

ALASKA LEGISLATURE SPECIAL COMMITTEE/SUBJECT FILES 8672
2624 SCOMM 115 HOUSE SPEC. COMM. MILITARY & VET. AFFAIRS, 1999-2000

1 appropriated money for the work in question knowing that it is to be performed by a
2 nonpermanent employee;

3 (2) the hiring department or agency has certified that there is an
4 immediate need to fill an authorized permanent position and it is impractical either to
5 establish the position or to conduct recruitment [MAKE CERTIFICATION] within a
6 reasonable time;

7 (3) the hiring department or agency has certified that an immediate need
8 exists and the director determines that the hiring department or agency could not
9 reasonably have been expected to anticipate and meet through the creation of a permanent
10 position; or

11 (4) the hiring department or agency has certified that a program or project
12 exists and the director determines that the need for employees can most appropriately be
13 met through the use of program or project employees."

14 Renumber the following bill sections accordingly.

15 Page 7, line 14:

16 Following "qualified for"

17 Delete "the"

18 Insert "a"

19 Page 8, line 22:

20 Delete "secs. 1 - 12"

21 Insert " secs. 1 - 14"

STATE OF ALASKA

DEPARTMENT OF ADMINISTRATION

OFFICE OF THE COMMISSIONER

TONY KNOWLES, GOVERNOR

P.O. BOX 110200
JUNEAU, ALASKA 99811-0200
PHONE: (907) 465-2200
FAX: (907) 465-2135

February 2, 2000

The Honorable Lisa Murkowski
Alaska State Representative
State Capitol, Room 406
Juneau, AK 99801

Dear Representative Murkowski:

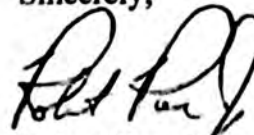
I respectfully request that you schedule House Bill 317, an act relating to recruitment, selection, appointment, and promotion of state employees, for a hearing in the House Special Committee on Military and Veterans' Affairs.

This bill amends various sections of the State Personnel Act to integrate Workplace Alaska as an on-line recruitment, application, and hiring process for positions in the classified service. The bill also establishes a system to continue honoring preference for veterans, prisoners of war and members of the Alaska National Guard.

If you have any questions or need additional information, please feel free to contact me or my legislative liaison, David Koivuniemi.

Thank you in advance for your cooperation.

Sincerely,



Robert Poe, Jr.
Commissioner

RP/DMD/jd

cc: Pat Pourchot, Legislative Director, Office of the Governor



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FISCAL NOTE

No: 1

STATE OF ALASKA
2000 LEGISLATIVE SESSIONBill Version: HB 317
(H) Publish Date: 1/24/00Revision Date/Time (Note if Correction): 12/28/99 11:00 a.m.
Title: "An Act relating to selection, appointment, and promotion of state employees...."
Sponsor: Rules Committee
Requestor: GovernorDepartment Affected: All DepartmentsBRU: PersonnelComponent: PersonnelCOMPONENT SERIAL NO. 2265

Expenditures/Revenues:

(Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below

OPERATING EXPENDITURES	FY 2001	FY 2002	FY2003	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	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES ()	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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY 2000) cost: \$ _____

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.)

The statute changes reflect current practices required by Workplace Alaska. Because the new system is not based on examination and creation of eligible lists, references to eligible lists, examinations, etc., have been amended where appropriate. Veteran's preferences which have been available as points on eligible lists are changed to required consideration for 5% veterans and required interviews for 10% veterans. Because these changes reflect current practices, there is no fiscal impact.

Prepared by: Sharon Barton, DirectorDivision: PersonnelPhone: 465-4429

Date: _____

Approved by Commissioner: Robert Poe Jr.Agency: Department of AdministrationPhone: 465-2200Date: 12/28/99**COMMITTEE COPY**PREPARED TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE
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JUNEAU

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January 21, 2000

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

Dear Speaker Porter:

Workplace Alaska, the state's new, highly successful system for hiring, has won national awards for outstanding innovation. It is time to put this pilot program into state law.

This bill I transmit today amends various sections of the State Personnel Act to integrate Workplace Alaska as an on-line recruitment, application, and hiring process for positions in the classified service.

Workplace Alaska replaces the time-consuming old system of eligibility lists and examinations, which could cause a single hire to take as much as several months to complete. Under this new program, an applicant maintains a single resume on-line that can be used for any vacancy advertised.

The new hiring process follows these steps:

- Hiring manager completes an on-line vacancy announcement;
- Agency reviews and approves the job announcement;
- Division of Personnel posts the announcement on the Internet;
- Job seekers complete a one-time applicant profile (resume);
- Job seekers access job postings over the Internet and view individual vacancies;
- Job seekers file a job qualification summary form for each vacancy of interest, attaching the applicant profile;
- Hiring manager reviews all submitted job qualification summaries and profiles, conducts interviews, reference checks, and selects an individual for the position;
- Agency approves the appointment.

The Honorable Brian Porter
January 21, 2000
Page 2

Workplace Alaska is an advantage to hiring managers as well as to applicants. It results in faster hires, a better-qualified pool of candidates who are interested in specific vacancies, and up-to-date applicant and vacancy information.

The bill establishes a system to continue honoring preference for veterans, prisoners of war and members of the Alaska National Guard. It also provides authority for the personnel board to adopt necessary implementing regulation changes.

Workplace Alaska has proven to be a vast improvement in the state's hiring process. I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Knowles", written in a cursive style.

Tony Knowles
Governor

FISCAL NOTE

STATE OF ALASKA
2000 LEGISLATIVE SESSION

BILL NO. CSHB 317 (STA)

Revision Date: 3/13/00

Dept. Affected All Departments

Title Related to selection, appointment, and

BRU Personnel

promotion of state employees

Component Personnel

Sponsor Rules

Requester (H) FIN

Component No. 2265

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	0.0	0.0	0.0	0.0	0.0	0.0
-----------------------------	------------	------------	------------	------------	------------	------------

CHANGE IN REVENUES ()	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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: 0.0

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)

The statute changes reflect current practices required by Workplace Alaska. Because the new system is not based on examination and creation of eligible lists, references to eligible lists, examinations, etc. have been amended where appropriate. Veteran's preferences which have been available as points on eligible lists are changed to required consideration for 5% veterans and required interviews for 10% veterans. Because these changes reflect current practices, there is no fiscal impact.

Prepared by: Sharon Barton

Phone 465-4429

Division Personnel

Date/Time

Approved by Commissioner -- Robert Poe, Jr. [Signature]

Date 3/14/00

Agency Administration

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Bill History/Action Display



BILL: HB 317 SHORT TITLE: STATE EMPLOYEE HIRE AND PROMOTION
 BILL VERSION:
 SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) RLS

STATUS DATE: 4/07/00

TITLE: "An Act relating to recruitment, selection, appointment, and promotion of state employees and the duties of the Department of Administration concerning those and other related functions; and providing for an effective date."

☐ Full Text ☐ Fiscal Notes Detailed 2000 fiscal note information currently not available on-line.

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
1/24/00	1991	(H) READ THE FIRST TIME - REFERRALS
1/24/00	1991	(H) MLV, STA, FIN
1/24/00	1991	(H) ZERO FISCAL NOTE (ADM/ALL DEPTS)
1/24/00	1991	(H) GOVERNOR'S TRANSMITTAL LETTER
3/03/00	2393	(H) MLV RPT CS (MLV). NT 5DP
3/03/00	2394	(H) DP: CROFT, PHILLIPS, JAMES, CISSNA,
3/03/00	2394	(H) MURKOWSKI
3/03/00	2394	(H) ZERO FISCAL NOTE (ADM/ALL DEPTS) 1/24/00
3/15/00	2488	(H) STA RPT CS (STA) NT 2DP 2NR
3/15/00	2488	(H) DP: JAMES, HUDSON; NR: GREEN, OGAN
3/15/00	2488	(H) ZERO FISCAL NOTE (ADM/ALL DEPTS) 1/24/00
4/07/00	2913	(H) FIN RPT CS (STA) NT 3DP 4NR
4/07/00	2914	(H) DP: PHILLIPS, DAVIES, FOSTER;
4/07/00	2914	(H) NR: THERRIAULT, AUSTERMAN, WILLIAMS,
4/07/00	2914	(H) DAVIS
4/07/00	2914	(H) ZERO FISCAL NOTE (ADM/ALL DEPTS) 1/24/00
4/07/00	2914	(H) REFERRED TO RULES

Similar Subject Match or Exact Subject Match

DISABILITIES

PUBLIC EMPLOYEES

PUBLIC RECORDS

VETERANS

Bill Root:

Return to BASIS Main Menu(21st Legislature)

Return to the Legislature Home Page

Information in BASIS is in Real Time.

Please use your 'Reload' button to update this page.

Dear Speaker Porter:

Workplace Alaska, the state's new, highly successful system for hiring, has won national awards for outstanding innovation. It is time to put this pilot program into state law.

This bill I transmit today amends various sections of the State Personnel Act to integrate Workplace Alaska as an on-line recruitment, application, and hiring process for positions in the classified service.

Workplace Alaska replaces the time-consuming old system of eligibility lists and examinations, which could cause a single hire to take as much as several months to complete. Under this new program, an applicant maintains a single resume on-line that can be used for any vacancy advertised.

The new hiring process follows these steps:

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- Job seekers access job postings over the Internet and view individual vacancies;
- Job seekers file a job qualification summary form for each vacancy of interest, attaching the applicant profile;
- Hiring manager reviews all submitted job qualification summaries and profiles, conducts interviews, reference checks, and selects an individual for the position;
- Agency approves the appointment.

Workplace Alaska is an advantage to hiring managers as well as to applicants. It results in faster hires, a better-qualified pool of candidates who are interested in specific vacancies, and up-to-date applicant and vacancy information.

The bill establishes a system to continue honoring preference for veterans, prisoners of war and members of the Alaska National Guard. It also provides authority for the personnel board to adopt necessary implementing regulation changes.

Workplace Alaska has proven to be a vast improvement in the state's hiring process. I urge your prompt and favorable action on this measure.

