

HB

77

<target><bill>HB 77</bill><subject>HB
77</subject><comm>HFIN26</comm></target>

Alaska State Legislature



Session:
State Capitol, Room 412
Juneau, AK 99801-1182
Phone: (907) 465-3879
Fax: (907) 465-2069

Representative Charisse Millett
Chair, House Special Committee on Energy
District 30

SPONSOR STATEMENT

HB 77 - Red Cross Disaster Assistance Bill

Disasters can strike anywhere at any time. Alaska's unique geography, small population and distance from the Lower-48 can make it even more difficult for the Red Cross of Alaska to respond to an in-state disaster.

Forty seven other states permit state employees to take unpaid time off and volunteer for the Red Cross when a disaster occurs. Alaska is one of the three states that do not.

House Bill 77 addresses this problem by permitting our state employees to join the Red Cross and use their skills to help their fellow Alaskans when a flood, earthquake, wildfire or other type of disaster hits our state.

The legislation makes Alaska more self sufficient when a disaster happens and state government benefits by having workers with this important supplemental training. Red Cross Disaster training is also provided at no cost to the state and its employees.

HB 77 is wholeheartedly endorsed by the Red Cross of Alaska.

Alaska State Legislature



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Representative Charisse Millett
Chair, House Special Committee on Energy
District 30

FOR IMMEDIATE RELEASE

CONTACT: Rep. Millett, 907-465-3879

MILLETT INTRO'S RED CROSS DISASTER ASSISTANCE BILL ***HB 77 Would Allow State Employees to Assist Agency in Times of Need***

Tuesday, January 20, 2009, Juneau, Alaska – Alaska's state employees will be able to serve on the front lines the next time a disaster strikes our state.

Representative Charisse Millett, R-Anchorage, is sponsoring House Bill (HB) 77, the Red Cross Disaster Assistance Bill. It allows state employees to take unpaid leave and serve as a disaster relief volunteer with the Red Cross of Alaska.

"Alaska is one of only three states in the nation that does not have this type of legislation in place," Millett said. "Our state employees can be an invaluable resource to the Red Cross and other Alaskans if a flood, earthquake, wildfire or other type of natural disaster strikes Alaska."

"This is an amazing partnership opportunity for state employees and the American Red Cross here in Alaska," Red Cross of Alaska Executive Director Michelle Houlihan said. "These volunteer opportunities will not only allow us to be more prepared but also allow us to be self-sustaining during times of large scale disaster. The free training that is provided to all American Red Cross volunteers will hopefully provide critical supplemental training to those state employees who join us in helping better prepare and respond to Alaska's need in times of disaster."

HB 77 has been referred to the House State Affairs and the House Finance Committees.

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To find HB 77 on the web, log on to <http://housemajority.org/millett/index.php?p=bills>.

FISCAL NOTE

STATE OF ALASKA
2009 LEGISLATIVE SESSION

Fiscal Note Number: 1
Bill Version: CSHB 77(STA)
(H) Publish Date: 3/12/09

Identifier (file name): HB077-DOA-DOP-03-11-09 Dept. Affected: Administration
Title: An Act allowing certain public employees to take leave RDU: Central Administrative Services
without pay to volunteer... Component: Personnel
Sponsor: Reps. MILLETT, Holmes, Dahlstrom
Requester: (H)STA Component Number: 56

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information						
		FY 2010	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014	FY 2015
OPERATING EXPENDITURES								
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	0.0	0.0

CAPITAL EXPENDITURES								
-----------------------------	--	--	--	--	--	--	--	--

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 Interagency Receipts								
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2009) cost: 0.0

POSITIONS

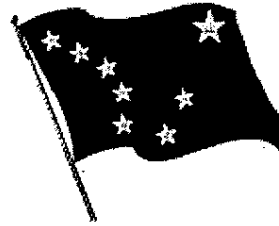
Full-time								
Part-time								
Temporary								

ANALYSIS: (Attach a separate page if necessary)

This bill will have no fiscal impact on the Division of Personnel and Labor Relations.

Prepared by: Nicki Neal, Director
Division: Personnel & Labor Relations
Approved by: Kevin Brooks
Deputy Commissioner

Phone 465-4429
Date/Time 3-10-09 / 4:00pm
Date 3/11/2009



Alaska Needs a Disaster Leave Bill

The American Red Cross is a unique private, nonprofit organization with a humanitarian mission to provide relief to victims of disasters and help people prevent, prepare for, and respond to emergencies. A state Disaster Leave Bill will go a long way toward helping the Red Cross fulfill its mission locally, as well as help Alaska to be better prepared.

