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Governors say war has gutted Guard

States fear lack of disaster response

By Kirsten Scharnberg
Tribune national correspondent

Advertisement

May 13, 2007

As wildfires, floods and tornadoes batter the nation, the readiness of the National Guard to deal with those disasters, as well as potential terrorist assaults, is so depleted by deployments to foreign wars and equipment shortfalls that Congress is considering moves to curtail the president's powers over the Guard and require the Defense Department to analyze how prepared the country is for domestic emergencies.

The debate over the state of the National Guard has been intensifying for several years, but a powerful tornado in Kansas early this month has spun the topic back into the spotlight.

When the small farming community of Greensburg was effectively wiped off the map, leaving 11 people in the area dead and miles of rubble to be searched and cleared, Kansas Gov. Kathleen Sebelius was direct in her explanation for why the response had not been faster: The policies of the federal government, she said, had left the Kansas National Guard understaffed and underequipped.

Her comments infuriated the Bush administration, which countered that the vast majority of her state's Guard members were available to be called up and that she would be provided any equipment she lacked as soon as she requested it.

The bitter exchange represented a familiar debate to governors across the U.S., many of whom have long feared and predicted that a catastrophic event could find their National Guard units woefully hard-pressed to react to mass casualties or chaos after four years of war in Iraq.

Washington Gov. Chris Gregoire watched the events unfold in Kansas, remembering her own worries from 2006.

At the beginning of last summer's wildfire season, she was attending a meeting with other governors from the Northwest. She had a big problem, Gregoire told them. Parts of her state were a tinderbox because of drought. Key segments of Washington's National Guard had deployed to Iraq. And the units that were left—the ones that would be called up to respond in the event of fast-spreading fires—were facing such severe equipment shortages that they sometimes struggled even to adequately train for disasters, let alone respond to them.

"I soon discovered that virtually all of the other governors were in the same position," Gregoire recalled.

Not long after that meeting, all 50 U.S. governors—the commanders in chief of their states' National

Guards—signed a letter to President Bush imploring him to immediately begin reoutfitting their depleted National Guards. But little changed, and the Guard now has only 56 percent of its required equipment, the lowest level in nearly six years, according to the Government Accountability Office.

The tug of war between the president and the governors over the National Guard seems to heat up every time there is a national emergency. But how much of the rhetoric is simply the finger-pointing and power-jockeying of politics and how much is a frank assessment of how prepared the Guard would be in the event of a catastrophic domestic emergency, be it a natural disaster such as Hurricane Katrina or a terrorist assault on the scale of the Sept. 11 attacks?

"The problem with the National Guard is not being exaggerated or overstated," said Loren Thompson, a military analyst at the Lexington Institute, a Virginia-based national security think tank. "It is very real, and it is a very big deal."

Feds: States can share

The administration has said that while the problem is a concern, it believes states can overcome any issues by sharing among themselves during disasters. In addition, Defense Secretary Robert Gates last week said that the administration is asking Congress for \$22 billion for the Army National Guard over the next five years, which would take Guard equipment levels up to 76 percent. Still, the GAO recently determined that "this equipment may be deployed to meet overseas demands."

Warning signs have been emerging for years relating to readiness of the National Guard, the oldest component of the nation's military force. The Guard was begun as a force of "citizen soldiers" to ensure their protection in their new land. Later the Constitution ensured that the Guard would be a dual federal-state force by giving the federal government the responsibility of funding, arming and organizing the Guard while mandating that the appointment of officers and routine training fall under the responsibility of each state, with the governor the commander in chief except during the rare instances when the Guard is "federalized," traditionally in times of war.

In late 2005, a GAO report found that almost every state's National Guard had just a fraction of the equipment it was supposed to have. Another GAO report issued just months ago took the criticism further. "The high use of the National Guard for federal overseas missions has reduced equipment available for its state-led domestic missions," it concluded. The top commander of the National Guard, Lt. Gen. Steven Blum, testified to Congress last month that the continuous use of its forces for overseas missions has "resulted in a decline of readiness for units here at home."

Missing equipment—much of which has been shipped to Iraq or destroyed there—is a large part of the problem. Certain states are worse off: Arizona has just 34 percent of its allotted equipment; New Jersey and Idaho 42 percent; and Louisiana, ground zero for the worst natural disaster in modern memory, remains at less than 50 percent.

Connecticut Gov. M. Jodi Rell, a Republican, wrote in March to the House Armed Services Committee that her state's National Guard was missing the kinds of vehicles it would need to dig out from a late-spring northeaster or to evacuate residents in the wake of a flood. The California National Guard, routinely called up in the event of earthquakes and any subsequent looting, is missing 700 Humvees, and it has only half the high-water vehicles it should and less than a third of its required stockpile of machine guns.

In Illinois, the GAO estimates that the Guard has just 45 percent of its authorized equipment on hand

and that it is particularly short of trucks, earthmovers and other equipment critical to emergency response.

"That's under half of what we need to dam the Mississippi if it overflows," Sen. Barack Obama (D-Ill.), a Democratic presidential candidate, wrote Bush last week.

Readiness questions

As troubling as the equipment shortfalls may be, that is only part of the worry among governors, the GAO and the Commission on the National Guard and Reserves, a federally appointed group of former generals and other military experts. All are critical of the fact that the Pentagon does not routinely measure the equipment readiness of non-deployed National Guard forces for domestic missions. There is now a push that this information be collected and reported to Congress.

The other hot-button issue between the governors and the president regarding the National Guard involves the Insurrection Act, the law that governs when the National Guard can be "federalized" for domestic law enforcement without the consent of a governor. A 2006 revision to the act expanded the president's power to assume control of the Guard during domestic events, something that governors say threatens to derail state disaster planning and response. Sens. Patrick Leahy (D-Vt.) and Kit Bond (R-Mo.), co-chairmen of the Senate National Guard Caucus, have introduced a bill to repeal the changes *yes!!!*

One of the healthy byproducts of the fight between the president and governors over the National Guard is that states have learned to work closely with one another. After Katrina, Guard leaders and state officials developed the Emergency Management Assistance Compact, an agreement that if one state is in short supply of people or gear when disaster strikes, it can borrow from other states.

Yet borrowing from neighbors is not always feasible, as Gregoire found out at that meeting between governors last year. A map drawn up by the GAO illustrates that there are many neighboring states with such severe equipment shortages they might have trouble borrowing from one another. North Carolina, for example, has only about 39 percent of its equipment while South Carolina sits at about 49 percent.

"You want to tap into the resources of the closest available state," said Lt. Col. Denis Riel, spokesman for the Rhode Island National Guard, "because time translates to lives in disaster scenarios."

Some states satisfied

There are a few spots for optimism.

The Tennessee National Guard, the only armored Guard unit in the nation, has received about \$170 million in replacement equipment and is currently better prepared than most states to respond to a disaster, a spokesman announced recently. Rhode Island, which just completed the largest hurricane drill in the nation, concluded that its National Guard's response indicated that it was adequately equipped and trained to respond to such an event, despite the fact that much of its key engineering heavy equipment is in Iraq.

Officials in Florida, which is predicted to have a busy hurricane season this year, say they are prepared for whatever storms come, despite having just about half of the Guard's allotted equipment.

"I feel very good that way," Gov. Charlie Crist said.

It seems everyone fears the same thing: the kind of massive disaster that might cross state boundaries and demand a full-scale emergency response that would dwarf what was required this month in Kansas.

"This isn't just a week when a little town in Kansas was torn apart," said Thompson, the military analyst. "It is also a week when there were wildfires across Georgia and Florida, a week when the Missouri River flooded. We have natural disasters every week in this country, and that's why the National Guard needs to be ready to respond every week. It's not."

kscharnberg@tribune.com

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ALASKA STATE LEGISLATURE
House of Representatives

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Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

MEMORANDUM

DATE: April 18, 2007

TO: Senator John Cowdery, Chair
Senate Rules Committee

FROM: Representative Bob Roses

RE: HJR 11 (STA)(TITLE AM) STATE'S CONTROL OF NATIONAL GUARD

At your earliest convenience, please calendar HJR 11 (STA)(TITLE AM) State's Control of National Guard for the Senate floor.

HJR 11 (STA)(TITLE AM) urges the necessary federal action needed to reverse this change and honor the sovereignty of the individual states to regulate and command their National Guard troops.

Attached please find the completed bill packet, which includes:

- HJR 11 (STA)(TITLE AM)
- Sponsor Statement
- Fiscal Note:
 - House Military Veterans' Affairs Committee
- Additional backup material from National Association of Governors and media articles

I have spoken to Senator McGuire's office and she has agreed to present this bill for me on the Senate floor.

Thank you for your time and consideration of this matter.

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR CS HJR 11(STA) BY: Representative Bob Roses

TITLE: "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states."

Congress of the United States passed the 439-page \$538 billion 2007 Defense Authorization Bill and the President of the United States signed it into law in October 2006.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Provisions within the Defense Authorization Bill changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to reaffirm the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

I urge your support of this resolution.

FISCAL NOTE

STATE OF ALASKA
2007 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: HJR 11
 (H) Publish Date: 3/7/2007

Revision Date/Time (Note if correction): _____ Dept. Affected: LAA
 Title STATE'S CONTROL OF NATIONAL GUARD RDU _____
 Component _____
 Sponsor Rep. Bob Roses Component No. _____
 Requester Rep. Bob Roses

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2007) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2008 budget proposal: ☐

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This resolution will not result in additional costs to the Legislative Branch.