Sincerely,
/s/
Tony Knowles
Governor

HB 317

Recruitment and selection of employees is one of the basic purposes of a personnel function. To do so quickly and effectively is ideal.

WorkPlace Alaska provides needed changes in accessibility and speed to recruitment efforts. Developed in response to requests for speedier review of their applications and to speedier lists of applicants, job seekers and hiring managers have both responded positively to WorkPlace Alaska.

WorkPlace Alaska is available 24 hours per day, seven days per week, 52 weeks per year, except for an hour or two per week for scheduled maintenance. What took months to complete can now be accomplished in minutes.

Testing on the WorkPlace Alaska system began in March 1997 as a two-department pilot project. In November 1998 it was expanded for use by all state agencies. As the pilots and expanded use provided more feedback and refinements were made, WorkPlace Alaska has replaced the paper-intensive register system completely.

The legislation before you is intended to refresh the language of the law to reflect the use of WorkPlace Alaska instead of the paper-based register system.

Mr. Chair, I have prepared a sectional analysis of this legislation for your analysis. I would be pleased to walk the committee through that analysis, or I can provide a synopsis of the changes, or I can answer general or specific questions you might have.

Chart of Statutory Revisions to Implement Workplace Alaska – 3/15/00
(This summary is based upon the CS for HB317 adopted by MLV)

Section, page, line	Current Statute	Proposed Revision	Reason or Necessity
Section 1 Page 1 Line 8	AS 39.25.080(a) State personnel records, including employment applications and examination materials, are confidential and are not open to public inspection except as provided in this section.	Add the words “and other assessment” between “examination” and materials;”	There is an assessment with WPA, not an examination; reference is corrected for practice.
Section 2 Page 1 Line 12	AS 39.25.120(b) A person holding a position in the partially exempt service is not required to take an examination or qualify or earn a place on a register, and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension. ...	A person holding a position in the partially exempt service is not required to <u>complete an assessment</u> , and is not eligible for a hearing by the personnel board in case of dismissal, demotion, or suspension....	Delete reference to register system; no longer is use. Partially Exempt staff can be appointed without competitive process.
Section 3 Page 2 Line 12	AS 39.25.130(a)(3) Involves responsibilities and duties of a type not susceptible to the ordinary recruiting and examining procedures.	Change word “examining to “assessment;”	Reflects current practice.
Section 4 Page 3 Lines 4-6	AS 39.25.150(3) the use of employee selection methods, including open competitive	the use of employee selection methods, including open	Delete reference to examination;

	examinations, when appropriate, that will fairly test the capacity and fitness of the person examined to discharge the duties of the class in which employment is sought;	competitive assessment devices, when appropriate, that will fairly evaluate the capacity and fitness of the person assessed to discharge the duties of the position in which employment is sought;	Reflects vacancy-based position orientation of WPA instead of class based register system.
Section 4 Page 3 Lines 7-8	AS 39.25.150(4) the establishment and maintenance of eligible lists for appointment and promotion providing the names of eligible candidates in order of their relative performance in the examinations;	the formulation of a list for appointment or promotion to a position;	Reference to the development of a vacancy-based list of applicants rather than the maintenance of an eligible-list or register; requires the adoption of WPA-oriented regulations.
Section 4 Page 3 Line 11	AS 39.25.150(5) the procedure for certifying eligible candidates; the rule adopted under this paragraph may include procedures providing a preference for certifying local residents when appropriate;	the procedure for filling positions; the rule adopted under this paragraph may include procedures providing a preference for local residents when appropriate;	References the requirement for regulation governing the use of WPA for filling vacancies rather than for certifying eligible candidates, and for providing for local resident preferences, when appropriate; removes the reference to "certifying."
Section 4 Page 3 Line 17	AS 39.25.150(6) promotions from within the state service when there are qualified candidates in the state service; vacancies shall be filled by promotion	Change word "examination" to word "assessment;"	Reference to current practice; assessment rather than examination.

	whenever practicable and in the best interest of the state service and promotion shall be by competitive examination whenever possible; in considering promotions, the applicants' qualifications, performance records, seniority, and conduct shall be evaluated;		
Section 4 Page 3 Lines 28-30	AS 39.25.150(9) provisional appointment without competitive examination when appropriate eligible lists are not available;	Provisional appointment without competitive assessment when the recruitment and assessment procedures have not identified qualified candidates in sufficient number;	Corrects reference from examination to assessment, and provides for continuing use of alternative appointment methods when recruitment fails to provide a sufficient pool of candidates.
Section 4 Page 4 Line 18	AS 39.25.150(19) Granting of employment preference rights to...prisoner of war	Adds "former" before "prisoner of war."	
Section 4 Page 4 Line 23-end	AS 39.25.150(21) The granting of employment preference to severely handicapped persons; this includes the right to provisional appointment without competitive examination for period up to four months and the granting of eligibility to a severely handicapped person provisionally appointed under the rules who demonstrates ability to perform the job for	Change the word "examination" to "assessment in the two places this term appears; insert the word "of" between "periods" and "up;" change the phrase "severely handicapped person" to "individual with a severe disability" throughout this subsection.	References assessment rather than examination in language; provides for the use of "individual with disability" rather than "handicapped person" in keeping with social consciousness.

	permanent appointment without competitive examination; provisional employment under this paragraph may not exceed four months during a 12-month period; "severely handicapped" as used in this paragraph means persons certified by the director of the division of vocational rehabilitation to be severely handicapped;		
Section 5 Page 5 Line 17	AS 39.25.155(c) Applicants shall be placed on eligible lists for the vocational classification indicated in the applications submitted to the Division of Personnel in the order of their relative ranking based on an assessment of their vocational technical ability, and place of residence, and without written examination. Aptitude or occupational tests may be given if a position requires a specific ability.		There are amendments proposed for this section that focus on moving the concept "examination" to "assessment."

Section 6 Page 5 Line 21	AS 39.25.155(e) The director of personnel shall embody a concept combined of <u>technical</u> ability, place of residence local hire and area unemployment in the personnel rules to accomplish the intent of this section.	Substitute "vocational" for "technical."	Changes language to reflect the use of vocational ability rather than attempting to determine the meaning of "technical."
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Section 7 Page 5 Line 25 – end of section	AS 39.25.159(a) Veteran's Preference	A veteran or former prisoner of war who possesses the necessary qualifications for a position or job classification applied for under this chapter is entitled to a preference under this subsection. In an assessment using numerical ratings, points equal to five percent of the points available from the assessment device or devices shall be added to the passing score of a veteran, and 10 percent of the points available from the assessment device or devices shall be added to the passing score of a disabled veteran or former POW. In an assessment not using numerical ratings, consideration shall be afforded to a veteran; additionally, an opportunity to interview for the position shall be afforded to a disabled veteran or a former POW. A person may receive preference under only one of the categories described in this subsection or in (c) of this section. ...If the scope of recruitment for a position is limited to state employees, preference under this subsection may	The reference to "former" prisoner of war is more realistic. New language continues changing references from "examination" to "assessment;" Changes requirement to meet practice of considering all veterans for advertised vacancies, and adds a requirment to interview a disabled veteran or former POW; Continues changing references to recruitments; Maintains current layoff practices.
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	job qualifications are equal, a veteran or prisoner of war shall be given preference over a person who was not a veteran or prisoner of war, and the veteran or prisoner of war shall be kept on the job. This subsection may not be interpreted to amend the terms of a collective bargaining agreement.	not be counted. If a position in the classified service is eliminated, employees shall be released in accordance with rules adopted under AS 39.25.150(13). In the case of a comparison of employees with equal qualifications on the factors adopted under AS 39.25.150(13), a veteran or former POW shall be given preference over a person who was not a veteran or former POW, and the veteran or former POW shall be kept on the job.	If collective bargaining agreements allow it, veterans or former POWs should be given "super seniority," and layed off after non-veterans.
Section 8 Page 6 Line 24 – end of section	AS 39.25.159(c) Similar to veterans and POW preference in AS 39.25.159(a), except applies to a member of the national guard.	Similar revisions to those set out above re: AS 39.25.159(a).	Applies the protections granted in the previous section to members and former members of the National Guard.
Section 9 Page 7 Line 17	AS 39.25.159(d)	Add a new paragraph (4) to read: "consideration" means reviewing a person's entire application in order to determine whether the person should be selected, rejected, or admitted to further steps in the assessment or selection process.	New paragraph that defines the word "consideration" in the context of WPA.

Section 10 Page 7 Line 23	AS 39.25.160(h) A person may not knowingly make a false statement, certificate, mark, rating or report with regard to a test, certification, or appointment made under this chapter or in any manner commit a fraud preventing the impartial execution of this chapter and the personnel rules adopted under this chapter.	A person may not knowingly make a false statement, mark, rating or report with regard to an assessment . . . (remainder unchanged).	Replaces "test" with "assessment";
Section 11 Page 7 Line 27	AS 39.25.160(i) A person may not obstruct the right of another person to examination, eligibility, certification, appointment, or promotion under this chapter.	A person may not obstruct the right of another person to assessment...	Replaces "examination" with "assessment."
Section 12 Page 8 Line 1	AS 39.25.195(b) An appointment to state service, except an emergency appointment, shall be made from an applicable eligible list or dispatching register unless in appropriate circumstances the director has waived this requirement.	An appointment to state service, except an emergency appointment, shall be made from the list of applicants qualified for the position unless in appropriate circumstances the director has waived this requirement.	Dispenses with use of "eligible list" and substitutes "list of applicants qualified..."
Section 13 Page 8 Line 13 to end of section	As 39.25.195(c)(2)-(4) The hiring department or agency has certified that there is an immediate need to fill an authorized permanent position and it is	Change "make certification" to "conduct recruitment;"	References the process for filling a vacancy by nonpermanent appointment; changes

	impractical either to establish the position or to make certification.		reference from "certification" to "recruitment"
Section 14 Page 8 Line 28 & 30	AS 39.25.196(a) Notwithstanding the provisions of AS 39.25.195, a hiring department or agency may grant a preference to local residents in the appointment of nonpermanent employees or in the appointment of permanent employees to perform seasonal work assignments of 180 calendar days or less in a 12-month period. If there are no local residents on the applicable eligible list for a nonpermanent or a permanent seasonal position or if the local residents on the applicable eligible list are unavailable, the hiring department or agency may obtain referrals of qualified job applicants for these positions from the job service office of the Department of Labor and Workforce Development serving the area and from those applicants select a qualified person who is a local resident for the position.	Notwithstanding the provisions of AS 39.25.195, a hiring department or agency may grant a preference to local residents in the appointment of nonpermanent employees or in the appointment of permanent employees to perform seasonal work assignments of 180 calendar days or less in a 12-month period. If there are no local residents on the applicable list of applicants qualified for a nonpermanent or a permanent seasonal position or if the local residents on the applicable list of applicants qualified for the position are unavailable, the hiring department or agency may obtain referrals of qualified job applicants for these positions from the job service office of the Department of Labor and Workforce Development serving the area and from those applicants select a qualified person who is a local resident for the	Continues replacement of "eligible list" by "list of applicants qualified for..."

