods not exceeding 55 years with a person, municipality, or the United States,
11 granting the privilege of using or improving an airport or air navigation facility or a
12 portion of it or space in it for commercial, governmental, or other public purposes,
13 including private plane tie down; or conferring the privilege of supplying goods,

1 commodities, services, or facilities at an airport or air navigation facility. The
2 department may establish the terms and conditions and fix the charges, rentals, and
3 fees for the privileges or services that are reasonable and uniform for the same class
4 of privilege or service. Charges, rentals, or fees authorized by this subsection may be
5 fixed for the international airports by order of the commissioner or by negotiated or
6 competitively offered contract. Notwithstanding AS 37.10.050(a), the fixing of
7 charges, rentals, or fees as permitted under this subsection is not subject to the
8 adoption of regulation provisions of AS 44.62 (Administrative Procedure Act). The
9 terms, conditions, charges, rentals, and fees shall be established with due regard to the
10 property and improvements used and the expense of operation to the state. However,
11 use of state land and buildings by the Alaska Wing, Civil Air Patrol and its squadrons
12 shall be permitted without rental charges. If the department permits space in state-
13 owned or state-controlled airports to be used as lounges for members of the United
14 States armed forces, the Alaska National Guard, the Alaska Naval Militia, or the
15 Alaska State Defense Force [MILITIA] and if the lounges are operated by persons
16 exempt from taxation under 26 U.S.C. 501(c)(3) (Internal Revenue Code), rent may
17 not be charged for the use of the space. The department shall provide for public
18 notice and an opportunity to comment before a charge, rental, or fee is fixed by order
19 of the commissioner as permitted under this subsection. The public may not be
20 deprived of its rightful, equal, and uniform use of the airport, air navigation facility,
21 or a portion of them.

22 * Sec. 2. AS 26.05.010(b) is amended to read:

23 (b) The militia is divided into two classes:

24 (1) the organized militia, consisting of the Alaska National Guard, the
25 Alaska Naval Militia, and the Alaska State Defense Force; [MILITIA,] and

26 (2) the unorganized militia, consisting of all qualified persons available
27 for service but not serving in the organized militia.

28 * Sec. 3. AS 26.05.030(d) is amended to read:

29 (d) The Alaska State Defense Force [MILITIA] consists of units authorized
30 by the governor, and manned by volunteer personnel qualifying under state law and
31 regulation. All defense force [STATE MILITIA] personnel shall be

(1) appointed, commissioned, or warranted, and assigned by the governor or the adjutant general as the governor's designee;

(2) subject to serve on state active duty at the call and by order of the governor.

* Sec. 4. AS 26.05.100 is amended to read:

Sec. 26.05.100. Alaska State Defense Force [MILITIA]. A state militia, **known as the Alaska State Defense Force**, may be organized through voluntary enlistments under regulations as to discipline and training **that** [WHICH] may be prescribed by the governor. During the time that the Alaska National Guard or the Alaska Naval Militia, or any part of either of them, is not available to the state by reason of active federal service, or the National Guard or Naval Militia requires augmentation to perform its state mission, the governor may activate the **Alaska State Defense Force [STATE MILITIA]**.

* Sec. 5. AS 26.05.260(b) is amended to read:

(b) Members of the Alaska National Guard and Alaska Naval Militia are entitled to receive, for each day of active service under AS 26.05.070, pay [AND ALLOWANCES] equal to **200 percent of the minimum daily basic pay** [THOSE] provided by federal laws and regulations for members of equivalent grades of the United States armed forces. However, a member may not receive less than \$65 per day for active service performed during the fiscal year ending June 30, 1982. For fiscal years beginning after June 30, 1982, the minimum payment of \$65 shall be increased one percent for each percent increase in the consumer price index **for** [OF] Anchorage, Alaska, as determined by the United States Department of Labor, Bureau of Labor Statistics, not to exceed an annual increase of 10 percent. The increase, if any, takes effect not more than 30 days after the release of the consumer price index. The consumer price index that is published immediately after July 1, 1981, is the reference base index.

* Sec. 6. AS 26.05.260(d) is amended to read:

(d) A member of the organized militia who, while performing duties under AS 26.05.070, including transit to and from the member's home of record, suffers an injury or disability in the line of duty is entitled to all compensation and benefits

1 available under AS 23.30 (Alaska Workers' Compensation Act). For a member of the
2 Alaska State Defense Force, compensation and benefits under this subsection are
3 provided as though the member were a state employee.

4 * Sec. 7. AS 26.05.260(e) is amended to read:

5 (e) If a member of the organized militia dies as a result of an injury or
6 disability suffered in the line of duty while performing duties under AS 26.05.070,
7 including transit to and from the member's home of record, death benefits shall be paid
8 to the persons in the amounts specified in AS 23.30.215. For a member of the
9 Alaska State Defense Force, the death benefits under this subsection are provided
10 as though the member were a state employee.