Prepared by: House Military & Veterans' Affairs Committee Phone 465-4939
 Division _____ Date/Time 3/6/07 7:35 AM
 Approved by: Rep. Bob Roses - Chairman Date 3/6/2007
 Agency House Military & Veterans' Affairs Committee

[PRINT](#)[CLOSE](#)

August 1, 2006

The Honorable Duncan Hunter
Chairman
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

The Honorable Ike Skelton
Ranking Member
Committee on Armed Services
U.S. House of Representatives
Washington, D.C. 20515

Dear Mr. Chairman and Representative Skelton:

We write in opposition to a provision in the House-passed version of the National Defense Authorization (DoD) Act (H.R. 5122), which is about to be conferenced with the Senate-passed version, S. 2766. A provision in section 511 of the House-passed DoD Act would allow the President to federalize the National Guard of the states without the consent of the governor. Specifically, this clause amends Title 10 of the United States Code to give the President the authority to take control of the Guard in case of "a serious natural or manmade disaster, accident, or catastrophe that occurs in the United States, its territories and possessions, or Puerto Rico."

This provision is very open-ended without a definition of what constitutes a "serious" natural or manmade disaster. We understand that in case of a National Security incident where the state may have been incapacitated by an event, the President may need this power. However, he is granted this authority under the "insurrection act."

The possibility of the federal government pre-empting the authority of the state or governor in natural and manmade disasters is opposed by the nation's governors. We are responsible for the safety and welfare of our citizens and are in the best position to coordinate all resources to prepare for, respond to and recover from disasters. When federal aid is needed it should be coordinated by the governors.

The nation's governors feel very strongly about protecting our constitutional responsibility to take care of our citizens, and do not want that responsibility shifted to federal officials, as defined by a "serious" emergency. The current process works quite well where we use our National Guard in emergencies and ask for federal assistance as the need arises.

We urge you to drop this provision that would usurp governor's authority over the National Guard during emergencies from the conference agreement on the National Defense Authorization.

Sincerely,

Governor Mike Huckabee

Governor Janet Napolitano

NATIONAL
GOVERNORS
ASSOCIATION

Janet Napolitano
Governor of Arizona
Chair

Tim Pawlenty
Governor of Minnesota
Vice Chair

Virginia K. Lindemann
Executive Director

August 31, 2006

The Honorable Donald Rumsfeld
Secretary
Department of Defense
The Pentagon
Washington, D.C. 20301

Dear Mr. Secretary:

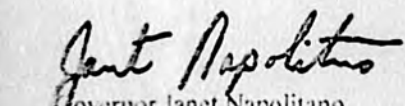
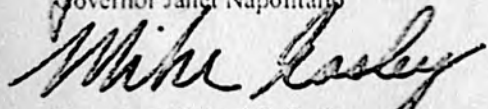
Governors oppose statutory changes in the House and Senate Department of Defense authorization bills to federalize the National Guard during emergencies and disasters. Provisions in both the House and Senate bills to expand the President's authority over the National Guard during natural and manmade disasters were developed without consultation with governors and encroach on our constitutional authority to protect the citizens of our states.

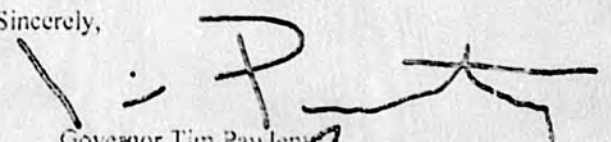
Fifty-one governors recently sent a letter to Congress opposing Section 511 of the House-passed bill because it would usurp the authority of governors to command the National Guard in response to a "serious natural or manmade disaster." Since then, governors also have become increasingly concerned with the Senate's proposal to expand the President's authority to intervene in a state under the Insurrection Act (Section 1042) and proposals to federalize disaster response through the use of reserve forces. Each of these proposals represents a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders.

As we reiterated during our meeting with you in February, any issue that affects the mission of the Guard in the states must be addressed in consultation and coordination with governors. The role of the Guard in the states and to the nation as a whole is too important to have major policy decisions made without full debate and input from governors throughout the policy process.

Governors welcome the opportunity to improve the nation's disaster response capabilities, but we must work together to ensure that any changes do not hinder our ability to respond to those in need. We therefore urge you to join us in calling for the House and Senate to remove Section 511 of the House bill and Section 1042 of the Senate bill from the final conference report.

Sincerely,


Governor Janet Napolitano

Governor Michael F. Easley
Co-Lead Governor on the National Guard


Governor Tim Pawlenty

Governor Mark Sanford
Co-Lead Governor on the National Guard

Insurrection Act Point Paper

The Insurrection Act governs when the President can declare martial law. When the Act is invoked, the military, including the National Guard, can carry out law enforcement functions without the consent of a Governor. Posse comitatus, a broad law that generally prevents the military from policing within the domestic United States, does not apply when the act is invoked.

Under the old law, the President could invoke the Insurrection Act during violent situations that deprive a citizen of his or her rights. The ambiguity of the language put the emphasis against invoking the Act in situations other than a clear case of insurrection. The ambiguity also promoted consultation whenever a President might face the decision of wresting control of the Guard from governors and using the entire military as a federal police force. The Act has been invoked on only three occasions in the past five decades.

Under the new language, the President can invoke the act and declare martial law in cases where public order breaks down as a result of a natural disaster, epidemic, terrorist attack, or—very nebulously—“other conditions.” This change in the language creates clear triggers that almost make it automatic that the Act will be invoked during such an emergency. Erasing that friction and that constructive ambiguity is a major change that shifts the burden from the President and onto governors and everyone else who might oppose a President using the military in this way.

The recent changes make it easier to federalize the National Guard for domestic law enforcement, which does not make sense. Operating under the control of the governor in a state status, the Guard is not bound by posse comitatus and can integrate seamlessly with local, state, and federal law enforcement agencies and first responders.

The Governors were in no way consulted about the Insurrection Act Changed. They unanimously believe that the current system for using the National Guard in emergencies and requesting federal assistance “when necessary works well and should not be changed.”

To provide a real world example, with the new language, there is no doubt that Governor Blanco’s request against federalizing the Guard and using the military for law enforce would have been overruled. The federal government would have taken over the emergency effort and shunted her aside.

TOP STORY ■■■

FRIDAY, JANUARY 12, 2007

Governors lose in power struggle over National Guard

By Kavan Peterson, Staff Writer

A little-noticed change in federal law packs an important change in who is in charge the next time a state is devastated by a disaster such as Hurricane Katrina.

To the dismay of the nation's governors, the White House now will be empowered to go over a governor's head and call up National Guard troops to aid a state in time of natural disasters or other public emergencies. Up to now, governors were the sole commanders in chief of citizen soldiers in local Guard units during emergencies within the state.

A conflict over who should control Guard units arose in the days after Hurricane Katrina in 2005. President Bush sought to federalize control of Guardsmen in Louisiana in the chaos after the hurricane, but Gov. Kathleen Blanco (D) refused to relinquish command.

Over objections from all 50 governors, Congress in October tweaked the 200-year-old Insurrection Act to empower the hand of the president in future stateside emergencies. In a letter to Congress, the governors called the change "a dramatic expansion of federal authority during natural disasters that could cause confusion in the command-and-control of the National Guard and interfere with states' ability to respond to natural disasters within their borders."

The change adds to tensions between governors and the White House after more than four years of heavy federal deployment of state-based Guard forces to fight in Iraq and Afghanistan. Since the 2001 terrorist attacks, four out of five guardsmen have been sent overseas in the largest deployment of the National Guard since World War II. Shortage of the Guard's military equipment – such as helicopters to drop hay to snow-stranded cattle in Colorado – also is a nagging issue as much of units' heavy equipment is left overseas and unavailable in case of a natural disaster at home.

A bipartisan majority of both chambers of Congress adopted the change as part of the 439-page, \$538 billion 2007 Defense Authorization Bill signed into law last October.

The nation's governors through the National Governors Association (NGA) successfully lobbied to defeat a broader proposal to give the president power to federalize Guard troops without invoking the Insurrection Act. But the passage that became law also "disappointed" governors because it expands federal power and could cause confusion between state and federal authorities trying to respond to an emergency situation, said David Quam, an NGA homeland security advisor.

"Governors need to be focused on assisting their citizens during an emergency instead of looking over their shoulders to see if the federal government is going to step in," Quam said.

Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Backers of the new rules, including U.S. Sens. John W. Warner (R-Va.) and Edward Kennedy (D-Mass.) said the changes were needed to clarify the role of the armed forces in responding to serious domestic emergencies.

Mark Smith, spokesperson for the Louisiana Governor's Office of Homeland Security and Emergency Preparedness, said local and state emergency responders know what their communities need during a crisis better than officials in Washington. "The president should not be able to step in and take control of the National Guard without a governor's consent. The Guard belongs to the states, has always belonged to the states and should remain a function of the states," Smith said.

Send your comments on this story to letters@stateline.org. Selected reader feedback will be posted in the Letters to the editor section.

Contact Kavan Peterson at kpeterson@stateline.org.

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ISSUES AND TOPICS ■■

Issues: Environment Homeland Security Politics

COMMENTS ■■

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Governors Lose power struggle for National Guard

By Louis (Lou) Freitag on Jan 12, 2007 3:02:14 PM

The 10th ((Tenth)) Amendment has been voided for the state national guard units to be taken away from the states. The presidency is making up their own law as they see fit and are breaking the law/laws to their own advantage.

Are our government people so ignorant they don't know that which they are creating? Is Congress as

ignorant of the Constitution, Bill of Rights and spirit of the Declaration of Independence that they are willing to revert to a caste system for we the people?

We impeached the previous president because he lied of an affair with a 24 year old intern and let this president # 43 run the government as a family corporation. Are we on the verge of losing 50 different state constitutions to a big constitution in the country, made up anew?

Lou Ifreitag@mchsi.com

Governors Lose in Power Struggle Over National Guard

By Rael Nidess, M.D. on Jan 12, 2007 7:45:30 PM

Hello?

Where've ya'll been?