		position.	
Section 15 Page 9 Line 20	AS 44.21.020(8) administer a statewide personnel program, including central personnel services such as recruitment, examination, position classification, and pay administration;	Administer a statewide personnel program, including central personnel services such as recruitment, assessment, position classification, and pay administration;	Replaces "examination" with "assessment."
Section 16 Page 9 Line 31	AS 39.25.153(b) Repealed.		Unnecessary. Repeals specific delegations of authority to named agencies; no longer necessary since broader authorities are already delegated. Also, contains a reference to "examination."
	AS 39.25.153(c) Repealed.		Unnecessary. Broader authorities to classify positions are already delegated to agencies.
	AS 39.25.153(d) Repealed.		Unnecessary. Broader authorities to act with respect to position classification are already delegated to agencies.
Section 17 Page 10 Line 1			This section prevents the Personnel Board from adopting regulations relative to the use of WorkPlace Alaska until these

			statutory changes are made.
Section 18 Page 10 Line 7		Requests an immediate effective date.	

Thank you, Mr. Chair, for the opportunity to provide this testimony. If you have questions, please do not hesitate to contact me.

Tony Knowles
Governor
P.O. Box 110001
Juneau, Alaska
99811-0001
NEWS RELEASE

State of Alaska
Office of the Governor



Bob King
Press Secretary
Claire Richardson
Deputy Press Secretary

907-465-3500
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HB 317

FOR IMMEDIATE RELEASE: August 25, 1999
99-176

ALASKA DMV PARTNERSHIP PROGRAM AND
WORKPLACE ALASKA WIN
1999 NATIONAL INNOVATION AWARD FROM
TOP GOV'T GROUP

The National Association of State Chief Administrators (NASCA) has tapped Workplace Alaska and the Alaska Department of Motor Vehicles (DMV) Partnership Program for its 1999 Overall Award for Innovation. The awards winners were announced Tuesday during NASCA's Annual Meeting in Salt Lake City, Utah.

The two outstanding Alaska programs have put the customers first, by recognizing the needs of Alaska residents in complying with state requirements, such as vehicle registrations, and making it easier and more convenient to apply for jobs in state government.

"We may not always realize it here in Alaska, but getting the top award in the country for innovation in state government shows the can do spirit that Alaska state employees apply to providing significantly better service in the face of a decreasing budget," Gov. Tony Knowles said.

In 1995, in the face of declining budgets but expanded programs responsibility, the DMV began looking at alternate methods of maintaining existing service levels to an increasing number of customers. A pilot partnership program with an emission-testing center in Anchorage to do both the emission inspection and vehicle registration renewal was undertaken. The pilot program was so successful that DMV subsequently opened this program to all certified emission test stations.

Having found one partnership to work well, the DMV expanded partnership into other areas of its business. Partners include new car dealerships that title and register new vehicles; commercial and passenger driving schools, school districts; school bus contractors; tour companies and trucking companies that administer road tests for getting commercial and non-commercial driver licenses; commission agents in smaller communities of Alaska who deliver selected DMV services; and hospitals that issue disabled/handicapped parking permits.

Workplace Alaska is a complete on-line recruitment, application, and hiring process for State of Alaska classified service positions. The previous cumbersome recruitment process took approximately 6-8 months from the time an applicant applied to the actual hiring. The process now takes approximately two weeks.

Individuals seeking employment visit Workplace Alaska on the Internet and review vacancies as they occur. Interested applicants complete only two forms, an Applicant Profile, essentially an electronic resume, and a Job Qualification Summary, which asks specific questions about the applicant's qualifications for the position. Workplace Alaska sends this information directly to the hiring manager's electronic in-basket.

... FROM TOP GOV'T <http://www.gov.state.ak.us/press/99176.htm>

"With access through schools, libraries, and home computers, Workplace Alaska offers a much better outreach for Alaskans from Barrow to Ketchikan," Administration Commissioner Bob Poe said. "Workplace Alaska also saves the state over \$300,000 yearly in reduced personnel costs, postage, printing costs, and long distance phone costs."

"Alaska's DMV Program and Workplace Alaska are top-notch programs that had everything we were looking for, innovation, substantial benefits to the state, and transferability to other states," said Tom Torti, Vermont Commissioner of Buildings and General Services and NASCA Awards Committee Chair. "NASCA is proud to recognize the outstanding efforts of the employees who have worked diligently to put these programs into place."

More than 40 programs were submitted by 17 states for the awards.

-30-

For more information contact Administration Commissioner Bob Poe at (907) 465-2200

HB 317

TITLE: "An Act relating to recruitment, selection, appointment, and promotion of state employees and the duties of the Department of Administration concerning those and other related functions; and providing for an effective date."

➤ **Word Changes:**

"Examinations" to "assessments". Many times they are not required to take an examination for promotion.

"Prisoner of war" to "FORMER prisoner of war"

"Severely handicapped persons" to "individuals with severe disabilities"

- Calls for the creation of a **criteria list** for appointment and promotion.
- **Grants some employment preference** rights to veterans, former prisoners of war and individuals with severe disabilities
- Where an assessment using numerical ratings, points equal to 5% will be added to the passing score of a veteran and points equal to 10% shall be added to the passing score of a disabled veteran or former prisoner of war.
- Additionally, points equal to 5% of the available assessment total shall be added to the passing score of a member of the national guard.
- Other protective causes: participants may not knowingly make false statements, obstruct the right of another.

SCOMM

115:14

HB 330

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

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

P.O. Box 110000
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:

American members of the military forces, men and women, have stood proudly against the forces of tyranny and oppression throughout the world. Many tragically suffered as prisoners of war or remain missing in action. Alaska should honor these brave men and women and it is fitting they be recognized in state law. This bill I transmit today formally establishes days to honor prisoners of war, persons missing in action, and women in the military.

national This bill establishes three days in law. To honor all former prisoners of war (POWs) who have returned home from our nation's wars, April 9 will be known as Former POW Recognition Day. The third Friday in September will be known as POW and MIA Recognition Day to commemorate all prisoners of war and persons missing in action (MIAs) unaccounted for or who died in captivity. November 9 of each year will be recognized as Women Veterans Day.

Veterans groups have for some time observed a former POW recognition day to primarily honor all POWs who have returned home. More recently, those groups have observed a POW/MIA recognition day as a day to honor Vietnam War POWs and especially MIAs. Over time this day has become a day to honor all POWs, including those who died in captivity, and a day to make a special effort to remember all persons who remain missing in action.

Countless courageous servicemen and women have sacrificed their lives for our nation, and many others have lost their own freedom as prisoners of war. Exhibiting patience and determination, prisoners of war are a powerful reminder that the spirit of the

The Honorable Brian Porter
February 1, 2000
Page 2

American soldier cannot easily be broken, even by brutal treatment in violation of international law and the laws of common decency.

These brave soldiers, some of who died in captivity, and who, in many cases, spent years captive under the most reprehensible conditions, deserve our gratitude and commendation. The search for unaccounted for and missing soldiers from our nation's wars continues. Their unknown fate causes considerable uncertainty for their families, friends, and fellow veterans. By establishing these recognition days in their honor, Alaska will not forget the lives of these extraordinary heroes and the stories of their dedication to the people of America.

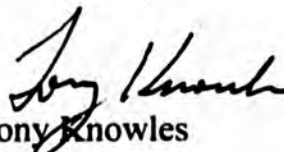
Because the number of women in the military -- and their roles in it -- is growing, it is important to publicly recognize women as they leave the armed forces and serve the communities to which they return.

Women currently constitute four percent of all veterans. By the end of the next decade, women will comprise 17 percent of veterans, and the percent of women in the active military is projected to grow from its current 14 percent. Although the history of women in the military is relatively recent, and they were not recruited to join the armed forces until World War I, some disguised themselves as men to join the Continental Army. The first female officers were appointed during World War II. During the Vietnam era, over a quarter of a million women served as military nurses or physicians, or in intelligence, supply, administration, and air support.

There is a need to identify and revise policies and practices in the military and veterans-related agencies that were developed at a time when women in the service were a rarity, and to assure that women veterans' issues are incorporated into future planning efforts. Designating a specific day to conduct programs and celebrations to honor and remember women veterans will hasten these efforts.

In honor to our veterans, I urge your prompt and favorable action on this bill.

Sincerely,


Tony Knowles
Governor

FISCAL NOTE

B Version: HB 330
 (H) Publish Date: 2/2/00

STATE OF ALASKA
2000 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) _____

Dept. Affected _____

Military and Veterans Affairs

Title POW/MIA/Women's Veterans Days

BRU _____

Alaska National Guard

Component Office of the CommissionerSponsor 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						
-----------------------------	--	--	--	--	--	--

CHANGE IN REVENUES ()						
-------------------------------	--	--	--	--	--	--

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 will formulize in statute specific days to recognize the men and women of our Nation's Armed Forces who were either Prisoner's of War (POW) or Missing in Action (MIA). It also set a day to recognize women veterans.