For over 125 years the American Red Cross has provided help to victims of disasters. Disaster relief is the primary service that Red Cross provides in communities across the United States. Every year Red Cross disaster workers respond to over 70,000 disasters including hurricanes, floods, earthquakes, tornadoes, and single family and apartment fires, along with other natural and human-caused disasters. Everyday in Alaska and across our nation someone is in need of emergency services. When a disaster strikes, American Red Cross needs qualified and trained volunteers who can answer the call for immediate recovery support.

This bill would allow state employees a maximum of 15 days paid leave during a 12-month period, without loss of seniority, vacation time, sick leave or earned overtime accumulation. This bill does not restrict the areas in which a state worker may serve and allows Alaskans to lend support to our fellow Alaskans. This proposed bill will provide Alaska with instant access to locally trained disaster workers, thus increasing our state's ability to respond to disasters independently and to be self sustaining.

There are 47 states that currently have disaster leave policies. The first state to enact disaster leave was Ohio in 1983. Since then 46 other states plus the US Virgin Islands and Puerto Rico have instituted Disaster Leave to help provide trained volunteers that are so critical during disaster response. These are volunteers that would have been able to help in the Tanana Valley this past summer when floods impacted thousands of Alaskans. Red Cross was asked to open and staff three shelters that providing a warm, dry place to sleep as well as hundreds of hot meals to impacted families and first responders. In 1964 Governor Egan declared American Red Cross the lead disaster relief agency for the state. This was all possible from the support of volunteers from all over the state.

This fall Alaskans were called upon to help with supporting operations after Hurricanes Gustav and Ike. American Red Cross of Alaska deployed 23 volunteers to assist in shelters and provide client casework in Alabama, Mississippi, Louisiana and Texas helping hundreds of thousands of displaced Americans. Hurricane Katrina and the terrorist attacks on September 11 have been other national disasters where American Red Cross of Alaska has been asked to help support our fellow Americans.



**American
Red Cross**

3 Important Reasons to Support an Alaskan Disaster Leave Bill

1. State employees already possess many skills needed during times of disaster. Some state employees have skills that can easily be transferred to disaster operations, such as, shelter management, mass feeding, damage assessment, and family services. While on assignment, state employees will gain experience and training that will benefit the state employee, their agencies, and the citizens they serve.
2. This Bill will strengthen our state disaster preparedness allowing us to be self sustaining until additional help arrives if ever needed. Locally trained volunteers would increase the state's ability to respond to disasters.
3. Disaster leave is not an additional expense for state government-state agencies have full authority to grant orderly requests for leave. The Bill states that employees must get approval from their supervisors, who can base decisions on competing demands. The training of state employees to become Red Cross certified disaster volunteers does not cost the state anything as all Red Cross training is provided at no cost.

Adopted
3/31/09

26-LS0250\P.1
Wayne
3/30/09

AMENDMENT

OFFERED IN THE HOUSE
TO: CSHB 77(STA)

BY REPRESENTATIVE STOLTZE BY
REQUEST

1 Page 2, lines 10 - 12:

2 Delete all material and insert:

3 "(d) Notwithstanding (g) of this section, each of the following is not eligible
4 for leave without pay under this section:

5 (1) an employee of the Alaska Housing Finance Corporation or the
6 Alaska Railroad Corporation;

7 (2) a civilian or enlisted member of the organized militia under
8 AS 26.05.010."

Amended
Adopted

Agg
26-LS0250P

CS FOR HOUSE BILL NO. 77(STA)
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-SIXTH LEGISLATURE - FIRST SESSION
BY THE HOUSE STATE AFFAIRS COMMITTEE

Offered: 3/12/09
Referred: Finance

Sponsor(s): REPRESENTATIVES MILLETT, Holmes, Dahlstrom

A BILL
FOR AN ACT ENTITLED

1 "An Act allowing certain public employees to take leave without pay to volunteer with
2 the American Red Cross in a disaster."

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

4 * Section 1. AS 23.30.244 is amended by adding a new subsection to read:

5 (d) A person who is injured during the course and within the scope of
6 providing service as an American Red Cross volunteer while on leave without pay
7 from state service under AS 39.20.285 is not an employee of the state for purposes of
8 a claim under this chapter for compensation for that injury.

9 * Sec. 2. AS 39.20 is amended by adding a new section to read:

10 Sec. 39.20.285. Leave without pay for disaster relief. (a) Notwithstanding
11 AS 39.20.310(1) - (3) and (6) - (8), an employee may take leave without pay not to
12 exceed 15 regularly scheduled work days in a calendar year to volunteer with the
13 American Red Cross while that organization is providing relief from a disaster located
14 in the state.