Bush foisted his "unitary executive" theory onto the 2006 Defense Appropriations Bill in collusion with unthinking Democrats and craven Republicans who failed to read the fine print and understand that, due to this "accommodation" for the President's convenience, he now has unfettered power, by law, to utilize our own troops (the National Guard) for law enforcement on U.S. soil in violation of the Constitutional concept of Posse Comitatus.

This, along with the "Military Commissions Act of 2006" (MCA2006) allows him to name any group of people, including citizens of the U.S.A., as either 'enemy combatants' or 'materially contributing toward terrorism', use our military to lock us up (perhaps if we protest his illegal war too vigorously?) without due process because our Habeas Corpus rights have been denied by MCA2006, and hold us, essentially incommunicado, "interrogating" us with "approved unusual methods", until... well until.

The sorry thing is that this all happened 6 months ago! Where the hell were the news stories then?

We've dug a hole that has only one way out:

Impeach Bush, Cheney, and Rice.

There's more to read at:

<http://www.impeachforpeacemarshall.org>

Governors Upset

By Don Evans on Jan 16, 2007 5:45:37 PM

I think that if the governors understood that they are simply figure heads for the land of the Federal Government, they wouldn't be upset. Do any of them actually believe that the State is supreme to the Federal government. Not since the south lost the Civil war have states had the power conveyed by the Constitution and the 10th Amendment. If you don't believe that, why do you think it is now the State of Texas, State of New Mexico etc. and not the Texas State, etc?? All states are not part of the power of the District of Columbia. Still not certain, look at what Congress continues to pass, laws which violate the Constitution but they find cause under the Commerce clause and the Supreme Court backs them up!!

Nat'l Guard!!

By Charles Legare on Jan 17, 2007 10:06:34 AM

The Governors should fight this change with every tool available to them. The Bush administration has proven time and time again they cannot be trusted, not only in Iraq, but in a multitude of other ways. The congress until recently (and i'm still leery now) was a rubber stamp for the Bush bunch, and literally "Gave" away the "Outhouse" in fear of being labeled non-patriotic.

It's time for the people of the US to stand up before we are totally stripped of all our freedoms of Liberty and Justice. This "War against Terror", which so far is totally un-defined, has taken the citizens of the US back 200 plus years. With the words "My job is to protect the American people" Bushy Boy has stolen our freedoms from us with the help of the same people we elect to provide a stop-gap in these circumstances, The Congress of The United States!!!

The attacks against us on our soil , while terrible in there own right are nothing compared to what will happen if we go forward with the arrogance we have shown for the rest of the world. We have killed at a rate of more than a 100 to 1 the doers of evil who struck us that terrible blow on 9/11, but now it's time to SECURE OUR BORDERS and withdraw.. If they come, whoever they are, we can and should kill them!!

Chuck Legare
Orange Park Fl.

Govenor's upset over loss of control of national guard after Katrina debacle

By warren gaston on Jan 17, 2007 2:34:08 PM

If the governors of their respective states actually were working for their constituents, this would never have happened. It was absolutely conscienceless the way the governor of Louisiana treated the people of New Orleans. She had no plan of response to Katrina even with a weeks worth of notice. She deserved to be impeached and jailed for malfeasance of office. Instead the government was kind to her and simply took the matter to the next higher level.

adn.com

Anchorage Daily News

Print Page

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Authority over Guard questioned

(Published: April 18, 2007)

JUNEAU -- Alaska lawmakers are joining other state governments in asking Congress to reconsider a 2006 law granting the White House more authority over National Guard troops.

A joint resolution sponsored by Rep. Bob Roses, R-Anchorage, and co-sponsored by 15 other House members urges federal lawmakers to reconsider language passed in the 2007 Defense Authorization Bill allowing the White House to deploy state National Guard troops without a request from the governor.

Congress passed the bill in October 2006. The bill included a clause granting the president the ability to send National Guard troops in any state in which the "authorities of the state or possession are incapable of maintaining public order" in times of natural disaster, epidemic or other serious public health emergency, terrorist attack or incident.

Lawmakers say the vagueness of the language could jeopardize a state's right to regulate and command its National Guard troops.

The clause was added after several hurricane disasters on the Gulf Coast sparked debates between federal and state authorities when considering the use of National Guard troops.

Before the act was passed, the president had the authority to send in National Guard troops for federal duty only at the governor's request.

Alaska is one of several states looking at ways to encourage Congress to reconsider the language of the clause, according to the National Conference of State Legislatures.

The National Governors Association said in a letter addressed to the Department of Defense and Congressional leaders that the move encroached on their "constitutional authority to protect the citizens."

"It was a knee-jerk reaction at the federal level," Roses said, referring to the bill's passage after the hurricane in New Orleans.

The House has already passed the joint resolution. It now waits for approval in the Senate, where the State Affairs Committee has passed it out of committee.

A spokesperson for Gov. Sarah Palin said she supports the resolution.

-- Anchorage Daily News

ALASKA STATE LEGISLATURE

House of Representatives

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(website: www.akrepublicans.org/roses.htm)



SESSION:
STATE CAPITOL
JUNEAU, AK 99801-1182
Phone: (907) 465-4939
Toll Free: (800) 465-4939
Fax: (907) 465-2418

Representative Bob Roses

email: Representative_Bob_Roses@legis.state.ak.us

MEMORANDUM

Date: April 3, 2007
To: Senator Lesil McGuire, Chair
Senate State Affairs Committee
From: Representative Bob Roses
Re: CS HJR 11(STA)

I respectfully request you schedule CS HJR 11(STA) for a hearing in Senate State Affairs at your earliest convenience.

Provisions within the 2007 Defense Authorization Bill signed in October 2006 changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to reaffirm the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

Thank you for your consideration of this request.

Please contact my staff, Josh Applebee at x6873 if you have any additional questions.

HJR 11

TITLE: "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to honor the sovereignty of the individual states to regulate and command the National Guard of the states."

Provisions within the 2007 Defense Authorization Bill signed into law in October 2006 changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

This change was consistently opposed by the National Governor's Association and all 50 Governor's expressed their objection calling it "a dramatic expansion of federal authority during natural disasters that could cause confusion in the command and control of the National Guard and interfere with states' ability to respond to natural disasters within their borders."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard, ~~during natural and manmade disasters.~~

HJR 11 urges the necessary federal action needed to reverse this change and honor the sovereignty of the individual states to regulate and command their National Guard troops.

Thank you Madam Chair for your consideration.

HOUSE SPECIAL
COMMITTEE ON
MILITARY AND
VETERANS' AFFAIRS

COMMITTEE
PACKET
Index

March 6, 2007

1

HJR 11
STATE'S CONTROL OF
NATIONAL GUARD

HOUSE JOINT RESOLUTION NO. 11
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVES ROSES, Buch, Gruenberg

Introduced: 2/28/07

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

A RESOLUTION

1 **Relating to the increased authority granted to the President of the United States to**
2 **federalize the National Guard of the individual states without the consent of the**
3 **governors; and urging the United States Congress to take action to restore the**
4 **sovereignty of the individual states to regulate and command the National Guard of the**
5 **states.**

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

7 **WHEREAS** the National Guard is the oldest component of the armed forces of the
8 United States and one of the nation's longest-enduring institutions; and

9 **WHEREAS** the National Guard traces its history back to the earliest English colonies
10 in North America who were responsible for their own defense and as such organized their
11 able-bodied male citizens into militias; and

12 **WHEREAS** the authors of the United States Constitution empowered the United
13 States Congress to provide for organizing, arming, and disciplining the militia, and, to
14 recognize the militia's state role, the founding fathers reserved the appointment of officers and
15 training of the militia to the states; and

1 **WHEREAS** the federal government's preemption of the authority of the state or
 2 governor in natural and manmade disasters is opposed by all of the nation's governors; and

3 **WHEREAS** the role of the National Guard in the states and in the nation as a whole is
 4 too important to have major policy decisions made without full debate and input from
 5 governors through the policy process;

6 **BE IT RESOLVED** that the Alaska State Legislature exhorts the United States
 7 Congress and the federal administration to understand the significant effect on Alaska and all
 8 the states by the expansion of presidential authority over the National Guard during natural
 9 and manmade disasters; and be it

10 **FURTHER RESOLVED** that the Alaska State Legislature urges federal action to
 11 ~~restore~~ the sovereignty of the individual states to regulate and command National Guard
 12 troops during emergencies and disasters, and to take whatever ~~additional~~ actions are necessary
 13 to correct the encroachment of constitutional authority to protect the citizens of each state.

14 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
 15 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
 16 and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
 17 Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
 18 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
 19 delegation in Congress; and all other members of the 110th United States Congress.

Get C

Coghill
 Approved
 By v/c

Alaska State Legislature

House of Representatives

Official Business



State Capitol
Juneau, AK 99801-1182

SPONSOR STATEMENT FOR HJR 11

BY: Representative Bob Roses

TITLE: "Relating to the increased authority granted to the President of the United States to federalize the National Guard of the individual states without the consent of the governors; and urging the United States Congress to take action to restore the sovereignty of the individual states to regulate and command the National Guard of the states."

Congress of the United States passed the 439-page \$538 billion 2007 Defense Authorization Bill and the President of the United States signed it into law in October 2006.

The Posse Comitatus Act of 1878 forbids U.S. troops from being deployed on American soil for law enforcement. The one exception is provided by the Insurrection Act of 1807, which lets the president use the military only for the purpose of putting down rebellions or enforcing constitutional rights if state authorities fail to do so. Under that law, the president can declare an insurrection and call in the armed forces. The act has been invoked only a handful of times in the past 50 years, including in 1957 to desegregate schools and in 1992 during riots in south central Los Angeles after the acquittal of police accused of beating Rodney King.