Prepared by: Carol B. CarrollDivision Administrative Services

Approved by Commissioner _____

Agency Military and Veterans AffairsPhone 465-4730Date/Time 12/2/99 11:52 AMDate 12/2/99**PREPARER TO PROVIDE ALL DISTRIBUTION COPIES TO GOVERNOR'S LEGISLATIVE OFFICE**

For further distribution information, call the Governor's Legislative Office

SCOMM

115:15

TONY KNOWLES ES
GOVERNOR OR
governor@gov.state.ak.us US



STATE OF ALASKA
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JUNEAU

P.O. Box 110001
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April 21, 2000

TO: Representative Joe Green
House Majority Leader
Alaska State Legislature
State Capitol (MS 3100)
Juneau, Alaska 99801-1182

FR: Pat Pourcho 
Legislative Director

RE: Senate Revisions to HB 331

I am requesting your consideration and concurrence with Senate revisions to HB 331 relating to compensation of members of the Alaska National Guard and Alaska Naval Militia (renamed by the bill as the National Defense Force). The bill was amended in the Senate Rules Committee to update existing minimum daily basic pay and reset the reference year for calculating basic pay from 1981 to 1999 and to lower the ceiling from 10 to 4% when adjusting the minimum the state will pay when calling the Guard on State Active Duty. This amendment does not increase pay; it simply updates old law and reduces the potential for increases in the future.

We concur with the Senate changes.

Please contact me or Carol Carroll, Legislative Liaison, Military and Veterans Affairs (465-4730) if you have questions.

Thank you.

CAROL (DMVA) WOULD LIKE
YOU TO CARRY THIS ON THE FILE

Department of Military and Veterans Affairs
HB 331(MLV)
Statement of Intent of Bill

HB 331 "An Act relating to compensation of members of the Alaska National Guard and Alaska Naval Militia in active service; changing the name of the Alaska State Militia to the Alaska State Defense Force; relating to compensation and work status for member of the Alaska State Defense Force; and providing for an effective date".

Purpose

The Department of Military and Veterans Affairs is proposing three changes to current law in order to streamline certain functions, clarify the method of paying the Alaska State Defense Force, and change the name of the Alaska State Militia to 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

Sections 1-4 and Section 11 simply change in statute the name of the Alaska State Militia to the more commonly used Alaska State Defense Force.

Section 5 changes the method of calculating pay for the members of the National Guard and Naval Militia when they are called to State Active Duty. State Active Duty results from a call by the Governor for assistance during a search and rescue or a disaster. These individuals work for the federal government, Department of Defense either on a full or part-time basis. When on State Active Duty, they are paid in accordance with the Department of Defense pay

scales. This includes a daily base pay amount for each grade based on the number of years in that grade and allowances such as separate rations, housing, cost of living and flight status.

The department employs one individual who is responsible for calculating State Active Duty pay when the Governor calls on the Guard or Naval Militia to respond to a state crisis. The system is manual, complicated and subject to delay and error.

This section would simplify the procedure by eliminating allowances and replacing them with a 200% of minimum daily basic pay calculation. This would significantly reduce the number of calculations required. 200% was determined to reach approximately the same level of pay for the majority of individuals who would be called to State Active Duty. This change has been coordinated with the Officer and Enlisted Associations for the National Guard.

Section 6 is a conforming section to ensure that the changes later in the bill are noted when determining coverage under Workers Compensation.

Section 7 is also a conforming section similiar to Section 6.

Section 8 is a conforming section to ensure that Workers Compensation benefits are calculated using the changes in pay calculations for the Guard, Naval Militia and Alaska State Defense Force made in other sections of the bill.

Section 9 replaces the term Organized Militia with the groups that make up the Organized Militia for clarification purposes.

Section 10 clarifies in statute the method of paying the Alaska State Defense Force 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 Defense Force 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 Defense Force members retain AS 26 job protection when on State Active Duty.

Section 11 was mentioned in Section 1 above.

Section 12 is the effective date.

Daily Rate with SBS

Sal. Sched. AA

8 Hour Shift

	RANGE 8			RANGE 10			RANGE 12		
	Base Rate	Swing	Grave	Base Rate	Swing	Grave	Base Rate	Swing	Grave
Hourly Rate	\$ 11.33	\$ 11.66	\$ 12.02	\$ 12.74	\$ 13.15	\$ 13.58	\$ 14.39	\$ 14.82	\$ 15.33
Daily Rate	\$ 96.20	\$ 99.00	\$ 102.05	\$ 108.17	\$ 111.65	\$ 115.30	\$ 122.18	\$ 125.83	\$ 130.16

Daily Rate without SBS

Sal. Sched. AA

8 Hour Shift

	RANGE 8			RANGE 10			RANGE 12		
	Base Rate	Swing	Grave	Base Rate	Swing	Grave	Base Rate	Swing	Grave
Hourly Rate	\$ 11.33	\$ 11.66	\$ 12.02	\$ 12.74	\$ 13.15	\$ 13.58	\$ 14.39	\$ 14.82	\$ 15.33
Daily Rate	\$ 90.64	\$ 93.28	\$ 96.16	\$ 101.92	\$ 105.20	\$ 108.64	\$ 115.12	\$ 118.56	\$ 122.64
Daily Savings	\$ 5.56	\$ 5.72	\$ 5.89	\$ 6.25	\$ 6.45	\$ 6.66	\$ 7.06	\$ 7.27	\$ 7.52

SAD DUTY PAY AND ALLOWANCE COMPARISON WORKSHEET

<u>RANK AND YEARS OF SERVICE</u>	<u>DAILY PAY AMOUNT CURRENT METHOD*</u>	<u>DAILY PAY AMOUNT PROPOSED FORMULA</u>	<u>DIFFERENCE</u>
<u>Officers</u>			
Colonel - 20	\$277.45	\$270.74	-\$6.71
Lt Colonel - 18	\$251.52	\$216.56	-\$34.96
Major - 14	\$216.64	\$182.52	-\$34.96
Captain - 8	\$182.95	\$169.60	-\$34.12
1st Lt - 4	\$152.93	\$147.92	-\$13.35
2nd Lt - 2	\$114.44	\$128.42	-\$5.01
Warrant Officer 5 - 20	\$214.10	\$294.92	\$80.82
Warrant Officer 4 - 18	\$192.04	\$172.80	-\$19.24
Warrant Officer 3 - 12	\$162.93	\$157.06	-\$5.87
Warrant Officer 2 - 8	\$141.31	\$137.56	-\$3.75
Warrant Officer 1 - 4	\$122.55	\$114.60	-\$7.95
<u>Air Force/Army Enlisted</u>			
CMSgt/Sgt Maj - 20	\$178.05	\$201.02	\$22.97
SMSgt/1st Sgt - 18	\$157.73	\$168.56	\$10.83
MSgt/Sgt First Class - 14	\$139.05	\$117.72	-\$21.33
TSgt/SSgt - 10	\$121.36	\$105.30 (State Minimum)	-\$16.06
SSgt/Sgt - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minimum)	\$0.00
SRA/Spec - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minimum)	\$0.00
A1C/Pvt 1st Class - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minimum)	\$0.00
Amn/Pvt 2nd Class - 0-20	\$105.30 (State Minimum)	\$105.30 (State Minimum)	\$0.00
AB/Pvt - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minimum)	\$0.00

Note 1: Includes base pay, housing , COLA, Separate rations

Note 2: Calculated at with dependents housing rate and one dependent COLA rate

Note 3: Does not include other additional special pay for pilots and aircrew members

Note 4: If total pay and allowance is less than the State Daily Minimum (\$105.30) the member receives the State Daily Minimum amount.

Lt Colonel - Lieutenant Colonel
Sgt Maj - Sergeant Major
Sgt First Class - Sergeant First Class
SRA - Senior Airman
Amn - Airman

1st Lt - First Lieutenant
SMSgt - Senior Master Sergeant
TSgt - Technical Sergeant
Spec - Specialist
Pvt 2nd Class - Private 2nd Class

2nd Lt - Second Lieutenant
1st Sgt - First Sergeant
SSgt - Staff Sergeant
A1C - Airman First Class
AB - Airman Basic

CMSgt - Chief Master Sergeant
MSgt - Master Sergeant
Sgt - Sergeant
Pvt 1st Class - Private 1st Class
Pvt - Private

TONY KNOWLES
GOVERNOR

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

ALASKA
LEGISLATURE
JANUARY 2000

February 1, 2000

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

Dear Speaker Porter:

When members of the Alaska National Guard and Alaska Naval Militia are called to active service for the state, it's important they be adequately compensated for their valuable work in a timely manner. To that end, this bill simplifies the pay scale and system for the Alaska National Guard (ANG) and Alaska Naval Militia (NM).

Currently, when called to state active duty, members of the ANG and NM receive pay and allowances equal to those provided by federal law for members of equivalent grades of the United States armed forces. Daily minimum pay is determined by grade and years of service with a statutory minimum. Allowances include food, housing, cost-of-living increase, and quarters and are determined based on the circumstances of each individual.

Calculating pay and allowances under the current law requires obtaining information from the federal government regarding current pay scales and allowance amounts. This can cause significant delays in payment of ANG and NM members. It is also a labor-intensive system involving numerous manual calculations with an unreasonable chance for errors.

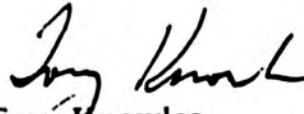
This bill simplifies the pay system for state active duty by retaining statutory minimum pay, disregarding years of service, and eliminating allowances. Members will simply receive 200 percent of the minimum basic pay for a member of an equivalent grade in the active military -- or the statutory minimum, if greater. Simplifying the calculation will save administrative time and will result in members of the ANG and NM receiving their checks in a more timely fashion.

The Honorable Brian Porter
February 1, 2000
Page 2

The bill also provides that this proposed new pay scale will be used to calculate workers' compensation and death benefits for the organized militia, which includes the Alaska State Militia as well as the ANG and NM.

I urge your prompt and favorable action on this measure.

Sincerely,

A handwritten signature in dark ink, appearing to read "Tony Knowles", written in a cursive style.

