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2011 HSA - HB 339 - HB 388

DELANEY, WILES, HAYES, REITMAN & BRUBAKER, INC.

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J. D. COLLARS

November 25, 1981

Representative Ray Metcalfe
Chairman
Committee on State Affairs
House of Representatives
600 W. 41st Avenue, Suite 201-A
Anchorage, Alaska 99503

Re: HB 339, HB 340, and HGR 28

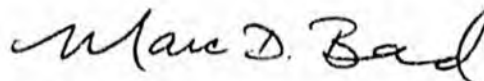
Dear Representative Metcalfe:

Once again I would like to thank you for the opportunity to appear before your committee and testify on behalf of Chevron U.S.A. Inc. in favor of the legislature's reacquisition of authority over regulations lost as a result of the A.L.I.V.E. decision. State v. A.L.I.V.E. Voluntary, 606 P.2d 769 (Alaska 1980). We are certainly interested in the legislative oversight of regulations promulgated by various agencies of the administration.

As I was leaving the committee hearing, you indicated that you might be able to give me some information concerning the dates and times of the mark-up sessions on these bills. I would certainly be interested knowing that, so that I may communicate it to the other members of the AOGA Regulatory Reform Committee.

Very truly yours,

DELANEY, WILES, HAYES,
REITMAN & BRUBAKER, INC.



Marc D. Bond

MDB/cs

From Tape 6/10/81

Dave, You've got those proposed rules changes as well as the 3 others that I asked to kinda work on and consider. When we get the changes made in that proposed rules change and then I want you to talk to legal services (dept.) about that would be done if it were to be put into law rather than as part of the joint rules. So we could consider to carry a petition, actually what I'm going to be trying to do is get them to work up the leg work that later turn into a possible petition. And adding to the rules changes that want to make: 1) I will be requiring a 3 second pause between any request for unanimous consent or hearing no objection, some is approved, that sort of thing) and that that question be asked twice before a unanimous consent is binding and legal, 2 - 3 second pauses with the question asked on two separate times. If there is another 3 second lapse recorded on the tape, it then should not be a unanimous consent accepted. and so on. 2) it should take those 2-3 second pauses to adjourn and that is to adjourn without abjecting. And in either case, failure to recognize an objection is sufficient reason to remove the speaker and should be addressable at a court room. And don't forget the one change about the paper work having to be done alone with the advance notice.

Have Barb call Senator Steven's office and Don Young's office. if you can't get the information here in town, call D.C. I need to know what the exemption for members of Legislative bodies for the year 1980 was. And then when you get done doing that and you get that figure, you need to check how many days we were in session last year and call that figure into my CPA.

6/1/81
David, Charlie Willis called from Cottons office to say that they're not going to allow any maintenance money in the Capitol Budget referring to the stuff for stuff for the park. and he said he was going to try to get it over operating budget. Have Dave give Charlie Willis a call to see what's going on. Charlie wanted to talk to Dave.

Barbara, on those Rules Changes, I wish to work up three more. Cause I'm going to be working on a petition with some people to change the rules.

Tell David I want to draft legislation that requires all motions to adjourn to require a roll call vote of all members present and that means in the house, in committee, anything. Must require a majority roll call vote of members present to adjourn. In that same rule to require that should the presiding officer call or for any other reason leave the podium speaker stand for a period of time greater than one hour, the majority leader shall take his place if he does not, the minority leader will take his place and the body will continue it's business. Should make reference to adjournments in excess of an hour or recesses in excess of one hour requiring a roll call vote to do so. Should an hour pass, and they do not call back to order, there should be other methods for the body to be called back to order.

Secondly, I have received a lot of criticism over the way we worked up that "similar office supply and equipment thing" I'm still reselling with that and also similar access to money for travel, spending, research, on and on and on. I'm still trying to figure how that might be done in the rules, so that all Legislators have similar access to those things.

I want to have proposals prepared on those subjects to send to the Free Committee, to get them to incorporate into the proposed Rules changes.

Put a note on your calendar to get a copy in about a week off to (all that stuff) off to Jan Faiks with the Free Committee with a brief letter requesting that those items be considered as part for possibly part of the Proposed Rules changes Initiative.

Get a message off to the girl who runs our office in D.C. that I want to be kept advised as to the progress of Senate Bill 434 and SB 668.

These things on Binding Arbitration, they go on that file with the teachers.

Barbara, the bills that I needed by Munson, get the bills by the special committee on Roads and Highways. Those would be the bills I was looking for from last year. I mentioned that to Dave once, and he may have forgotten. Remind him.

Time to pay some bills....

Introduced: 2/16/81
Referred: State Affairs and
Judiciary

BY METCALFE, ABOOD, BARNES,
BEIRNE, BETTISWORTH, BYLSMA,
HALFORD AND RANDOLPH

1 IN THE HOUSE

2 HOUSE BILL NO. 339

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the judicial review of adminis-
7 trative regulations."