Provisions within the Defense Authorization Bill changed the 200-year old Insurrection Act to empower the hand of the president in future stateside emergencies. Under the U.S. Constitution, each state's National Guard unit is controlled by the governor in time of peace but can be called up for federal duty by the president. The National Guard employs 444,000 part-time soldiers between its two branches: the Army and Air National Guards.

Congress changed the Insurrection Act to list "natural disaster, epidemic, or other serious public health emergency, terrorist attack or incident" as conditions under which the president can deploy U.S. armed forces and federalize state Guard troops if he determines that "authorities of the state or possession are incapable of maintaining public order."

Clearly there will be a significant effect on Alaska and all the states by this expansion of Presidential authority over the National Guard during natural and manmade disasters and federal action is needed to restore the sovereignty of the individual states to regulate and command their National Guard troops during emergencies and disasters.

I urge your support of this resolution.

25-LS0664A
Mischel
2/24/07

HOUSE JOINT RESOLUTION NO.

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROSES

Introduced:

Referred:

A RESOLUTION

1 Relating to the increased authority granted to the President of the United States to
2 federalize the National Guard of the individual states without the consent of the
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5 states.

6 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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11 able-bodied male citizens into militias; and

12 WHEREAS the authors of the United States Constitution empowered the United
13 States Congress to provide for organizing, arming, and disciplining the militia, and, to
14 recognize the militia's state role, the founding fathers reserved the appointment of officers and
15 training of the militia to the states; and

1 **WHEREAS** the federal government's preemption of the authority of the state or
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15 of the United States; the Honorable Richard B. Cheney, Vice-President of the United States
16 and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
17 Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
18 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
19 delegation in Congress; and all other members of the 110th United States Congress.

Josh Applebee

From: McHugh Pierre [mchugh_pierre@hotmail.com]
Sent: Thursday, February 22, 2007 4:41 AM
To: Josh Applebee
Subject: Resolution opposing Presidential Callup of National Guard

Josh, I've been able to find letters and news articles about the opposition of the changes to the Insurrection Act. But no resolutions directly opposing the President's ability to activate the National Guard. Check out these links below to see different angles to the story. I'll see you in Juneau today and tomorrow.
McHugh

<http://www.ngaus.org/ngaus/files/ccLibraryFiles/Filename/000000001777/National%20Guard%20Secretary%20Rumsfeld.pdf>

<http://www.nga.org/portal/site/nga/menuitem.cb6e7818b34088d18a278110501010a0/?vgnextoid=7a62d3164d5cc010VgnVCM1000001a01010aRCRD>

<http://www.ngaus.org/ngaus/files/ccLibraryFiles/Filename/000000002251/Insurrection%20Act%20Point%20Paper.doc>

<http://www.stateline.org/live/details/story?contentId=170453>

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25-LS0664A
Mischel
2/24/07

HOUSE JOINT RESOLUTION NO.
IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ROSES

Introduced:
Referred:

A RESOLUTION

1 **Relating to the increased authority granted to the President of the United States to**
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14 recognize the militia's state role, the founding fathers reserved the appointment of officers and
15 training of the militia to the states; and

1 **WHEREAS** the federal government's preemption of the authority of the state or
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14 **COPIES** of this resolution shall be sent to the Honorable George W. Bush, President
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16 and President of the U.S. Senate; the Honorable Nancy Pelosi, Speaker of the U.S. House of
17 Representatives; the Honorable Ted Stevens and the Honorable Lisa Murkowski, U.S.
18 Senators, and the Honorable Don Young, U.S. Representative, members of the Alaska
19 delegation in Congress; and all other members of the 110th United States Congress.

WORK ORDER REQUEST FORM

W.O. 25-LS0664

KEYWORDS: MILITARY

ASSIGNED: Mischel

REQUEST FOR: Resolution

TAKEN BY: Barnes

SUBJECT: States Should Control National Guard

REQUESTED FOR: REP ROSES

BY: Josh

PHONE: 465-6873

DELIVER TO: Rep. Roses; Attn: Josh -- Cap. 416

INSTRUCTIONS:

Draft resolution relating to federal versus state control of the National Guard, per attached.

OBTAIN

SPECIAL DRAFTING INSTRUCTIONS ATTACHED []
AUTHORIZED TO CONFER WITH

RETURN

TO REQUESTOR

APPROVED X DIRECTOR, LEGAL SERVICES

REVIEWED

IN 02/23/07 DUE

TYPED: DRAFT DATE

FINAL DATE

PROOFED DELIVERED

SPECIAL INSTRUCTIONS to TYPING/PROOFING

Request for DRAFT

SCOMM

149:11

Alaska State Legislature

Alaska State Capitol



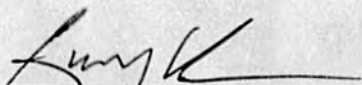
Juneau, AK 99801-1182

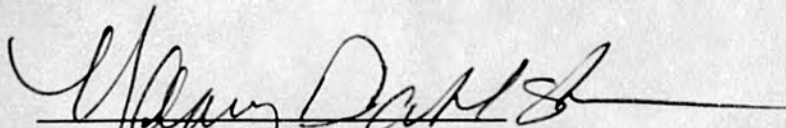
Date: April 3, 2007

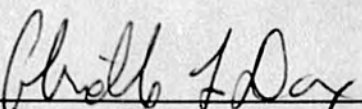
Re: HJR 15

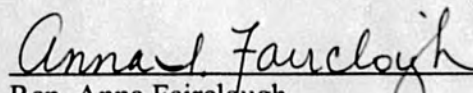
We the undersigned agree to waive HJR 15 from House Special Committee on Military & Veterans' Affairs Committee and onto House State Affairs. Signature and agreement to waive does not constitute support or opposition to the bill, nor obligate the member to a specific vote on the House Floor.

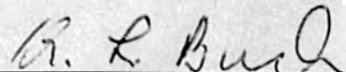

Rep. Bob Roses, Chair

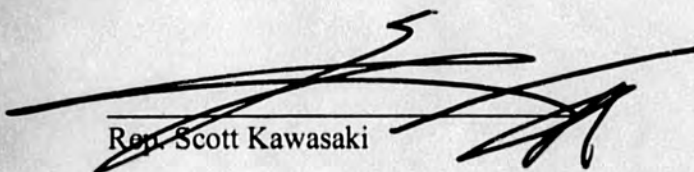

Rep. Jay Ramras


Rep. Nancy Dahlstrom


Rep. Gabrielle LeDoux


Rep. Anna Fairclough


Rep. Bob Buch


Rep. Scott Kawasaki

ALASKA STATE LEGISLATURE



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Fax (907) 486-5264

Representative Gabrielle LeDoux

SPONSOR STATEMENT FOR HOUSE JOINT RESOLUTION 15 Supporting the Filipino Veterans Equity Act and Filipino Veterans Reunification Act

This resolution from the Alaska State Legislature respectfully urges the United States Congress to pass the Filipino Veterans Equity Act and the Filipino Veterans Family Reunification Act.

From 1898 until 1946, the Philippine Islands were considered a territory of the United States. During World War II the military forces of the Philippines were drafted into service under the command of American officers in the United States armed forces in the Far East to fight against the Japanese invasion. Filipino and American soldiers fought side by side in such battles as Corregidor. Many died during the 65-mile Bataan Death March, and those who survived were imprisoned under inhumane conditions.

Filipino World War II veterans were promised military benefits, but after the War the United States Congress passed the Supplemental Surplus Appropriation Rescission Act of 1946. The act considered the services of Filipino World War II veterans not to be active service. This status change had the effect of denying Filipino World War II veterans the rights, privileges and benefits that American World War II veterans received.

There have been several attempts to reverse this injustice. In 1990, Filipino World War II Veterans were allowed to immigrate to the U.S. Many of them did and petitioned for their immediate families. In 2000, they were provided with military burial benefits and in 2003 they were provided long overdue medical and nursing home care from the U.S. Dept. of Veterans Affairs.

The Filipino Veterans Equity Act and the Filipino Veterans Family Reunification Act would correct a terrible injustice by: 1) providing veterans the full benefits they were denied; and 2) providing immediate relief for those veterans and their families who have waited for more than a decade with approved immigration petitions.

ALASKA STATE LEGISLATURE



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Fax (907) 486-5264

Representative Gabrielle LeDoux

MEMO

TO: HOUSE MILITARY & VETERANS AFFAIRS COMMITTEE

REPRESENTATIVE BOB ROSES, CO-CHAIR

FROM: REPRESENTATIVE GABRIELLE LEDOUX *Gabrielle LeDoux*

SUBJECT: HEARING REQUEST FOR HJR 15

SUPPORTING THE PASSAGE OF A FILIPINO VETERANS EQUITY ACT AND A
FILIPINO VETERANS FAMILY REUNIFICATION ACT

DATE: 4/3/07

I respectfully request that HJR 15 be scheduled for a hearing in the House Military & Veterans Affairs Committee.

Attached you will find:

- HJR 15
- Sponsor statement

My staff member assigned to this legislation is Christine R. Marasigan at 465-8872.

ALASKA STATE LEGISLATURE



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SCOMM

149:12

25-LS1261\O
Kane
3/27/08

*Dahlsten
more CS
as per
document*

CS FOR SENATE BILL NO. 214()

IN THE LEGISLATURE OF THE STATE OF ALASKA
TWENTY-FIFTH LEGISLATURE - SECOND SESSION

BY

Offered:
Referred:

Sponsor(s): SENATORS HUGGINS, Dyson, Stedman

A BILL**FOR AN ACT ENTITLED**

1 "An Act relating to hunting licenses and tags for nonresident members of the military
2 service or the United States Coast Guard and their dependents; and providing for an
3 effective date."