Tony Knowles
Governor

HB 337

SAD DUTY PAY AND ALLOWANCE COMPARISON WORKSHEET

<u>RANK AND YEARS OF SERVICE</u>	<u>DAILY PAY AMOUNT CURRENT METHOD*</u>	<u>DAILY PAY AMOUNT PROPOSED FORMULA</u>	<u>DIFFERENCE</u>
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Note 2: Calculated at with dependents housing rate and one dependent COLA rate

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SSgt - Staff Sergeant
A1C - Airman First Class
AB - Airman Basic

CMSgt - Chief Master Sergeant
MSgt - Master Sergeant
Sgt - Sergeant
Pvt 1st Class - Private 1st Class
Pvt - Private

Daily Rate with SBS

Sal. Sched. AA
8 Hour Shift

	RANGE 8			RANGE 10			RANGE 12		
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MEMORANDUM

State of Alaska
Department of Law

TO: BG Phillip E. Oates
Commissioner, DMVA

DATE: July 7, 1999

FILE NO:

TEL. NO: 269-5178

SUBJECT: Alaska State Defense Force Pay
Authorization

FROM: Mary A. Gilson
Assistant Attorney General
Governmental Affairs Section, Anchorage

You have requested a legal opinion concerning whether members of the Alaska State Militia (ASM) also known as "the Alaska State Defense Force"¹ can receive pay equivalent to military active duty pay for their services when called to state active duty. As we understand the facts, for a number of years members of the ASM have received pay for their services while in active duty status.² ASM pay rates are based on the member's ASM military grade. Military grades in the ASM mirror the uniformed service and ASM personnel have received pay equivalent to military active duty pay when called to state active duty. Recently questions have arisen regarding the Department of Military and Veterans Affairs' (DMVA) authority to pay the ASM members at this level when they are called to state active duty.

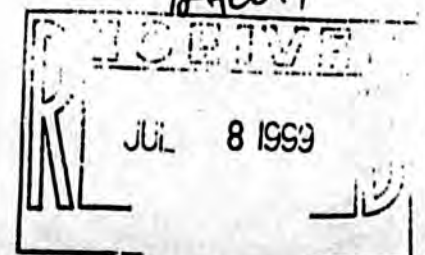
I. Brief Answer

This opinion confirms our previous oral advice that paying ASM members pay equivalent to military active duty pay when called to state active duty is not authorized.

DMVA's longstanding practice of paying ASM members wages equivalent to their military rank within ASM while in active duty status does not in itself provide the authority for such payment. There must be some legal authority. The Alaska statutes provide that the National Guard and Naval militia are to receive pay and allowances equal to those provided for members of equivalent grades of the United States armed forces but there is no similar authorization to pay the ASM at that level. The absence of any statutory language authorizing payment of the ASM for state active duty at a level equivalent to the active military compels the conclusion that, under existing law, such payment is not legally authorized. Legislative action is necessary to provide authorization. Our department can provide assistance in drafting such legislation if desired.

¹ The "Alaska State Militia" is commonly known as the "Alaska State Defense Force". This may be as a result of federal statutory language which provides that states can maintain a "defense force" in addition to the National Guard. See 32 U.S.C. 109(c).

² The ASM does not receive pay for attending training and routine drills.



ASM members who are hired as emergency employees or some other class of state employee would, of course, be paid but the pay would be based on the job classification not on their ASM military grade. Emergency employees can be appointed for up to 30 days if immediate action is needed to carry on work that is required in the public interest. AS 39.25.200(3). Therefore, ASM members could be called out and appointed as emergency employees. Using this mechanism, pay would be authorized. The procedures for appointing emergency employees would have to be followed and, as noted, the pay level would not be tied to active military pay levels but would be related to the work performed.

Any ASM forms, written procedures, manuals, etc. should be reviewed to ensure that any reference to military pay for services is removed. Notice should be sent immediately to all ASM members that there has been a determination that under current law there is no authority for the ASM to be paid military pay for state active duty, and therefore, until there is a change in the law, there will be no payment for future deployments. The notice should state that pay is authorized if a member is hired as an emergency employee or nonpermanent employee, but the amount would depend on the job class not on military rank.

To ensure effective notice, there should be no deployments until such notice is given.

II. Analysis

A. ASM Background and Composition

Federal law provides that in addition to the National Guard, a state may provide and maintain at its own expense a defense force. 32 U.S.C. 109(c); Perpich v. Dept. of Defense, 110 S. Ct. 2418, 2429 (1990). Federal law does not address whether a state defense force is to be paid when called out to active duty.

The Military Code of Alaska, AS 26.05.010 – AS 26.05.350, provides the state statutory scheme governing the operation of the ASM. There are no state regulations. The ASM is established under AS 26.05.010 as part of Alaska's "organized militia." The organized militia in Alaska consists of the Alaska National Guard, the Alaska Naval Militia, and the Alaska State Militia. AS 26.05.010(b)(1). The ASM became part of the organized militia in 1968. Secs. 1-2, ch. 44, SLA 1968. Enlistment in the ASM is voluntary. AS 26.05.100. The composition of the ASM is addressed under AS 26.05.030(d) which provides:

- (d) The Alaska State Militia consists of units authorized by the governor, and manned by volunteer personnel qualifying under state law and regulation. All 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.

B. Role of the ASM

The role of the ASM is to augment the National Guard or Naval Militia or to act in their stead when those forces are not available. AS 26.05.100. That section provides:

A state militia may be organized through voluntary enlistments under regulations as to discipline and training 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 state militia. (Emphasis added.)

AS 26.05.070 outlines the circumstances which may trigger the governor's use of the organized militia – which as noted above, includes the ASM. Under AS 26.05.070, the Governor may order the organized militia into active state service when needed in the case of events such as war, disaster, catastrophe, riots, etc. or when responsible civil authorities fail to preserve law and order or protect life and property, or the governor believes such failure is imminent. See AS 26.05.070.

If called into active service, the ASM, like other parts of the organized militia, functions as an additional police force retaining its separate identity and operating as a military organization under separate command. The ASM cooperates with, but does not supercede civilian law enforcement. They are "to execute the laws and to perform duties in connection with them that the governor considers proper.", and can take action "... for the re-establishment of law and order and for the protection of life and property." AS 26.05.070. For example, ASDF personnel assisted in search and rescue after a recent avalanche.

C. Payment of the ASM

Pay and allowances under the Military Code are specifically addressed in AS 26.05.260(b). AS 26.05.260(b) provides in pertinent part:

(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 allowance equal to 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 ... (Emphasis added.)

The plain language of AS 26.05.260(b) authorizes pay and allowances only for members of the Alaska National Guard and Alaska Naval Militia. The ASM is not mentioned. Section AS 26.05.260 has been in existence in various forms since statehood and the ASM has never been mentioned in the section providing for pay and allowances. Until 1973 only components of the National Guard were entitled to pay and allowances. In 1973, the Naval Militia was added to the language of AS 26.05.260 which pertained to pay and allowances. Secs. 9-11, ch. 34, SLA 1973. The legislature had the opportunity at

that time to add the ASM and did not. In 1981 AS 26.05.260 was amended again and AS 26.05.260(b) was enacted in its current form. Secs. 1-4, 8, ch. 56, SLA 1981. There is no legislative history indicating an effort to include the ASM in the section providing for pay and allowances when AS 26.05.260(b) was amended in 1981.

The remaining subsections of AS 23.05.260 address workers' compensation and death benefits. As explained below, none of these subsections provide the authority to pay the ASM for active duty. Under current law, AS 26.05.260(d) provides workers' compensation benefits for members of the organized militia. AS 26.05.260(e) provides death benefits.³

Prior to 1989, only the National Guard or Naval Militia were entitled to workers' compensation or death benefits if injured or killed while on active duty. In 1989 the term "organized militia" was inserted into subsections AS 26.05.260(d) and (e) in place of the term "Alaska National Guard or Alaska Naval Militia." Secs. 1-2, ch. 53, SLA 1989. The purpose of the 1989 amendments was to provide the ASM with the same workers' compensation and death benefits that the other components of the organized militia were already receiving. The legislature could have also amended the pay and allowances subsection 260(b) at that time to substitute "organized militia" for "Alaska National Guard or Alaska Naval Militia," as was done in subsections 260(d) and 260(e), but the legislature chose not to do so.

AS 26.05.260(h) was enacted in 1989 in the same piece of legislation as the amendments to 260(d), (e) discussed above. Sec. 4, ch. 53, SLA 1989.⁴ Subsection 260(h) addresses the level of benefits a member of the ASM is entitled to if injured or killed in the line of duty and bases the computation of benefits on the level of earnings a member of the regular armed forces of equivalent rank would receive.

AS 26.05.260(h) states: "For purposes of computation of benefits under AS 23.30, the earnings of a member of the organized militia will be presumed to be no less than the pay and allowances authorized for a member of the regular armed forces of the United States in the same grade or rank as the organized militia member at the time of the injury or death."

³ AS 26.05.260(d) provides:

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 available under AS 23.30 (Alaska Workers' Compensation Act) for injuries or disabilities suffered in the line of duty. (Emphasis added.)

AS 26.05.260(e) provides:

If a member of the organized militia dies as a result of an injury or disability suffered in the line of duty while performing duties under AS 26.05.070, including transit to and from the member's home of record, death benefits shall be paid to the person in the amounts specified in AS 23.30.215. (Emphasis added.)

⁴ Subsection (h) was enacted as (i) and renumbered in 1989.

Statutory authorization of workers' compensation and death benefits at a certain level is not equivalent to authorizing payment of wages at that level or any other. Nor does providing workers' compensation and death benefits necessarily imply that wages will be also paid. For example, residents of Alaska temporarily volunteering in a civil defense or disaster relief function for the state are considered employees of the state for the purposes of the Workers' Compensation Act and therefore are entitled to workers' compensation and death benefits if injured or killed while providing services. See AS 23.30.244. However, it cannot be said that AS 23.30.244 provides authority to pay these volunteers wages.