1 (b) Leave without pay under this section is subject to approval by the
 2 supervisor of the employee who requests it; (however, approval may not be
 3 unreasonably withheld.) *delete Amendment # 2*

4 (c) While on leave without pay under this section,

5 (1) an employee is not eligible to accrue state employee pay and
 6 benefits;

7 (2) the employee, for the limited purpose of ensuring that the
 8 employee's eligibility for employer-provided group health or group life insurance is
 9 unaffected by the leave, shall be considered to be in pay status.

10 (d) Notwithstanding (g) of this section, an employee of the Alaska Housing
 11 Finance Corporation or the Alaska Railroad Corporation is not eligible for leave
 12 without pay under this section.

13 (e) A claim by an employee for an injury the employee sustains while on leave
 14 without pay under this section is subject to the limitations of AS 23.30.244(d).

15 (f) The director of personnel in the Department of Administration shall adopt
 16 regulations to carry out the purposes of (a) - (d) of this section.

17 (g) In this section,

18 (1) "disaster" means an event or circumstance that has been formally
 19 designated a disaster at level II or higher by the American Red Cross;

20 (2) "employee" means an employee of a branch of state government,
 21 including the University of Alaska, whether the employee is a permanent,
 22 nonpermanent, or temporary employee.

23 * **Sec. 3.** AS 39.20.310 is amended to read:

24 **Sec. 39.20.310. Exceptions.** Except as provided in AS 39.20.275 and
 25 39.20.285, AS 39.20.200 - 39.20.330 do not apply to

26 (1) members of the state legislature, the governor, the lieutenant
 27 governor, and justices and judges of the supreme and superior courts and of the court
 28 of appeals, but nothing in AS 39.20.200 - 39.20.330 may be construed to diminish the
 29 salaries fixed by law for these officers by reason of absence from duty on account of
 30 illness or otherwise;

31 (2) magistrates serving the state on less than a full-time basis;

1 (3) officers, members of the teaching staff, and employees of the
2 University of Alaska;

3 (4) persons employed in a professional capacity to make a temporary
4 and special inquiry, study, or examination as authorized by the governor, the
5 legislature, or a legislative committee;

6 (5) members of boards, commissions, and authorities who are not
7 otherwise employed by the state;

8 (6) temporary employees hired for periods of less than 12 consecutive
9 months;

10 (7) persons employed by the division of marine transportation as
11 masters and members of the crews operating the state ferry system who are covered by
12 collective bargaining agreements as provided in AS 23.40.040, except as expressly
13 provided by law;

14 (8) persons employed by the state who are covered by collective
15 bargaining agreements as provided in AS 23.40.210, except as expressly provided by
16 law.



January 8, 2009

Representative Charisse Millett
State Capitol, Room 412
Juneau, Alaska 99801

Dear Representative Millett

This letter of support is on behalf of American Red Cross of Alaska volunteers and staff who firmly believe that House Bill 77 will be of great benefit to all Alaskans. This bill will allow State employees to volunteer their time, without penalty to their personal leave or seniority, during times of large scale disaster. Any state employee interested in volunteering within the Red Cross Disaster Preparedness and Response network will receive free training and instruction in disaster relief services.

This partnership will help to increase the number of volunteers engaged, from throughout Alaska, who will be trained in sheltering, case management, mass care and mental health to name just a few areas. The more people who are trained and prepared to respond the better our state will be able to sustain ourselves when a situation like the 1964 earthquake arrives or the floods within the Interior this past summer. All the training that is provided through American Red Cross is free, to any volunteer, which will allow minimal to no fiscal impact on our state operating budget. House Bill 77 will also set an example for other employers throughout our state, leading the way and demonstrating the importance and value of allowing individuals to give back to their community and the importance in investing in our State's level of preparedness and ability to respond to our own immediate needs during a disaster.

I thank you for identifying and realizing the importance of HB 77. American Red Cross looks forward to working with the State and its employees as we continue to raise our level of readiness throughout Alaska.

Sincerely,

A handwritten signature in black ink that reads "Michelle Houlihan".

Michelle Houlihan
Chief Executive Officer

Oregon

401.485 Leaves of absence for disaster relief volunteers; requirements; maximum period; effect on status of employees. (1) State agencies and political subdivisions described in ORS 243.325 (2) to (6) may grant leaves of absence to any public employee who is a certified disaster services volunteer of the American Red Cross to participate in disaster relief services in the State of Oregon. Cumulative leave granted shall not exceed 15 work days in any 12-month period. Such leave granted shall not result in a loss of compensation, seniority, vacation time, sick leave or accrued overtime for which the employee is otherwise eligible. Compensation to an employee granted leave under this section shall be at the employee's regular rate of pay for those regular work hours during which the employee is absent from work.