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

5 * **Section 1.** AS 16.05.340(d) is amended to read:

6 (d) Members of the military service or the United States Coast Guard on
7 active duty who are permanently stationed in the state, and their dependents, who do
8 not qualify as residents under AS 16.05.415, may obtain special nonresident military
9 hunting [SMALL GAME] and sport fishing licenses at the rates for resident hunting
10 and sport fishing licenses. A person who obtains a special nonresident military
11 hunting license under this subsection is exempt from the requirements of (a)(15)
12 of this section, but may not take a big game animal for which a tag is required
13 under (a)(16) of this section or a mountain goat or sheep without previously
14 purchasing a [REGULAR NONRESIDENT HUNTING LICENSE AND A]

*3 new
I km*

1 numbered, nontransferable appropriate tag, issued at the resident [ONE-HALF OF
2 THE NONRESIDENT] rate, under (a)(16) [(a)(15)] of this section. A person who
3 obtains a special nonresident military hunting license under this subsection may
4 obtain a numbered, nontransferable tag for mountain goat or sheep at no cost.

5 * Sec. 2. This Act takes effect January 1, 2009.

New
Language

ALASKA STATE LEGISLATURE

Senate District H
600 E. Railroad Avenue
Wasilla AK 99654
907-376-4866
907-373-4724 :Fax



State Capitol
Juneau AK 99801-1182
907-465-3878
Fax: 907-465-3265
800-862-3878

Charlie Huggins Senator

Sponsor Statement for SB 214

"An Act relating to big game hunting by non-resident members of the military service or the United States Coast Guard and their dependents; and providing for an effective date."

Senate Bill 214 allows non-resident active-duty military or United States Coast Guard personnel and their dependents to qualify for resident-rate big game hunting licenses immediately upon report date without having to meet the current 12-month residency requirement.

The vast majority of states have unique licensing statutes for active-duty military personnel. At least 45 states offer resident license rates, without regard to actual residency status, to active-duty personnel or personnel stationed in the state. Eight of those states, including Alaska, require personnel to be stationed in state for a specific period of time. At twelve months, Alaska's waiting period, as provided by AS 16.05.415(c), is by far the longest among the states. Because military personnel are transferred around the world, often without having any real say in where they are stationed, they are not similarly situated to others who choose to move to Alaska voluntarily. The fact that transfers are involuntary and frequent means that they may be unable to establish the qualifications for normal residency and ever be able to take advantage of state resident preferences. SB 214, if enacted, benefits active-duty military members and their dependents by waiving the 12-month waiting period.

Current statute, AS 16.05.340 (d), entitles non-resident military members stationed in Alaska to special military licenses at the resident rate for sport-fishing and small game hunting. This provision does not extend to big game licenses and tags. If military members who have not reached residency status want to go big game hunting, they must now purchase big game licenses at the non-resident rate plus big game tags at one-half the non-resident rate. SB 214, if enacted, would allow them to purchase big game licenses and tags at resident rates.

The January 1, 2009, effective date allows the Department of Fish and Game time to revise, print, and distribute application forms that reflect accurate information and to work with vendors and applicants to achieve compliance with the new law.

Contact: Jody Simpson
907-465-2661
CS for SB 214(FIN) Version 25-LS1261\L
March 28, 2008

25-LS1261\O

Kane

3/27/08

CS FOR SENATE BILL NO. 214()**IN THE LEGISLATURE OF THE STATE OF ALASKA****TWENTY-FIFTH LEGISLATURE - SECOND SESSION****BY****Offered:****Referred:****Sponsor(s): SENATORS HUGGINS, Dyson, Stedman****A BILL****FOR AN ACT ENTITLED**

1 "An Act relating to hunting licenses and tags for nonresident members of the military
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12 of this section, but may not take a big game animal for which a tag is required
13 under (a)(16) of this section or a mountain goat or sheep without previously
14 purchasing a [REGULAR NONRESIDENT HUNTING LICENSE AND A]

1 numbered, nontransferable appropriate tag, issued at the resident [ONE-HALF OF
2 THE NONRESIDENT] rate, under (a)(16) [(a)(15)] of this section. A person who
3 obtains a special nonresident military hunting license under this subsection may
4 obtain a numbered, nontransferable tag for mountain goat or sheep at no cost.

5 * Sec. 2. This Act takes effect January 1, 2009.

Josh Applebee

From: Jody Simpson
Sent: Thursday, March 27, 2008 4:14 PM
To: Josh Applebee
Subject: SB 214 - Military Hunting - Blank CS Workdraft Version O
Attachments: CS for SB 214 version O.pdf

Josh,

Thank you again for scheduling SB 214 so quickly. Attached is the blank CS work draft for the committee to consider.

SB 214 allows non-resident active-duty military personnel and their dependents to qualify for resident-rate big game hunting licenses immediately upon report date without having to meet the current 12-month residency requirement. If enacted, SB 214 benefits active-duty military members and their dependents by waiving the 12-month waiting period.

Current statutes entitle non-resident military members stationed in Alaska to special military licenses at the resident rate for sport-fishing and small game hunting. This provision does not extend to big game licenses and tags. If military members who have not reached residency status want to go big game hunting, they must now purchase big game licenses at the non-resident rate plus big game tags at one-half the non-resident rate. SB 214, if enacted, would allow them to purchase big game licenses and tags at resident rates.

Yesterday, Leg Legal, Law, and ADF&G all decided that we needed to better clarify the steps in the process for tracking and accounting for tags for some species. CS version O expressly states that a person may obtain a special non-resident military hunting license is exempt from (a)(15), i.e., black bear, bison, caribou, deer, elk, moose, or wolf, but he or she may *not* take a big game animal for which a tag is required under (a)(16), i.e., brown/grizzly and musk ox, or mountain goat or sheep, *without* previously purchasing a tag at the resident rate. The background is that current statutes require those who haven't lived here for 12 months to hire a guide to the hunt three species (Brown/Griz, sheep, goat). SB 214 makes no change to that statute; the guiding requirement is retained for new arrivals for that first year. Therefore, there has to be a process for the department to track who is hunting those guided species for enforcement purposes. The trigger for tracking those hunters is acquisition of the tag. The new language in the CS better captures the actual steps taken by vendors and department staff in that tracking and enforcement process.

The CS also clearly states that there is no cost associated with obtaining a tag for sheep or goat. Hunters will still have to obtain the tag but they won't pay anything for it. Again, this is for tracking and enforcement purposes.

If you would like additional information before Tuesday, please let me know. Kevin Saxby from Div of Law and Kristin Wright, Licensing Supervisor for ADF&G, will be available to speak to the changes. They are better at explaining the legalese than I am.

jody

Jody Simpson

Staff to Senator Charlie Huggins
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3/28/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSB 214(RES)
 (S) Publish Date: 3/18/08

Identifier (file name): SB214-DFG-DAS-02-22-08 Dept. Affected: Fish and Game
 Title Hunting by Members of the Military RDU Administration and Support
 Component Commissioner's Office
 Sponsor Senator Huggins
 Requester Senate Resources Committee Component Number 2175

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2009	FY 2010	FY 2011	FY 2012	FY 2013
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES (1024)	(39.9)		(39.9)	(39.9)	(39.9)	(39.9)	(39.9)
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FUND SOURCE (Thousands of Dollars)

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

Estimate of any current year (FY2008) cost: 0.0

POSITIONS

Full-time							
Part-time							
Temporary							

ANALYSIS: (Attach a separate page if necessary)

In 2006, ADF&G received \$52,100 in sport license and big game tag sales from military personnel. If all military personnel could purchase licenses and tags at resident rates, the amount brought in would drop to \$20,200, meaning a loss of \$31,900 to the Fish and Game Fund. In addition, since the agency receives federal grants with a 25% matching requirement, this could translate into a \$39,900 total annual loss to ADF&G in federal and nonfederal funds.

Prepared by: Tom Lawson
 Division: Administrative Services
 Approved by: Denby Lloyd
Department of Fish and Game

Phone 465-5999
 Date/Time 02/22/08 4:30 p.m.
 Date 2/22/2008

FISCAL NOTE

STATE OF ALASKA
2008 LEGISLATIVE SESSION

Fiscal Note Number: _____
 Bill Version: SB 214
 () Publish Date: _____

Identifier (file name): SB214-DFG-DAS-02-22-08 Dept. Affected: Fish and Game
 Title Hunting by Members of the Military RDU Administration and Support
 Component Commissioner's Office
 Sponsor Senator Huggins
 Requester Senate Resources Committee Component Number 2175

Expenditures/Revenues (Thousands of Dollars)

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

	Appropriation Required	Information					
		FY 2009	FY 2010	FY 2011	FY 2012	FY 2013	FY 2014
OPERATING EXPENDITURES							
Personal Services							
Travel							
Contractual							
Supplies							
Equipment							
Land & Structures							
Grants & Claims							
Miscellaneous							
TOTAL OPERATING		0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL EXPENDITURES							
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CHANGE IN REVENUES (1024)	(39.9)	(39.9)	(39.9)	(39.9)	(39.9)	(39.9)	(39.9)
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Prepared by: Tom Lawson Phone 465-5999
 Division: Administrative Services Date/Time 02/22/08 4:30 p.m.
 Approved by: Denby Lloyd Date 2/22/2008
Department of Fish and Game

ALASKA STATE LEGISLATURE

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Charlie Huggins Senator

January 25, 2008

Sponsor Statement for SB 214

"An Act relating to big game hunting by non-resident members of the military service and their dependents; and providing for an effective date."

Senate Bill 214 allows non-resident active-duty military personnel and their dependents to qualify for resident-rate big game hunting licenses immediately upon report date without having to meet the current 12-month residency requirement.