Section 3 of the 1989 legislation amending AS 26.05.260 also amended the definition of the word "member" which is used throughout the section. See sec. 3, ch. 53, SLA 1989. As with the amendments to 260(d) and 260(e), the term "organized militia" replaced "Alaska National Guard or Alaska Naval Militia" in the definition of "member". Under AS 26.05.260 "member" means an active commissioned or warrant officer or enlisted man or woman in the organized militia." (Emphasis added). AS 26.05.260(i).⁵ Expanding the definition of "member" to mean an officer or enlisted person in the "organized militia" is consistent with the amendment to subsections 260(d) and 260(e).

An argument could be made that because the word "member" is also used in subsection 260(b), the ASM is by implication included in pay and allowances. However, we do not believe a court would give much credence to this argument. The language of 260(b) predates the 1989 legislation. The word "member" is used three times in 260(b). The pertinent language is quoted above. The first reference is specifically to "members" of the National Guard or Naval Militia. The second reference is to members of the Armed Forces. The third reference, read in context, relates to the National Guard of Naval Militia. To imply that the term is to be read in a broader sense would be a strained reading.

Further, legislative history supports the view that the 1989 amendments were not meant to alter the pay authorization in AS 26.05.260(b) but were intended to provide ASM members with workers' compensation and death benefits. Governor Cowper's transmittal letter to the legislature stated "This bill expressly extends workers' compensation coverage to members of the ASM . . . this ensures adequate compensation for injuries incurred incident to state service and the bill limits the state's liability for injuries to the remedy provided in AS 23.30." 1989 Senate Journal 43.

Finally, viewing the Military Code as a whole, it is evident that when the legislature intended to provide benefits to members of the entire "organized militia" it said so. See AS 26.05.260(d) (workers' compensation benefits); AS 26.05.260(e) (death benefits). When it intended for benefits to only be provided for the National Guard and Naval Militia the statute providing the benefit refers only to the "Alaska National Guard or the Alaska Naval Militia" and the ASM is not mentioned. See AS 26.05.222-26.05.229 (retirement benefits); AS 26.05.265 (reenlistment bonus); AS 26.05.295 (educational assistance); AS 26.05.296 (tuition assistance). Under AS 26.05.260(b), the legislature has not provided for the "organized militia" to receive pay and allowances, but only for the "Alaska National

⁵ Subsection (i) was enacted as (h) and renumbered in 1989.

Guard or Naval Militia". Therefore, we believe 260(b) means what it says and does not provide authorization for the ASM to receive active duty pay.

In addition to AS 26.05.260, there is only one other section in the Military Code which mentions "pay". AS 26.05.270 states that "If the organized militia, or any part of it, is called into active service of the state in case of war, disaster, insurrection, rebellion . . . vouchers for legally allowed pay and expenses for this services 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." (Emphasis added.) The use of the phrase "legally allowed" in AS 26.05.270 does not in itself authorize pay and expenses but merely provides that those amounts already "legally allowed" shall be drawn from the general fund. Therefore, AS 26.05.270 does not provide authority for payment of the ASM.

An argument was raised that to require members of the ASM to serve without compensation would be a "taking" in violation of the Alaska Constitution.⁶ Alaska's "takings clause" prohibits the taking of private property for a public purpose without just compensation. Alaska Const., art. I, sec 18. The Alaska Supreme Court has held that "personal services" are private property. Delisio v. Alaska Superior Court, 740 P.2d 437 (Alaska 1987). In Delisio, the court determined that the government cannot require an attorney to represent an indigent person without paying just compensation because to do so would be an unconstitutional "taking" of the attorney's services (*i.e.* private property). See Id. at 443.

We do not believe Delisio is applicable. In Delisio, Delisio made his living as an attorney. The trial court ordered him to represent an indigent defendant for free or be sentenced to jail for contempt. In reversing the lower court, the Supreme court held that compelling Delisio to serve without just compensation was a "taking". Id. Here, members of the ASM are volunteers. The government has not ordered them to provide their services for free. ASM members volunteer to be part of the ASM and thus are subject to the call of the Governor on an occasional basis when needed to supplement the National Guard or Naval Militia. See AS 26.05.030; 26.05.100; 26.05.070. If an ASM member did not answer the call to active duty, they may be subject to demotion or discharge from the ASM, but it cannot be said that they are "compelled" to provide the service. Being available for call out to active duty is a condition of their volunteerism. If they do not answer the call out, they cannot be part of the organization, but unlike Delisio there is no government imposed fine or jail time for failure to provide services. Based on Delisio, we do not believe a "takings" argument has merit in this situation.⁷

In sum, there is no authority under current law to pay ASM members pay equivalent to military active duty pay when they are called to active duty. Pay for state active duty is not authorized unless members are hired as emergency employees or some other class of employee. Pay would be based on the job class not on military rank. Notice should go out to the ASM members immediately. If

⁶ See memorandum to Jim Chase from Leroy DeVeaux dated December 10, 1998.

⁷ The DeVeaux memorandum also asserted that it would be a violation of due process to deprive ASM members of pay equivalent to that of the regular military. Due process is inapplicable here. The issue is whether ASM members are entitled to be paid for their volunteer services. The conclusion is that they are not. If there is no entitlement to a benefit there can be no "protected interest" and therefore no entitlement to due process if the benefit is discontinued.

BG Phillips E. Oates
Commissioner, DMVA

July 7, 1999
Page 7

your department needs assistance in drafting legislation to change current law, please do not hesitate to call.

MAG:vb

CALCULATION OF STATE ACTIVE DUTY:

STEP 1 (Determining Daily Base Pay Amount): Whenever the military pay rates change (which occurs at least annually on Jan 1 of each year) the minimum daily base pay amounts for each pay grade must be hand calculated. The following are the steps required to determine this minimum daily base pay rate:

- A. Go to Defense Department Internet site and download current military pay table
- B. Divide the monthly base pay amount for each pay grade (E1 through E9) (O1 through O6) and (W1 through W5) by 30 (days per month). This calculation must be done for each pay grade approximately 15 times since military members receive monthly base pay increases when the member passes 2 years of service, 3 years of service and then every 2 years thereafter through 26 years of service. Total hand calculations required: 345
- C. When a SAD order is received I must determine the individuals rank and years of service to determine what that individuals daily base pay amount is.

STEP 2 DETERMINING ALLOWANCES (SEPARATE RATIONS/HOUSING/COST OF LIVING)

- A. **Separate Rations (BAS):** This rate is a fixed daily amount with officer and enlisted members receiving different amounts. The current daily rates are found on the Defense Departments web site.
- B. **Basic Allowance For Housing (BAH):** There are different housing rates for married and single members. The current rates are determined by going to the Defense Departments web site and inputting the individual's rank and zip code location (Zip code 99577 (Anchorage) is used for this calculation). The web site then provides the monthly housing rate for married and single individuals of that grade living in 99577. That monthly amount must then be manually divided by 30 (days per month) to determine the individual's daily housing rate.
- C. **Cost of Living Allowance (COLA):** These rates are found at on the Department of Defense web site and are updated by DOD every two weeks. The input data to determine the correct rate for a member includes their pay grade, years of service, number of dependents and location code (AK005) for Alaska. The program then provides the daily COLA amount.
- D. **Other Allowances:** Individual on flying status (pilots and aircrew members) received an addition flight pay allowance. When an SAD order is received that indicates that the member is a pilot or aircrew member I must go to the Defense Departments web site to determine what that daily amount is. It is based their status (pilot or aircrew member), rank and years of service.

Step 3: Calculating Individuals SAD Daily Pay Rate:

- A. Once all of the above daily pay and allowance figures are determined they must be added together to determine the daily pay rate for each individual. That amount must then be compared to the State Daily Minimum amount (Hand calculated in July of each year using a formula contained in the statutes). The individual is then entitled to whichever daily amount is greater.
- B. The individuals SAD daily amount is then multiplied by the number of days the member performed SAD during that pay period to determine the total amount of pay the individual is due.
- C. The order is then forward to State payroll personnel for issuance of a State payroll warrant.

Post-it® Fax Note	7571	Date	2/24	# of pages	2
To	Colonel Carroll	From	Rick J.P.		
Co./Dept.		Co.			
Phone #		Phone #			
Fax #		Fax #			

CALCULATION OF STATE ACTIVE DUTY (SAD) - PROPOSED PROCEDURES

Step 1: Determining Alaska National Guard Members' SAD Daily Pay Rate: Whenever the active duty military pay rates change (which occurs at least annually on Jan 1 of each year) the minimum daily pay amounts for each pay grade must be re-calculated. The following are the steps required to determine this minimum daily base pay rate:

- A. Go to Defense Department Internet site and download current active duty military pay table.
- B. Divide the minimum monthly base pay rate for each pay grade (E1 through E9) (O1 through O6) and (W1 through W5) by 30 (days per month) to determine the minimum daily base pay rate. Total calculations required: 23
- C. Multiply the minimum daily base pay rate for each pay grade by 200% (proposed percentage) to determine Alaska SAD Daily Pay Rate. Total calculations required: 23

Step 2: Calculating Individuals SAD Daily Pay When Duty is Performed:

- A. Compare the members Alaska SAD daily base pay rate to the current State Active Duty Daily Minimum amount (Calculated in July of each year using a formula contained in the statutes. \$105.30 per day a/o 1 July 1999). The individual is then entitled to whichever daily amount is greater.
- B. Multiply the member's Alaska SAD daily base pay rate or SAD minimum amount (whichever is greater) by the number of days the member performed duty during that pay period to determine the total amount of pay the individual is due.
- C. The SAD order with the pay calculations is then forwarded to DMVA payroll personnel for issuance of a State payroll warrant.

FISCAL NOTE

No: 2

STATE OF ALASKA 2000 LEGISLATIVE SESSION

Bill Version: CSHB 331 (MLV)
Bill (H) Publish Date: 3/3/00

Revision Date: 01-Mar-00
Title: An Act relating to compensation of members
of the Alaska National Guard and Alaska Naval Militia ...
Sponsor: Rules Committee
Requestor: (H) MLV

Dept Affected: Military & Veterans Affairs

BRU: Alaska National Guard

Component: Office of the Commissioner

Component No. #414

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
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	0.0	0.0	0.0	0.0	0.0	0.0
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CHANGE IN REVENUES (fund code)	0.0	0.0	0.0	0.0	0.0	0.0
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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: \$ n/a

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)

This bill simplifies the method of calculating pay and allowances for members of the National Guard and Naval Militia. There is no fiscal impact but administrative workload will be reduced in the event the National Guard is called onto Active Duty to respond to a state disaster or emergency. In addition, Guard and Naval Militia members will be paid more timely and accurately than in the past with this change.