(2) As used in this section, "disaster" means those disasters designated at level II and above by the American Red Cross. [1995 c.70 §1]

Note: 401.485 was enacted into law by the Legislative Assembly but was not added to or made a part of ORS chapter 401 or any series therein by legislative action. See Preface to Oregon Revised Statutes for further explanation.

Provided by American Red Cross of Alaska
Submitted by Rep. Charisse Millett

State Disaster Leave Laws

State	Time Allowed with Pay	Types of Disaster	Worker Comp Covered	Area of Coverage	Other Restrictions	ARC Mentioned
AL	15 days	IV and above	No	Not specified		Yes
AR	15 days	II and above	No	Contiguous	No more than 100 participants at a time	Yes
CA			Yes	Not specified	Administrative Policy	Yes
CO	5 days local/ 15 days national		No	Not specified		No
CT	14 days		No	Not specified		Yes
DE		III or above	No	Any Disaster		Yes
FL	15 days		No	Florida Only	Any state with approval of Governor & Cabinet	Yes
GA	15 days		No	Contiguous		Yes
HI	30 days	III and above	No	Not specified		Yes
ID	120 hours	III and above	No	Contiguous		Yes
IL	20 days	III and above	No	Not specified		Yes
IN	15 days	III and above	No	Indiana Only		Yes
IA	15 days		No	Iowa Only		Yes
KS	20 days		No	Contiguous		Yes
KY	30 days	III and above	No	Not Specified		Yes
LA	15 days	III and above	No	Louisiana Only		Yes
ME	15 days	Declared by Governor or President	No	All States		Yes
MD	15 days	II or above	No	Not specified	Includes temporary personnel	Yes
MA	15 days	Any Disaster	No	Any Disaster		Yes

MI	10 days		No	All States	Can take unpaid leave of absence based on employee classification	Yes
MN	15 days		No	Not specified		Yes
MS	20 days	II and above	No	Contiguous		Yes
MO	120 hours		No	Missouri Only	No more than 25 state employees at once	Yes
MT	15 days		No	Not specified		Yes
NE	15 days		No	Nebraska Only		Yes
NV	15 days	Assistance of Federal Govt. needed	No	Contiguous		Yes
NH	15 days	III and above	No	All States		Yes
NJ	10 days paid/ 10 more unpaid	III and above	No	All States		Yes
NY						Yes
NC	15 days	III and above	No	North Carolina Only		Yes
ND	5 days	II and above	No	All States		Yes
OH	30 days		No	Not specified		Yes
OK	15 days	III and above	No	Oklahoma Only	No more than 500 participants at one time	Yes
OR	15 days	II and above	No	Oregon Only		Yes
PA		Declared by the governor	No	Not specified		Yes
PR	30 days		Yes	Puerto Rico Only		Yes
RI	10 days	II and above	No	Rhode Island Only		Yes

SC	10 days		No	Not specified		Yes
SD	10 days	Declared Disaster	No	South Dakota Only		Yes
TN	15 days		No	Not specified		Yes
TX	10 days		No		No more than 350 participants	Yes
UT	15 days	III and above	No	All states		Yes
VA	80 hours	Declared by Governor or President	No	All states		No
VT	15 days	III and above/ declared by Governor/ in VT	No	All states		Yes
VI	20 days			Not specified		Yes
WA						No
WV	15 days		No	Not specified	Total cost to state agencies not to exceed \$100,000	Yes
WI	30 days		No	All states (With permission)		Yes
WY	15 days	III and above/ Declared by Governor	No	Not specified		Yes

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Representative Charisse Millett
Chair, House Special Committee on Energy
District 30

FOR IMMEDIATE RELEASE

CONTACT: Rep. Millett, 907-465-3879

MILLETT INTRO'S RED CROSS DISASTER ASSISTANCE BILL *HB 77 Would Allow State Employees to Assist Agency in Times of Need*

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"This is an amazing partnership opportunity for state employees and the American Red Cross here in Alaska," Red Cross of Alaska Executive Director Michelle Houlihan said. "These volunteer opportunities will not only allow us to be more prepared but also allow us to be self-sustaining during times of large scale disaster. The free training that is provided to all American Red Cross volunteers will hopefully provide critical supplemental training to those state employees who join us in helping better prepare and respond to Alaska's need in times of disaster."

HB 77 has been referred to the House State Affairs and the House Finance Committees.

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To find HB 77 on the web, log on to <http://housemajority.org/millett/index.php?p=bills>.