The vast majority of states have unique licensing statutes for active-duty military personnel. At least 45 states offer resident license rates, without regard to actual residency status, to active-duty personnel or personnel stationed in the state. Eight of those states, including Alaska, require personnel to be stationed in state for a specific period of time. At twelve months, Alaska's waiting period, as provided by AS 16.05.415(c), is by far the longest among the states. Because military personnel are transferred around the world, often without having any real say in where they are stationed, they are not similarly situated to others who choose to move to Alaska voluntarily. The fact that transfers are involuntary and frequent means that they may be unable to establish the qualifications for normal residency and ever be able to take advantage of state resident preferences. SB 214, if enacted, benefits active-duty military members and their dependents by waiving the 12-month waiting period.

Current statute, AS 16.05.340 (d), entitles non-resident military members stationed in Alaska to special military licenses at the resident rate for sport-fishing and small game hunting. This provision does not extend to big game licenses and tags. If military members who have not reached residency status want to go big game hunting, they must now purchase big game licenses at the non-resident rate plus big game tags at one-half the non-resident rate. SB 214, if enacted, would allow them to purchase both big game licenses and tags at resident rates.

The January 1, 2009, effective date allows the Department of Fish and Game time to revise, print, and distribute application forms that reflect accurate information and to work with vendors and applicants to achieve compliance with the new law.

Contact: Jody Simpson
907-465-2661
Version 25-LS1261A
January 25, 2008

LEGISLATIVE RESEARCH REPORT

DECEMBER 7, 2007



REPORT NUMBER 08.064

STATUTORY RESIDENCY REQUIREMENTS FOR DETERMINING HUNTING AND FISHING LICENSE FEES FOR ACTIVE-DUTY MILITARY PERSONNEL

PREPARED FOR SENATOR CHARLIE HUGGINS

BY CHUCK BURNHAM, LEGISLATIVE ANALYST

You asked about residency requirements related to hunting and fishing licenses for active-duty military personnel. Specifically, you wished to know the residency requirements in other states used to determine licensing fees for those personnel.

NON-RESIDENT ACTIVE-DUTY SOLDIERS

The vast majority of states have unique licensing statutes for active-duty military personnel.¹ At least 45 states offer resident license rates, without regard to actual residency status, either to all active-duty personnel (18 states) or to only those personnel stationed in state (27 states).² Eight of these states, including Alaska, require military personnel to be stationed in state for a specific waiting period—most often sixty to ninety days—prior to qualifying for resident rates. At twelve months, Alaska's waiting period, as provided by AS § 16.05.415(c), is by far the longest among the states; however, AS § 16.05.340(d) provides that non-resident military members stationed here are entitled to special military licenses at the resident rate, except for big game licenses and tags, which may be purchased at one-half the regular nonresident rate. Therefore, for typical sport fishing and small game hunting, the waiting period for non-residents stationed in Alaska appears to be moot.

¹ Our research did not generally include states' administrative regulations or policies. Although we believe our research to be thorough, there may be additional laws regarding hunting and fishing licensing residency provisions for active-duty military personnel that were not located by our efforts due to variations in wording and construction. Although our focus was primarily on residency requirements, we included other provisions for military personnel related to hunting and fishing licenses wherever we located them.

² Only two states—Hawaii and Washington—do not address military personnel in their statutory licensing regimes for hunting and fishing. The three additional states that do not provide any special residency considerations for military personnel are Alabama, Oklahoma, and West Virginia.

BENEFITS FOR BONA FIDE RESIDENTS AND OTHER PROVISIONS

Eighteen states offer the following benefits to service members who are *bona fide* state residents but are assigned elsewhere:

- ♦ free licenses (six states);
- ♦ waiver of the requirement for licenses (two states);
- ♦ waiver of the license requirement while home on furlough (ten states).³

Four states offer one or more of these benefits to all active-duty personnel, regardless of residency. Among these, Arkansas may be the most generous with its offer of free licenses to all active-duty personnel.

Other states variously offer military personnel reduced fee licenses, specific benefits for combat service, replacement or transfer of licenses when deployment interferes with hunting or fishing seasons, and/or special hunts, fisheries, or other privileges.⁴ Table 1 summarizes states' statutory requirements on the topics discussed above. Table 2 lists statutory citations and details of the information summarized in Table 1 for all fifty states.

I hope you find this information to be useful. Please do not hesitate to contact us if you have questions or need additional information.

³ In addition, at least twelve states variously specify that military personnel who were residents when they entered the service or who maintain the state as their "home of record" are considered residents for licensing purposes even while stationed elsewhere.

⁴ As you may know, Governor Palin recently directed the Alaska Department of Fish and Game, Division of Wildlife Conservation, to reissue or allow transfers of hunting permits obtained through a state lottery and Tier II subsistence permits for soldiers deployed in connection with military operations in Iraq. Additional information on this matter is available through the Division of Wildlife Conservation website at <http://www.wildlife.alaska.gov/index.cfm?adfg=permits.military>.

**Table 1: Summary of State Residency Requirements and Related Provisions
Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel**

Provision ¹	Bona Fide Residents Only		All Active-Duty ²		Notes
	Number of States	States	Number of States	States	
All military personnel pay resident fees	Not Applicable	Not Applicable	18	AZ, CA, CT, GA, IL, LA, ME, MD, MA, MN, MS, MO, MT, ND, NJ, NY, RI, TX	
Military personnel stationed in state pay resident fees ³			27	AK, CO, DE, FL, ID, IN, IA, KS, KY, MI, MS, NE, NV, NH, NM, NC, OH, OR, PA, SC, SD, TN, UT, VT, VA, WI, WY	Waiting periods: AZ, ID, MT, NE, PA- 30 days; SC-60 days; WY-90 days; AK-12 months. ⁴
No license required	2	NJ, SD	0	None	NJ-active National Guard only; SD-must be stationed out of state.
No licenses required while on furlough	10	AL, CO, FL, IL, IN, IA, MS, ND, PA, WV	3	NY, OH, TN	
No licenses required in times of war	1	AL	0	None	
Free licenses	6	AR, MD, NH, OK, TX, VT	1	AR	NH, OK, -during furlough only; TX-National Guard only.
Reduced fee licenses or tags offered	7	AK, FL, LA, ME, MI, MO, NV	2	AK, PA	
Special benefit for combat service	5	DE, IL, MN, PA, WI	0	None	
Special hunts/fisheries or privileges offered	2	ND, WI	3	MN, OK, PA	
Replacement or transfer of license for active-duty offered	1	SD	4	NE, NM, UT, WI	

Notes: This table is a summary of states' statutory provisions regarding residency requirements for active-duty military personnel with regard to hunting and fishing licensing. Please review the text of the underlying statutes for specific provisions and requirements, which vary substantially among states. Our research did not include states' administrative regulations or policies. Although we believe our research to be thorough, there may be additional applicable laws that were not located by our efforts due to variations in wording and construction. Although our focus was primarily on residency requirements, we included other provisions for military personnel related to hunting and fishing licenses wherever we located them.

1) Unless otherwise noted, military personnel are required to conform with seasons, bag limits, and other regulations regardless of whether licenses or permits are required for hunting and/or fishing.

2) "Active-duty" refers to military personnel currently serving under federal control.

3) At least twelve states specify that military personnel who were residents when they entered the service or who maintain the state as their "home of record" are considered residents for licensing purposes even while stationed elsewhere.

4) Alaska's, as provided by AS § 16.05.415(c), is by far the longest at twelve months; however, AS § 16.05.340(d) provides that non-resident military members stationed in the state are entitled to special military licenses at the resident rate, except for big game licenses and tags, which must be purchased at one-half the regular nonresident rate. Therefore, for typical sport fishing and small game hunting, the waiting period for non-residents stationed in Alaska appears to be moot.