11 * Sec. 8. AS 26.05.260(h) is repealed and reenacted to read:

12 (h) For purposes of computation of benefits under AS 23.30, the earnings of
13 a member of the

14 (1) Alaska National Guard or Alaska Naval Militia are presumed to be
15 no less than 200 percent of the minimum daily basic pay authorized for a member of
16 the regular armed forces of the United States in the same grade or rank as the Alaska
17 National Guard or Alaska Naval Militia member at the time of the injury or death;

18 (2) Alaska State Defense Force are presumed to be equal to the pay and
19 allowances authorized by (j) of this section for the duties being performed by the
20 member while on active state service at the time of the injury or death; if the member
21 of the Alaska State Defense Force did not receive pay or allowances authorized under
22 (j) of this section, the earnings of the member are presumed to be no less than 200
23 percent of the minimum daily basic pay authorized for a member of the regular armed
24 forces of the United States in the same grade or rank as the Alaska State Defense
25 Force member at the time of the injury or death.

26 * Sec. 9. AS 26.05.260(i) is amended to read:

27 (i) In this section, "member" means an active commissioned or warrant officer
28 or enlisted man or woman in the Alaska National Guard or Alaska Naval Militia,
29 or a volunteer serving in the active service of the Alaska State Defense Force
30 [ORGANIZED MILITIA].

31 * Sec. 10. AS 26.05.260 is amended by adding new subsections to read:

(j) When active state service is authorized by the governor or by the adjutant general as the governor's designee, members of the Alaska State Defense Force are entitled to receive, for each day of active service under AS 26.05.070, pay and allowances as provided in this subsection. Pay is equal to that provided under AS 39.27.011 - 39.27.020 for equivalent assignments of state officials or employees, including adjustments under AS 39.27.025, if applicable. Allowances shall be paid to the same extent, in the same manner, and under the same conditions as provided for state officials and employees under AS 39.20.110 - 39.20.170. However, pay or allowances are not authorized for training or community service activities of members of the Alaska State Defense Force.

(k) Members of the Alaska State Defense Force are entitled to pay and other benefits only as provided in this section. Members of the Alaska State Defense Force are not state employees. However, compensation and benefits under AS 23.30 provided for in (d), (e), and (h) of this section for members of the Alaska State Defense Force are provided as though the member were a state employee. Nothing in this section entitles a member of the Alaska State Defense Force to retirement benefits.

* Sec. 11. AS 26.05.340(a) is amended to read:

(a) In no case may any part of the Alaska National Guard, Alaska Naval Militia, or the Alaska State Defense Force [STATE MILITIA] be used against any labor organization or for the purpose of strike breaking within the state.

* Sec. 12. This Act takes effect immediately under AS 01.10.070(c).

FISCAL NOTE
 B Version: HB 332
 (H) Publish Date: 2/2/00
STATE OF ALASKA
2000 LEGISLATIVE SESSION

 Revision Date/Time (Note if correction) _____
 Title State Defense Force Pay

 Dept. Affected Military and Veterans Affairs
 BRU Alaska National Guard
 Component Commissioner's Office
Sponsor Rules CommitteeRequester Governor

Component No. _____

Expenditures/Revenues

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE

(Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: _____

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This bill institutes in statute a method of payment for ASDF members when called on State Active Duty.

Previously, DMVA pay ASDF members in accordance with military pay and allowances rules. In a recent AG opinion, DMVA was informed that this method was not authorized. This bill will provide that ASDF members are pay as if they were state employees according to work performed. In addition, it provides that ASDF while on State Active Duty are still subject to military command and discipline rules.

Where does it state

 Prepared by: Carol B. Carroll
 Division Administrative Services
Phone 465-4730Date/Time 12/2/99 12:19 PM

Approved by Commissioner

Agency Military and Veterans AffairsDate 12/2/99**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

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HB 332

TONY KNOWLES
GOVERNOR
governor@gov.state.ak.us

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 11000
Juneau, Alaska 99811-0000
(907) 465-3500
Fax (907) 465-3532
www.gov.state.ak.us

February 1, 2000

The Honorable Brian Porter
Speaker of the House
Alaska State Legislature
State Capitol
Juneau, AK 99801-1182

Dear Speaker Porter:

This bill I transmit today clarifies and simplifies the method for paying members of the Alaska State Militia when called to active service. Payment would be based on the state employee rate for the actual type of work performed.

Members of the Alaska State Militia, more commonly known as the Alaska State Defense Force, receive compensation for non-training activities, such as assisting in search and rescue operations and responding to disasters. In the past, members were paid at levels equal to those of the United States armed forces, based on rank plus allowances. After recognizing the lack of statutory authority to pay the Defense Force in this manner, the state began to pay the members as state emergency, nonpermanent employees at a level equal to what an employee would receive for an equivalent assignment.

In addressing the question of compensation, the current system created some confusion in the chain of command for the Defense Force, which operates as a military organization under military command. Calling the members to active duty and then hiring them as state employees puts two disciplinary structures in place – one for state employees and one for Defense Force members. This bill clarifies that when called to active service, Defense Force members will be paid at a level equal to a state employee, but remain under the command of the Department of Military and Veteran Affairs.

The bill also specifically provides that Defense Force members are not compensated when called to active service for training or other volunteer activities.

The Honorable Brian Porter

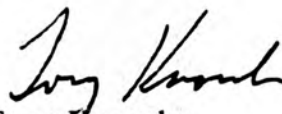
February 1, 2000

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Finally, the bill makes corresponding amendments to the level of earnings for payment of workers' compensation or a death benefit in the event an ASM member is injured or killed while in active service.

The Alaska State Defense Force provides a valuable service to our state. In the interest of ensuring its members are clearly under military command and receiving equitable pay. I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles
Governor