

**SB**

**238**

# FISCAL NOTE

STATE OF ALASKA  
2000 LEGISLATIVE SESSION

No. 1  
Bill Version: SB 238  
(S) Publish Date: 2-2-00

Revision Date/Time (Note if correction) \_\_\_\_\_ Dept. Affected Military and Veterans Affairs  
Title State Defense Force Pay BRU Alaska National Guard  
Component Commissioner's Office  
Sponsor Rules Committee  
Requester 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						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

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.

Prepared by: Carol B. Carroll Phone 465-4730  
Division Administrative Services Date/Time 12/2/99 12:19 PM  
Approved by Commissioner \_\_\_\_\_ Date 1-2-2000  
Agency Military and Veterans Affairs

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February 1, 2000

*Ab 238*

The Honorable Drue Pearce  
President of the Senate  
Alaska State Legislature  
State Capitol  
Juneau, AK 99801-1182

Dear President Pearce:

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.

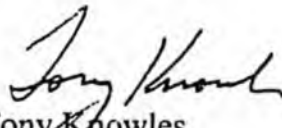
The bill also specifically provides that Defense Force members are not compensated when called to active service for training or other volunteer activities.

The Honorable Drue Pearce  
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

Department of Military and Veterans Affairs  
SB 238  
Statement of Intent of Bill

SB 238 "An Act relating to payment, benefits, and work status of members in the active service of the Alaska State Militia; and providing for an effective date."

**Purpose**

The Department of Military and Veterans Affairs is proposing this change to current law in order to clarify the method of paying the Alaska State Militia, more commonly known as the Alaska State Defense Force.

**Background**

The Department of Military and Veterans Affairs is composed of three separate organizations. First, the State portion of the Department made up of the Commissioner's Office, Administration, Emergency Services, Facilities Management, and the Alaska Military Youth Academy; second, the federal portion of the department is made up of the Air and Army National Guard and Naval Militia; and third, the Alaska State Militia (commonly known as the Alaska State Defense Force). The collective name in statute for the second and third elements above is the Organized Militia.

**Sectional Analysis**

**Section 1** clarifies that a member of the Alaska State Militia, if injured while on State Active Duty is entitled to Workers' Compensation and benefits as if the member was a state employee. This is necessary to conform to the purpose of this bill.

**Section 2** clarifies, as above, that the Alaska State Militia is entitled to death benefits, if the death occurred while in State Active Duty, as if the member was a state employee. This is necessary to conform to the purpose of this bill.

**Section 3** has a dual purpose. First, it substitutes for the Organized Militia the federal portion of the department, the Alaska National Guard and Naval Militia, for clarification purposes and second, it addresses the

change in calculation of Workers' Compensation benefits while on State Active Duty that will be applicable to the Alaska State Militia if the bill passes.

Workers' Compensation benefits will be determined depending on whether the member is on State Active Duty pay status or is in training and not in pay status. If the member is in State Active Duty pay status, the benefits will be determined by using the state employee pay scales for the work done. If the member is in training status, benefits will be determined according to rank.

Section 4 defines member as an individual in the Alaska National Guard, Alaska Naval Militia or Alaska State Militia. It simply breaks out the groups within the Organized Militia.

Section 5 clarifies in statute the method of paying the Alaska State Militia when called to State Active Duty. This group is made up of individuals who are volunteers until called to active duty to respond to a search and rescue or disaster. Each have other jobs but do not work for the Department of Defense. They are not members of the National Guard or Naval Militia.

In the past the department paid these individuals as if they were members of the Guard or Naval Militia. The Attorney General's Office advised that DMVA was paying the Alaska State Militia incorrectly. This bill would establish a statutory basis for payment for services. It would pay as if the members were state employees, using the state pay schedule but recognize that the members are under a military command and discipline structure. This change will also ensure Alaska State Militia members retain AS 26 job protection when on State Active Duty.

Section 12 is the effective date.

# POM for Senator Ward



From: Ms. Sandra Stark  
60871 Horizon Ct

Telephone: 235-5537

Homer, AK 99603  
Email:

NON Constituent

Registered Voter: U

Bill: SB 238 Title: MEMBERS OF ALASKA STATE MILITIA  
Message:

**Please support your Alaska State Defense Force which serves Alaskans in emergencies such as floods, avalanches and fires.**

Entered in SOL on 4/06/00 POMID: 4930

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