Sources: LexisNexis and Westlaw databases of state statutes.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Alabama	Ala. Code §9-11-35	No	None	Active-duty personnel need not obtain licenses during times of war.
	Ala. Code §9-11-35.1	Yes	None	Active-duty AL residents need not obtain licenses when home on furlough.
Alaska	AS §16.05.340 (a)(24)	No	\$20	Active-duty non-residents stationed in state are entitled to a non-resident king salmon stamp at a reduced rate.
	AS §16.05.340(d)	No	\$39 (resident hunting/fishing license) \$15-\$550 (per tag, depending on animal)	Active-duty non-residents stationed in state are entitled to small game and sport fishing licenses at resident rates, but may not take big game a regular nonresident hunting license and tag, issued at one-half of the nonresident rate. Military members also pay the same \$9 license surcharge required of residents.
	AS §16.05.415(d)	No, 12 month waiting period	Same as resident	Applies to all active-duty personnel stationed in the state.
	AS §16.43.180	No	N/A	Active-duty service is recognized as a basis for emergency transfer of commercial fisheries entry and interim-use permits.
Arizona	A.R.S. §17-337	No, 30-day waiting period	Same as resident	Applies to all active-duty personnel.
Arkansas	Ark. Code §15-42-123	No	None	All active duty personnel stationed in Arkansas, and residents of Arkansas home on furlough, receive free licenses. Not applicable to permits for special hunts.
California	Cal. Fish and Game C. §70	No	Same as resident	Applies to all active-duty personnel.
Colorado	C.R.S. §33-1-102	No	Same as resident	Applies to all active-duty personnel stationed in state and residents who retain CO as their home of record while serving out of state.
	C.R.S. §33-4-104	No	None	Applicable to military personnel stationed as a patient at any armed forces or Veterans Administration medical facility. CO residents home on furlough may receive a fishing license free of charge for a maximum of thirty days.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Connecticut	Conn. Gen. Stat. § 26-34a, § 26-86a, and § 26-86c	No	Same as resident	Applicable to all active-duty personnel.
Delaware	7 Del. C. §502	No	None	Licenses are free to any member of the armed forces who is a patient in a military hospital and for DE residents who have taken part in the current military operations in Iraq for one year following discharge from service.
	7 Del. C. §505	No	Same as resident	Applies to all active-duty personnel stationed in state.
Florida	Fla. Stat. §372.001	No	Same as resident	Applies to all active-duty personnel stationed in state.
	Fla. Stat. §372.562	Yes	None	Active-duty residents on furlough for 30 days or fewer need not obtain licenses.
	Fla. Stat. §372.57	Yes	\$18.50	"Gold Sportsman's" combined hunting/fishing licenses are available to active and retired military members.
Georgia	O.C.G.A. §27-1-2	No	Same as resident	All active duty personnel in Georgia and residents home on furlough are considered residents.
Hawaii	None in Statute			
Idaho	I. C. §36-202	No, 30-day waiting period	Same as resident	Applies to all active-duty personnel stationed in state.
	I. C. §36-406	Yes	Same as resident	Soldiers who were residents of Idaho upon entering the service who are on furlough may purchase combined hunting/fishing licenses at the resident rate.
Illinois	515 ILCS §5/1-75	No	Same as resident	Applies to all active-duty personnel.
	516 ILCS §5/20-15	Yes	None	Illinois residents home on furlough need not obtain fishing licenses.
	514 ILCS §5/20-47	Yes	None	Illinois residents returning from overseas deployment are entitled to receive one annual fishing license for each year of overseas service.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Indiana	Ind. Code Ann. §14-22-11-10	No	Same as resident	Applies to all active-duty personnel stationed in state.
	Ind. Code Ann. §14-22-11-11	Yes	None	Active-duty residents on furlough may hunt and fish without a license for the duration of their leave.
Iowa	Iowa Code §483A.1A	Yes	Same as resident	Active-duty personnel who claim residency that have filed a IA state tax return for the previous year are considered residents.
	Iowa Code §483A.1A	No	Same as resident	Applies to active-duty personnel stationed in state.
	Iowa Code §483A.24	Yes	None	State residents stationed elsewhere but home on furlough need not obtain licenses.
Kansas	Kan. Stat. §32-980	No	Same as resident	All active duty personnel in Kansas and soldiers who were residents of the state upon entering the service who are on furlough are considered residents.
Kentucky	KRS §150.010	No	Same as resident	Applies to all active-duty personnel stationed in state.
Louisiana	La. R.S. §56:643(B)(1)	No	Same as resident	Applies to all active-duty personnel.
	La. R.S. §56:643(B)(2)	Yes	\$50	Members of the Louisiana National Guard are eligible for combined hunting/fishing licenses at a reduced fee.
Maine	12 M.R.S. §10752	No	Same as resident	Applies to all active-duty personnel.
	12 M.R.S. §10853	Yes	\$20	Maine residents stationed outside the state are entitled to a combined hunting/fishing license at a reduced rate.
Maryland	Md. Code, Nat. Res., §4-604 and §10-101	No	Same as resident	Applies to all active-duty personnel.
	Md. Code, Nat. Res., §10-301	Yes	None	Maryland residents are entitled to free hunting licenses while home on furlough.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Massachusetts	M.G.L.A. 131 §11	No	Same as resident	Applies to all active-duty personnel.
Michigan	M.C.L.A. §324.43536a	No	Same as resident	Active duty personnel, stationed in Michigan.
		Yes	\$1	Active-duty personnel who are either stationed outside the state or who were MI residents at the time of their enlistment are entitled to a license valid for two weeks.
Minnesota	M.S.A. §97A.465.1 and 465.4	Yes	None	Active-duty MN residents on furlough and discharged residents who served overseas in the preceding 24 months, are entitled to free licenses.
	M.S.A. §97A.465.2	No	Same as resident	Applies to fishing licenses for all active-duty personnel training at Camp Ripley
	M.S.A. §97A.465.3	No	Same as resident	Applies to all active-duty personnel. Excludes elk and moose hunting.
	M.S.A. §97A.465.5(a)	No	N/A	Anyone who has been on active-duty in the preceding 24 months may receive first preference in obtaining license for special hunts or fisheries.
	M.S.A. §97A.465.6	No	N/A	Special hunts and limits may be made available to active-duty personnel and veterans.
Mississippi	Miss. Code §49-7-3(3)	No	Same as resident	Applies to all active-duty personnel stationed in the state.
	Miss. Code §49-7-3(4)	No	Same as resident	All active-duty personnel not stationed in state are entitled to two 14-day combined hunting/fishing licenses per year.
	Miss. Code §49-7-5 and §49-7-9	Yes	None	Active-duty residents on furlough are not required to obtain licenses.
Missouri	3 C. of State Regs. §10-5.220	No	Same as resident	Applies to residents of Missouri serving in the armed forces and all active-duty personnel stationed in state.
	3 C. of State Regs. §10-5.331	No	\$5	Residents who have served active-duty in the National Guard or Reserves are entitled to a reduced fee small-game hunting permit.
Montana	MT. St. §87-2-102	No 30-day waiting period (waived in time of war)	Same as resident	Active-duty personnel stationed in MT, and those who were residents upon enlistment, are considered residents.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Nebraska	R.R.S. Neb. §37-419	No, 30-day waiting period	Same as resident	Applies to all active-duty personnel stationed in the state.
Nebraska	R.R.S. Neb. §37-421.01	No	\$5	Permit holders who have served out of state are entitled to a discounted permit if their service encompassed at least one-half of the time period covered by the original permit.
Nevada	N.R.S. §502.070	No	Same as resident	Applies to all active-duty personnel stationed in the state.
	N.R.S. §502.290	Yes	\$5	Residents home on furlough are entitled to licenses at a reduced rate.
New Hampshire	N.H. Rev. Stat. §214:3	Yes	None	Active-duty residents are entitled to free licenses while home on furlough.
		No	Same as resident	Applies to all active-duty personnel stationed in the state.
New Jersey	N.J.S.A. §23:3-1	No	Same as resident	Applies to all active-duty personnel.
	N.J.S.A. §23:3-1e	No	None	Applies to any active member of the New Jersey National Guard who has completed Initial Active Duty Training.
New Mexico	N.M.S.A. §17-3-4	No	Same as resident	Applies to active-duty members stationed at military facilities that are wholly or partially located within the state.
	N.M.S.A. §17-3-7	No	N/A	Licensees who have been deployed on active-duty such that they are unable to take part in a hunt may have their license fee refunded or transferred to a different hunt.
New York	NY CLS ECL §11-0703(2)	No	None	Applies to all active-duty personnel on furlough not stationed within the state. Furlough period may not exceed 30 days.
	NY CLS ECL §11-0703(a)	No	Same as resident	Applies to all active-duty personnel stationed in the state.
North Carolina	N.C. Gen. Stat. §113-130	No	Same as resident	Military personnel stationed in state are considered residents.

**Table 2: State Residency Requirements and Related Provisions Regarding
Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)**

State	Statute	Bona Fide Residency Required?	Fee	Notes
North Dakota	N.D. Cent. Code §20.1-02-05	No	Same as resident	Applies to all active-duty personnel. Residents who are stationed out of state are entitled to a resident deer hunting license without having to take part in the licensing lottery system.
	N.D. Cent. Code §20.1-03-04	Yes	None	Active-duty residents on furlough may fish and hunt small game without a license.
Ohio	ORC Ann. §1533.12(A)(1)	No	Same as resident	Applies to all active-duty personnel stationed in the state.
	ORC Ann. §1533.12(A)(2)	No	None	Applies to all active-duty personnel on furlough; however, permits are required for deer and wild turkey hunts.
Oklahoma	29 Okl. St. §4-110 and §4-112	Yes	None	Applies to state residents stationed elsewhere but home on furlough
	30 Okl. St. §4-112A	No	N/A	Military personnel need not complete a hunter education course.
	29 Okl. St. §4-140	Yes	None	State residents stationed elsewhere but home on furlough need not obtain a "Wildlife Land Stamp."
Oregon	ORS §497.006	No	Same as resident	Applies to all active-duty personnel stationed in state and Oregon residents stationed elsewhere.
Pennsylvania	30 Pa.C.S. §2707.1-.2 and 35 Pa.C.S. §2706(f-g)	Yes	\$1	Members of the PA National Guard or a reserve component who have been deployed overseas for at least 180 days in the past 24 months, or who were injured during such a deployment, are entitled to a reduced fee hunting and fishing licenses.
	30 Pa.C.S. §2709	Yes	None	Resident of PA stationed out of state are not required to obtain fishing licenses while on furlough.
	34 Pa.C.S. §2702(b)	Yes	Same as resident	Active-duty personnel whose "home of record" is PA are considered residents for the purpose of hunting licenses.
	35 Pa.C.S. §2702(c)	No, 30-day waiting period	\$5	Applies to all active-duty personnel stationed in state.
	34 Pa.C.S. §2704	N/A	N/A	Active-duty members or those who have been discharged in the past six months need not complete a hunter's education course.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Pennsylvania	34 Pa.C.S. §2705	No	N/A	Active-duty members shall be issued licenses for certain hunts without regard to quota limitations.
	34 Pa.C.S. §2706(e)	Yes	Same as resident	Resident of PA stationed out of state are considered residents while on furlough.
	35 Pa.C.S. §2706(f-g)	No	\$2	Members of the PA National Guard or a reserve component who have been deployed overseas for at least 180 days in the past 24 months, or who were injured during such a deployment, are entitled to a reduced fee hunting license.
Rhode Island	R.I. ST. §20-2-31	No	Same as resident	Every active-duty member of the armed forces or merchant marine is considered a resident.
South Carolina	S.C. Code §50-9-30	No, 60-day waiting period	Same as resident	Applies to active-duty personnel serving in state.
South Dakota	S.D.C.L. §41-1-1(22)	Yes	Same as resident	Residency for the purpose of licensing cannot be lost due to out of state service in the armed forces.
	S.D.C.L. §41-6-16.2	Yes	None	Active-duty residents stationed out of state may hunt and fish without a license. Does not apply to migratory bird hunts.
	S.D.C.L. §41-6-19.7	Yes	N/A	Any member of the S.D. National Guard or Reserves who holds an elk, bighorn sheep, or mountain goat hunting license at the time of being deployed to active-duty is entitled to a replacement license for the season immediately following his or her return from service.
	S.D.C.L. §41-6-21	Yes	Same as resident	Any resident military personnel who are absent the state during the application period of a hunt due to active-duty service are entitled to deer, turkey, and antelope licenses without regard to limits on the issuance of such licenses.
	S.D.C.L. §41-6-52	No	Same as resident	Applies to all active-duty personnel stationed in state.
Tennessee	T.C.A. §70-1-101	No	Same as resident	Applies to all active-duty personnel stationed in state.
	T.C.A. §70-2-103	No	None	Applies to all active-duty personnel on furlough