This bill also clarifies the status of the Alaska State Defense Force when called to State Active duty. The department will pay to ASDF when called to active duty in accordance with state pay scales (level of work performed) but will recognize that the ASDF is subject to the ASDF command structure and discipline.

Prepared by: Carol B. Carroll

Phone: 465-4730

Division: Administrative Services

Date: 01-Mar-00

Approved by Commissioner:

Phillip Oates

Date: 01-Mar-00

Agency: Military & Veterans Affairs

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Bill History/Action Display



BILL: HB 331 SHORT TITLE: ALASKA NATL GUARD/NAVAL & STATE MILITIA
BILL VERSION:
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) RLS

STATUS DATE: 4/12/00

TITLE: "An Act relating to payment, allowances, and benefits of members of the Alaska National Guard and Alaska Naval Militia in active service; relating to computation of certain benefits for members of the Alaska State Militia; and providing for an effective date."

[Full Text](#)

[Fiscal Notes](#)

Detailed 2000 fiscal note information currently not available on-line.

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
2/02/00	2067	(H) READ THE FIRST TIME - REFERRALS
2/02/00	2067	(H) MLV, STA, FIN
2/02/00	2067	(H) ZERO FISCAL NOTE (DMVA)
2/02/00	2067	(H) GOVERNOR'S TRANSMITTAL LETTER
3/03/00	2394	(H) MLV RPT CS (MLV) NT 5DP
3/03/00	2394	(H) DP: CROFT, PHILLIPS, JAMES, CISSNA,
3/03/00	2394	(H) MURKOWSKI
3/03/00	2394	(H) ZERO FISCAL NOTE (DMVA)
3/21/00	2631	(H) STA RPT CS (MLV) NT 4DP 1NR
3/21/00	2632	(H) DP: JAMES, SMALLEY, KERTTULA, HUDSON;
3/21/00	2632	(H) NR: GREEN
3/21/00	2632	(H) ZERO FISCAL NOTE (DMVA) 3/3/00
4/12/00	3072	(H) FIN RPT CS (MLV) NT 7DP
4/12/00	3072	(H) DP: BUNDE, PHILLIPS, WILLIAMS, MOSES,
4/12/00	3072	(H) DAVIS, DAVIES, GRUSSENDORF
4/12/00	3073	(H) ZERO FISCAL NOTE (DMVA) 3/3/00
4/12/00	3073	(H) REFERRED TO RULES

Similar Subject Match or Exact Subject Match

MILITARY

SALARIES & ALLOWANCES

WORKERS COMPENSATION

Bill Root:

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[Clear Bill Root](#)

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HB 331

TONY KNOWLES
GOVERNOR
GOVERNOR of the State of Alaska

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

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February 1, 2000

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

Dear Speaker Porter:

When members of the Alaska National Guard and Alaska Naval Militia are called to active service for the state, it's important they be adequately compensated for their valuable work in a timely manner. To that end, this bill simplifies the pay scale and system for the Alaska National Guard (ANG) and Alaska Naval Militia (NM).

Currently, when called to state active duty, members of the ANG and NM receive pay and allowances equal to those provided by federal law for members of equivalent grades of the United States armed forces. Daily minimum pay is determined by grade and years of service with a statutory minimum. Allowances include food, housing, cost-of-living increase, and quarters and are determined based on the circumstances of each individual.

Calculating pay and allowances under the current law requires obtaining information from the federal government regarding current pay scales and allowance amounts. This can cause significant delays in payment of ANG and NM members. It is also a labor-intensive system involving numerous manual calculations with an unreasonable chance for errors.

What does it do to the pay? increase/decrease?
This bill simplifies the pay system for state active duty by retaining statutory minimum pay, disregarding years of service, and eliminating allowances. Members will simply receive 200 percent of the minimum basic pay for a member of an equivalent grade in the active military -- or the statutory minimum, if greater. Simplifying the calculation will save administrative time and will result in members of the ANG and NM receiving their checks in a more timely fashion.

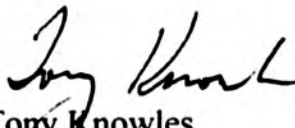
The Honorable Brian Porter
February 1, 2000
Page 2

*how have
we + death
benefits been
calculated in
past*

The bill also provides that this proposed new pay scale will be used to calculate workers' compensation and death benefits for the organized militia, which includes the Alaska State Militia as well as the ANG and NM.

I urge your prompt and favorable action on this measure.

Sincerely,


Tony Knowles
Governor

1-GH2010VD

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

No: 2

STATE OF ALASKA 2000 LEGISLATIVE SESSION

Bill Version: CSHB 331 (MLV)
Bill (H) Publish Date: 3/3/00

Revision Date: 01-Mar-00
Title: An Act relating to compensation of members
of the Alaska National Guard and Alaska Naval Militia ...
Sponsor: Rules Committee
Requestor: (H) MLV

Dept Affected: Military & Veterans Affairs
BRU: Alaska National Guard
Component: Office of the Commissioner
Component No. #414

Expenditures/Revenues

(Thousands of Dollars)

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

OPERATING EXPENDITURES	FY2001	FY2002	FY2003	FY2004	FY2005	FY2006
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	0.0	0.0	0.0	0.0	0.0	0.0
----------------------	-----	-----	-----	-----	-----	-----

CHANGE IN REVENUES (fund code)	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 (Specify Type)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2000) cost: \$ n/a

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)

This bill simplifies the method of calculating pay and allowances for members of the National Guard and Naval Militia. There is no fiscal impact but administrative workload will be reduced in the event the National Guard is called onto Active Duty to respond to a state disaster or emergency. In addition, Guard and Naval Militia members will be paid more timely and accurately than in the past with this change.

This bill also clarifies the status of the Alaska State Defense Force when called to State Active duty. The department will pay to ASDF when called to active duty in accordance with state pay scales (level of work performed) but will recognize that the ASDF is subject to the ASDF command structure and discipline.

Prepared by: Carol B. Carroll
Division: Administrative Services
Approved by Commissioner: Phillip Oates
Agency: Military & Veterans Affairs

Phone: 465-4730
Date: 01-Mar-00
Date: 01-Mar-00

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Page 1 of 1

Bill History/Action Display



BILL: HB 331 SHORT TITLE: ALASKA NATL GUARD/NAVAL & STATE MILITIA
BILL VERSION:
SPONSOR(S): RULES BY REQUEST OF THE GOVERNOR

CURRENT STATUS: (H) RLS

STATUS DATE: 4/12/00

TITLE: "An Act relating to payment, allowances, and benefits of members of the Alaska National Guard and Alaska Naval Militia in active service; relating to computation of certain benefits for members of the Alaska State Militia; and providing for an effective date."

Full Text

Fiscal Notes

Detailed 2000 fiscal note information currently not available on-line.

Committee Action With Bill History

Jrn-Date	Jrn-Page	Action
2/02/00	2067	(H) READ THE FIRST TIME - REFERRALS
2/02/00	2067	(H) MLV, STA, FIN
2/02/00	2067	(H) ZERO FISCAL NOTE (DMVA)
2/02/00	2067	(H) GOVERNOR'S TRANSMITTAL LETTER
3/03/00	2394	(H) MLV RPT CS (MLV) NT 5DP
3/03/00	2394	(H) DP: CROFT, PHILLIPS, JAMES, CISSNA,
3/03/00	2394	(H) MURKOWSKI
3/03/00	2394	(H) ZERO FISCAL NOTE (DMVA)
3/21/00	2631	(H) STA RPT CS (MLV) NT 4DP 1NR
3/21/00	2632	(H) DP: JAMES, SMALLEY, KERTTULA, HUDSON;
3/21/00	2632	(H) NR: GREEN
3/21/00	2632	(H) ZERO FISCAL NOTE (DMVA) 3/3/00
4/12/00	3072	(H) FIN RPT CS (MLV) NT 7DP
4/12/00	3072	(H) DP: BUNDE, PHILLIPS, WILLIAMS, MOSES,
4/12/00	3072	(H) DAVIS, DAVIES, GRUSSENDORF
4/12/00	3073	(H) ZERO FISCAL NOTE (DMVA) 3/3/00
4/12/00	3073	(H) REFERRED TO RULES

Similar Subject Match or Exact Subject Match

MILITARY

SALARIES & ALLOWANCES

WORKERS COMPENSATION

Bill Root:

Display History/Action

Clear Bill Root

Return to BASIS Main Menu(21st Legislature)

Return to the Legislature Home Page

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2000-2001

JUNE 11

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

When members of the Alaska National Guard and Alaska Naval Militia are called to active service for the state, it's important they be adequately compensated for their valuable work in a timely manner. To that end, this bill simplifies the pay scale and system for the Alaska National Guard (ANG) and Alaska Naval Militia (NM).

Currently, when called to state active duty, members of the ANG and NM receive pay and allowances equal to those provided by federal law for members of equivalent grades of the United States armed forces. Daily minimum pay is determined by grade and years of service with a statutory minimum. Allowances include food, housing, cost-of-living increase, and quarters and are determined based on the circumstances of each individual.

Calculating pay and allowances under the current law requires obtaining information from the federal government regarding current pay scales and allowance amounts. This can cause significant delays in payment of ANG and NM members. It is also a labor-intensive system involving numerous manual calculations with an unreasonable chance for errors.

This bill simplifies the pay system for state active duty by retaining statutory minimum pay, disregarding years of service, and eliminating allowances. Members will simply receive 200 percent of the minimum basic pay for a member of an equivalent grade in the active military -- or the statutory minimum, if greater. Simplifying the calculation will save administrative time and will result in members of the ANG and NM receiving their checks in a more timely fashion.