LEGAL SERVICES

DIVISION OF LEGAL AND RESEARCH SERVICES
LEGISLATIVE AFFAIRS AGENCY
STATE OF ALASKA

(907) 465-3867 or 465-2450
FAX (907) 465-2029
Mail Stop 3101


State Capitol
Juneau, Alaska 99801-1182
Deliveries to: 129 6th St., Rm. 329

MEMORANDUM

March 16, 2009

SUBJECT: Exemption of the Alaska National Guard and the Alaska Railroad Corporation from disaster relief leave bill (CSHB 77(STA), Work Order No. 26-LS0250\P)

TO: Representative Charisse Millett
Attn: Jeff Turner

FROM: Dan Wayne 
Legislative Counsel

I spoke with Jeff Turner of your staff about whether or not the above-referenced bill would affect employees of the Alaska Railroad Corporation or the Alaska National Guard, and he asked that I summarize in a memorandum the legal points we discussed.

1. Alaska Railroad Corporation. The bill specifically exempts from its provisions the Alaska Railroad Corporation. You should also note that under AS 42.40.710(a) employees of the Alaska Railroad are employees of the corporation and not the state, and provisions of AS 39 other than AS 39.52 (the Executive Branch Ethics Act) do not apply to them. This means the bill, if adopted in its current form, would not give employees of the Alaska Railroad Corporation an opportunity to take leave without pay for disaster relief.
2. The Alaska National Guard. The Alaska National Guard is part of the organized militia of the state, established under AS 26.05.010, and the governor is commander in chief. The Guard functions as part of a state agency in the executive branch, the Department of Military and Veteran's Affairs. The Guard consists of two classes of members: persons who have voluntarily enlisted and persons who are commissioned officers or warrant officers who have qualifications prescribed by federal law and have been appointed and either commissioned or warranted by the governor. AS 39.20.200 - 39.20.350, the statutes governing leave by officers and employees of the state, do not include a generally applicable definition of "employee," the term used in the bill to designate who may take leave without pay for disaster relief. However, in *State v. Bowen*, 953 P.2d 888 (Alaska 1998), the Alaska Supreme Court held that a person working in the active state service of the state organized militia (which is comprised of the Alaska National Guard, the Alaska Naval Militia, and the Alaska Defense Force) is a state employee (although for exceptional reasons that the court determines applied at the time, the person was not to be regarded as subject to the State Personnel Act (AS 39.25)).

Representative Charisse Millett
March 16, 2009
Page 2

Moreover, sec. 2 of the bill does include a definition of "employee" applicable only to the proposed disaster relief leave that could be interpreted as including members of the Alaska National Guard.

Mr. Turner has asked if this definition could be modified in such a way as to exclude members of the Alaska National Guard from employees who would be able to take leave without pay for disaster relief under sec. 2 of the bill. The answer is yes; as in the example I related to Mr. Turner, you could modify the definition to read:

(2) "employee" means an employee of a branch of state government, including the University of Alaska, whether the employee is a permanent, non-permanent, or temporary employee, but does not include civilian or enlisted members of the organized militia under AS 26.05.010.¹

The definition in this example would exclude members of the Alaska National Guard, the Alaska Naval Militia, and the Alaska Defense Force from the leave option created by the bill.

If I may be of further assistance, please advise.

DCW:plm
09-163.plm

¹ Before being added to a bill this language might need editing to ensure that it complies with the Manual on Legislative Drafting.

Alaska State Legislature



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Representative Charisse Millett
Co-Chair, House Special Committee on Energy
District 30

Date: March 18, 2009
Version: 26-LS0250\C

HB 77 – Red Cross State Employee Disaster Assistance Bill **Summary of Changes**

The following two changes were submitted in the blank CS and adopted by the House State Affairs Committee.

Page Two, Line 11: Alaska Railroad Corporation employees will not be subject to the legislation.

Page Two, Line 21: Removes Alaska Railroad Corporation employees from the definition of employees subject to the legislation.

This change was made in the blank CS version submitted to the House Finance Committee on March 18.

Page Two, Line 14: Excludes members of the Alaska National Guard, the Alaska Naval Militia and the Alaska Defense Force.

###

**2009 HOUSE
FINANCE
COMMITTEE**

DATE: 3/31/09

Amendment: #2

MEMBER

Favor

Oppose

REP. JOULE	✓	
REP. KELLY	✓	
REP. SALMON		✓
REP. THOMAS	✓	
REP. AUSTERMAN	✓	
REP. CRAWFORD		✓
REP. FAIRCLOUGH	✓	
REP. FOSTER		
REP. GARA		✓
REP. STOLTZE	✓	
REP. HAWKER	✓	

7 yea

3 nay