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel(cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Texas	V.T.C.A., Parks & Wildlife Code §42.001 and §50.011	No	Same as resident	Applies to all active-duty personnel.
	V.T.C.A., Parks & Wildlife Code §42.012 and §46.004	Yes	None	Applies to licenses for active-duty members of the TX National Guard.
Utah	Utah Code Ann. §23-13-2(37)(a)	Yes	Same as resident	Active-duty residents who have left the state for military service are maintain their residency so long as they do not claim residency in another state.
	Utah Code Ann. §23-13-2(37)(c)	No	Same as resident	Applies to all active-duty personnel stationed in state so long as they do not claim residency in another state.
	Utah Code Ann. §23-19-38.2	No	N/A	Any active-duty personnel who are unable to use a license or tag due to a military deployment is entitled to a refund or future reinstatement of that license or tag.
Vermont	10 V.S.A. §4258	No	Same as resident	Applies to all active-duty personnel stationed in state.
	10 V.S.A. §4258	Yes	None	Residents serving active-duty for at least 120 days are entitled to free licenses.
Virginia	Va. Code §29.1-319	No	Same as resident	Applies to active-duty personnel stationed in state.
Washington	None in Statute			
West Virginia	W. Va. Code, §20-1-2	Yes	Same as resident	Active-duty personnel who were residents upon entering the service are considered residents.
	W. Va. Code, §20-2-28	Yes	None	Active-duty residents need not obtain licenses while home on furlough.

Table 2: State Residency Requirements and Related Provisions Regarding Hunting and Fishing Licenses for Active-Duty Military Personnel (cont.)				
State	Statute	Bona Fide Residency Required?	Fee	Notes
Wisconsin	W.S.A. §29.173	Yes	N/A	Active-duty residents on furlough may hunt both sexes of deer during open season.
	W.S.A. §29.183	No	N/A	Active-duty members who have been chosen by lottery to participate in a hunt may defer the permit until after their out of state service is complete.
	W.S.A. §29.194	No	Same as resident	Applies to all active-duty personnel stationed in state.
Wisconsin	W.S.A. §29.569	N/A	N/A	Active-duty personnel stationed in WI and residents on furlough are not subject to a 3-day waiting period upon issuance of a resident archer hunting license.
	W.S.A. §29.593	No	N/A	Anyone who has completed armed services basic training need not attend a hunter education course.
Wyoming	W.S.1977 §23-1-107(f)	No, 90-day waiting period	Same as resident	Applies to active-duty personnel stationed in state.
	W.S.1977 §23-1-107(f)(i-iii)	No	Same as resident	Active duty residents stationed out of state maintain their residency status as long as their homes of record and voter registrations remain in WY and they have not claimed residency in another state.
	W.S.1977 §23-1-705 and §23-2-201	Yes	None	An active-duty resident on furlough from a combat zone is entitled to elk, deer, bird, small game, or daily fishing licenses free of charge for any area not subject to competitive public issuance.
Notes: The laws listed are those that we located in states' fish and wildlife statutes using the search terms "military," "armed services," "armed forces," and "national guard." Our research did not generally include states' administrative regulations or policies. Although we believe our research to be thorough, there may be additional laws regarding hunting and fishing licensing residency provisions for active-duty military personnel that were not located by our efforts due to variations in wording and construction. Although our focus was primarily on residency requirements, we included other provisions for military personnel related to hunting and fishing licenses wherever we located them. "Active-duty" refers to military personnel currently serving under federal control. Unless otherwise noted, military personnel are required to conform with seasons, bag limits, and other regulations regardless of whether licenses or permits are required for hunting and/or fishing. Sources: LexisNexis and Westlaw databases of state statutes.				

STATE OF ALASKA

SARAH PALIN, GOVERNOR

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

P.O. BOX 115528
JUNEAU, AK 99811-5528
PHONE: (907) 465-4100
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January 14, 2008

Senator Charlie Huggins
Chairman, Senate Resources Committee
State Capitol, Room 119
Juneau, Alaska 99801

Dear Senator Huggins,

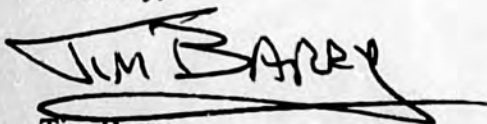
In a recent letter to Commissioner Lloyd, you informed him of your intention to introduce a bill in the 2008 legislative session to allow military personnel in Alaska to qualify for resident hunting and fishing licenses upon their report date, rather than having to be here for twelve months. Since then, the bill has been filed and assigned a number (Senate Bill 214). The Commissioner has asked me to respond to your letter.

Fish and Game staff have had an opportunity to review the legislation, and to consult with the Attorney General's office about it. I believe that the questions you asked in your letter have been answered, in communications between Fish and Game staffers and your aide, Jody Simpson. If you have any more questions or need further information from our agency, please contact me at any time, and I should be able to get you in touch with the right people here.

In your letter, you asked if Fish and Game would support such legislation. As I have informed Jody, our preliminary analysis of the bill indicates that it will have a fiscal impact on the department's budget (our initial estimate is that our fiscal note will be at least \$31,000 dollars a year). While of course we are very supportive of the dedication and service of our men and women in uniform, our only concern with SB 214 would be that we would need the lost revenue replaced. As long as the fiscal note can be covered, I have no reason to think our department would object to the bill as currently written.

It has always been a genuine pleasure and honor to work with you and your staff, and I look forward to a fruitful working relationship again this session. Feel free to contact me any time for any reason.

Sincerely,



Tim Barry
Legislative Liaison

CY2006 Military License and Tags Comparison

CY06 Actuals					Proposed Resident Rate Comparison			
Class	Description	# sold	Cost	Gross	Class	Description	Cost	Gross
Hunting					Hunting			
13	NR Spcl Military Small Game	169	\$25.00	\$4,225.00	02	Res Hunt	\$25.00	\$4,225.00
14	NR Spcl Military SF/Small Game	237	\$48.00	\$11,376.00	04	Res SF/Hunt	\$48.00	\$11,376.00
08	NR Hunt	179	\$85.00	\$15,215.00	02	Res Hunt	\$25.00	\$4,475.00
BF	Military Bison	1	\$225.00	\$225.00	BF	Res Bison	\$0.00	\$0.00
BG	Military Brown/Grizzly Bear	3	\$250.00	\$750.00	BG	Res Brown/Grizzly	\$25.00	\$75.00
BL	Military Black Bear	54	\$112.50	\$6,075.00	BL	Res Black Bear	\$0.00	\$0.00
CC	Military Caribou	33	\$162.50	\$5,362.50	CC	Res Caribou	\$0.00	\$0.00
DD	Military Deer	55	\$75.00	\$4,125.00	DD	Res Deer	\$0.00	\$0.00
EE	Military Elk	1	\$150.00	\$150.00	EE	Res Elk	\$0.00	\$0.00
MM	Military Moose	22	\$200.00	\$4,400.00	MM	Res Moose	\$0.00	\$0.00
WF	Military Wolf	10	\$15.00	\$150.00	WF	Res Wolf	\$0.00	\$0.00
				764				
				\$52,053.50				

Jody Simpson

From: Jody Simpson
Sent: Tuesday, February 26, 2008 11:36 AM
To: Jody Simpson
Subject: FW: New Legislation - Non-resident Active Military hunting and fishing licenses

-----Original Message-----

From: Wright, Kristin A (DFG)
Sent: Monday, January 07, 2008 8:33 AM
To: Barry, Timothy M (DFG)
Cc: Larsen, Douglas N (DFG); Clarke, Ronald G (DFG); Nelson, Lance B (LAW)
Subject: New Legislation - Non-resident Active Military hunting and fishing licenses

We always ask that any new licensing legislation start with the new calendar year. Licenses and forms are already printed and at the vendors. Trying to educate vendors about a new license is very hard when the stock they have shows they are to charge a certain fee. We are working with Fred Meyer and WalMart employees and to bring them up to speed mid-season doesn't work. Even though we can send new forms for the new license, it means someone in a store has to throw out the old stock. Very difficult. We have over 1600 vendors to deal with. Hope this helps explain the process better.

Kristin Wright
Finance/Licensing Supervisor
Division of Administrative Services
Department of Fish and Game
907-465-6091

-----Original Message-----

From: Jody Simpson [mailto:Jody_Simpson@legis.state.ak.us]
Sent: Thursday, January 03, 2008 10:10 AM
To: Barry, Timothy M (DFG)
Subject: New Legislation - Non-resident Active Military hunting and fishing licenses

Tim,

Senator Huggins has pre-filed a bill that will allow non-resident military personnel to obtain hunting and fishing licenses at a resident rate. Leg Legal included a January 1, 2009, effective date.

Is there a reason why the effective date would need to be delayed a year? Or could the legislation take effect sooner, e.g., July 2008, or even immediately upon adoption? How much lead time would the Department need to implement the legislation, change the text on the applications and in the reg books, etc. ? Are there other departmental issues that would need to be considered when determining an effective date?

Thanks, Tim.

jody