HB 337

SAD DUTY PAY AND ALLOWANCE COMPARISON WORKSHEET

<u>RANK AND YEARS OF SERVICE</u>	<u>DAILY PAY AMOUNT CURRENT METHOD*</u>	<u>DAILY PAY AMOUNT PROPOSED FORMULA</u>	<u>DIFFERENCE</u>
<u>Officers</u>			
Colonel - 20	\$277.45	\$270.74	-\$6.71
Lt Colonel - 18	\$251.52	\$216.56	-\$34.96
Major - 14	\$216.64	\$182.52	-\$34.96
Captain - 8	\$182.95	\$169.60	-\$34.12
1st Lt - 4	\$152.93	\$147.92	-\$13.35
2nd Lt - 2	\$114.44	\$128.42	-\$5.01
Warrant Officer 5 - 20	\$214.10	\$294.92	\$80.82
Warrant Officer 4 - 18	\$192.04	\$172.80	-\$19.24
Warrant Officer 3 - 12	\$162.93	\$157.06	-\$5.87
Warrant Officer 2 - 8	\$141.31	\$137.56	-\$3.75
Warrant Officer 1 - 4	\$122.55	\$114.60	-\$7.95
<u>Air Force/Army Enlisted</u>			
CMSgt/Sgt Maj - 20	\$178.05	\$201.02	\$22.97
SMSgt/1st Sgt - 18	\$157.73	\$168.56	\$10.83
MSgt/Sgt First Class - 14	\$139.05	\$117.72	-\$21.33
TSgt/SSgt - 10	\$121.36	\$105.30 (State Minmum)	-\$16.06
SSgt/Sgt - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minmum)	\$0.00
SRA/Spec - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minmum)	\$0.00
A1C/Pvt 1st Class - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minmum)	\$0.00
Amn/Pvt 2nd Class - 0-20	\$105.30 (State Minimum)	\$105.30 (State Minmum)	\$0.00
AB/Pvt - 0 thru 20	\$105.30 (State Minimum)	\$105.30 (State Minmum)	\$0.00
Note 1: Includes base pay, housing , COLA, Separate rations Note 2: Calculated at with dependents housing rate and one dependent COLA rate Note 3: Does not include other additional special pay for pilots and aircrew members Note 4: If total pay and allowance is less than the State Daily Minimum (\$105.30) the member receives the State Daily Minimum amount.			
Lt Colonel - Lieutenant Colonel	1st Lt - First Lieutenant	2nd Lt - Second Lieutenant	CMSgt - Chief Master Sergeant
Sgt Maj - Sergeant Major	SMSgt - Senior Master Sergeant	1st Sgt - First Sergeant	MSgt - Master Sergeant
Sgt First Class - Sergeant First Class	TSgt - Technical Sergeant	SSgt - Staff Sergeant	Sgt - Sergeant
SRA - Senior Airman	Spec - Specialist	A1C - Airman First Class	Pvt 1st Class - Private 1st Class
Amn - Airman	Pvt 2nd Class - Private 2nd Class	AB - Airman Basic	Pvt - Private

CORRECTION

**THE FOLLOWING DOCUMENT(S)
HAVE BEEN REFILMED TO
ASSURE LEGIBILITY OR PAGINATION**



Rev. 6/98

Central Microfilm Services
Department of Education & Early Development
State of Alaska

TONY KNOWLES

GOVERNOR

JANUARY 2000

STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

February 1, 2000

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

Dear Speaker Porter:

When members of the Alaska National Guard and Alaska Naval Militia are called to active service for the state, it's important they be adequately compensated for their valuable work in a timely manner. To that end, this bill simplifies the pay scale and system for the Alaska National Guard (ANG) and Alaska Naval Militia (NM).

Currently, when called to state active duty, members of the ANG and NM receive pay and allowances equal to those provided by federal law for members of equivalent grades of the United States armed forces. Daily minimum pay is determined by grade and years of service with a statutory minimum. Allowances include food, housing, cost-of-living increase, and quarters and are determined based on the circumstances of each individual.

Calculating pay and allowances under the current law requires obtaining information from the federal government regarding current pay scales and allowance amounts. This can cause significant delays in payment of ANG and NM members. It is also a labor-intensive system involving numerous manual calculations with an unreasonable chance for errors.

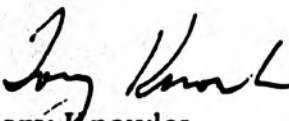
This bill simplifies the pay system for state active duty by retaining statutory minimum pay, disregarding years of service, and eliminating allowances. Members will simply receive 200 percent of the minimum basic pay for a member of an equivalent grade in the active military -- or the statutory minimum, if greater. Simplifying the calculation will save administrative time and will result in members of the ANG and NM receiving their checks in a more timely fashion.

The Honorable Brian Porter
February 1, 2000
Page 2

The bill also provides that this proposed new pay scale will be used to calculate workers' compensation and death benefits for the organized militia, which includes the Alaska State Militia as well as the ANG and NM.

I urge your prompt and favorable action on this measure.

Sincerely,



Tony Knowles
Governor

HB 337

SAD DUTY PAY AND ALLOWANCE COMPARISON WORKSHEET

<u>RANK AND YEARS OF SERVICE</u>	<u>DAILY PAY AMOUNT CURRENT METHOD*</u>	<u>DAILY PAY AMOUNT PROPOSED FORMULA</u>	<u>DIFFERENCE</u>
<u>Officers</u>			
Colonel - 20	\$277.45	\$270.74	-\$6.71
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SRA - Senior Airman	Spec - Specialist	A1C - Airman First Class	Pvt 1st Class - Private 1st Class
Amn - Airman	Pvt 2nd Class - Private 2nd Class	AB - Airman Basic	Pvt - Private

Daily Rate with SBS

Sal. Sched. AA
8 Hour Shift

	RANGE 8			RANGE 10			RANGE 12		
	Base Rate	Swing	Grave	Base Rate	Swing	Grave	Base Rate	Swing	Grave
Hourly Rate	\$ 11.33	\$ 11.66	\$ 12.02	\$ 12.74	\$ 13.15	\$ 13.58	\$ 14.39	\$ 14.82	\$ 15.33
Daily Rate	\$ 96.20	\$ 99.00	\$ 102.05	\$ 108.17	\$ 111.65	\$ 115.30	\$ 122.18	\$ 125.83	\$ 130.16

Daily Rate without SBS

Sal. Sched. AA
8 Hour Shift

	RANGE 8			RANGE 10			RANGE 12		
	Base Rate	Swing	Grave	Base Rate	Swing	Grave	Base Rate	Swing	Grave
Hourly Rate	\$ 11.33	\$ 11.66	\$ 12.02	\$ 12.74	\$ 13.15	\$ 13.58	\$ 14.39	\$ 14.82	\$ 15.33
Daily Rate	\$ 90.64	\$ 93.28	\$ 96.16	\$ 101.92	\$ 105.20	\$ 108.64	\$ 115.12	\$ 118.56	\$ 122.64
Daily Savings	\$ 5.56	\$ 5.72	\$ 5.89	\$ 6.25	\$ 6.45	\$ 6.66	\$ 7.06	\$ 7.27	\$ 7.52

➤ **HB 331 – TALKING POINTS**

- **FIRST, THIS BILL WOULD STREAMLINE THE PROCESS FOR PAYING MEMBERS OF THE GUARD AND NAVAL MILITIA WHEN CALLED TO ACTIVE DUTY ENSURING TIMELY AND ACCURATE PAY FOR THE SOLDIERS**
- **CURRENTLY, WHEN CALLED TO STATE ACTIVE DUTY, MEMBERS OF THE ANG AND NM RECEIVE PAY AND ALLOWANCES EQUAL TO THOSE PROVIDED BY FEDERAL LAW FOR MEMBERS OF EQUIVALENT GRADES OF THE US ARMED FORCES.**
- **CALCULATING THAT PAY IS LABOR INTENSIVE AND REQUIRES NUMEROUS MANUAL CALCULATIONS – THIS BILL IMPLEMENTS THE USE OF A SIMPLE FORMULA FOR CALCULATING PAY**
- **SIMPLIFYING THE CALCULATION WILL SAVE ADMIN TIME AND WILL RESULT IN MEMBERS OF THE ANG AND NM RECEIVING THEIR CHECKS IN A MORE TIMELY FASHION.**
- **SECONDLY, HB 331 CHANGES THE NAME OF THE “ALASKA STATE MILITIA” TO THE “ALASKA STATE DEFENSE FORCE.” -- THE NAME COMMONLY USED TO REFER TO THIS VOLUNTEER FORCE.**
- **FINALLY, THIS CLARIFIES, IN STATUTE THE METHOD OF PAYING THE ALASKA STATE DEFENSE FORCE 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.**
- **IN THE PAST, THE STATE PAID THESE INDIVIDUALS AS IF THEY WERE MEMBERS OF THE NATIONAL GUARD OR NAVAL MILITIA EVEN THOUGH THEY ARE NOT AFFILIATED.**
- **THIS BILL WOULD ESTABLISH A STATUTORY BASIS FOR PAYMENT FOR SERVICES. IT WOULD PAY AS IF THE MEMBERS WERE STATE EMPLOYEES (WITHOUT BENEFITS), WITH SIMILAR PAY SCHEDULES, BUT RECOGNIZING THAT THE MEMBERS ARE UNDER MILITARY COMMAND.**
- **THE CHANGE WILL ALSO ENSURE ALASKA STATE DEFENSE FORCE MEMBERS RETAIN AS 26 JOB PROTECTION (WORKMAN'S COMP AND DEATH BENEFITS) WHEN ON ACTIVE DUTY**
- **I ASK MEMBERS FOR THEIR SUPPORT.**

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

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 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						
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						
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 465-4730

Date/Time 12/2/99 12:19 PM

Approved by Commissioner

Agency Military and Veterans Affairs

Date 12/2/99

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HB 332

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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

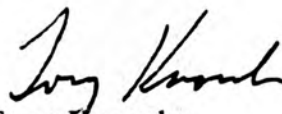
February 1, 2000

Page 2

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