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

9 * Section 1. AS 44.62.030 is amended to read:

10 Sec. 44.62.030. CONSISTENCY BETWEEN REGULATION AND STATUTE. IF,
11 by express or implied terms of a statute, a state agency has authority
12 to adopt regulations to implement, interpret, make specific or other-
13 wise carry out the provisions of the statute, ~~no regulation adopted is~~
14 valid or effective unless consistent with the statute and ~~absolutely~~
15 *is as minimally restrictive as possible to enable the regulation*
~~(REASONABLY)~~ ~~to carry out the purpose of the statute.~~

16 * Sec. 2. AS 44.62.300 is amended by adding a new subsection to read:

17 (b) In an action under (a) of this section brought on the ground
18 that a regulation is not absolutely necessary as required by AS 44.62.-
19 030, the state has the burden of proving that

20 (1) the burdens imposed on the public by the regulation are
21 outweighed by the benefits accruing to the public from the regulation;
22 and

23 (2) there is no less restrictive means available to achieve
24 the purpose of the regulation.

.....
The legislation to be reviewed today is as follows:

HB 339, An act relating to judicial review of administrative regulations. Which is a bill designed to substantially restrict regulatory promulgation authority within the various departments of the bureaucracy. The bill also would give the public a substantial advantage in any effort to challenge, in court, both the validity and the need for any particular regulation promulgated. HB 340, an Act providing for the review of regulations and the cessation of effectiveness of regulations not approved by law. HB 340 provides for the termination of all regulations promulgated from within the bureaucracy unless it is subsequently reviewed and found to be reasonable by the legislature. HJR 28 proposing amendments to the Constitution of the State of Alaska relating to the review and annulment of regulations by standing committees of the legislature. HJR 28, is not assigned to the State Affairs Committee, but is currently awaiting formal hearings in the Judiciary Committee. Irrespective of its committee assignment, it is a companion bill to HB 340 and its enactment would be necessary in order to allow the intended effect of HB 340 to occur in a reasonable and functional manner. Therefore, we are soliciting comments on each. HJR 28 streamlines and makes the constitutional requirements of regulation annulment a far easier task. The purpose of the meeting is to gather public input, both technical and philosophical on the value of these legislative proposals. Those wishing to present testimony, please sign up at the docr, giving your name and organization affiliation and a one-sentence comment on the nature of your input. For the record, please begin your testimony with your name and organization affiliation and the nature or applicability of your testimony to follow.

Time: 2-700

SUMMARY OF ATTACHED LEGISLATIVE PROPOSALS
(HB 339, HB 340, HJR 28)

The attached legislative proposals consist of three bills designed to bring about reduction in regulation and regulative authority. The first of the three bills is relatively simple and stands by itself on its own merits. The other two proposals become far more complicated and are basically companion pieces of legislation.

Under current Alaska law, any department who has the authority to promulgate regulations may do so at any time it is able to rationalize, under its own initiative, that the regulation it desires is reasonably necessary, for the purpose of implementing the intent of the Legislature.

The first half of the legislative proposal changes the circumstances under which a department can promulgate regulations. The passage of this legislation would remove the term "reasonably necessary" for the purpose of implementing legislative intent and replace the language with terminology that would require regulations to be "absolutely necessary" before they could be promulgated.

Also under current law, if a private citizen were to challenge a regulation on the basis that it was not "reasonably necessary", the burden falls upon the challenging party to prove that a regulation was not reasonable. In the absence of proof that it is "not reasonable", the regulation is sustained and left on the books.

Should this legislative proposal become law, the burden of proof would reverse. Any private citizen challenging a regulation would then place the burden on the State and the regulating authority to prove that, in fact, the regulation was "absolutely necessary for the purpose of implementing the intent of the Legislature."

In the absence of proof, the regulation would be stricken from the Alaska Administrative Code.

The goal of the change in the law would be to reverse the current rate of growth of the Administrative Code. Currently, the incentives under the law are resulting in a constant growth of regulation. This proposal would provide a release valve allowing regulation to trickle away at a rate that would be hopefully equal to, if not faster than the rate at which it currently trickles into the Administrative Code.

The following two legislative proposals are far more complicated.

To this point, the Legislature has shied away from requiring a sunset of regulations. The dominant reason is because many members of the Legislature feel that this would create an avalanche of paper work reviewing regulations for the purpose of either sustaining them or allowing them to automatically expire and be removed from the code.

The attached regulation sunset proposal would require the creation of a citizen committee to undertake the initial avalanche of paper work resulting from the regulatory review.

Following a two year review, the citizen's committee would report to the Legislature regulations which it recommended to be sunset, be sustained, and found to be too controversial and should be reviewed by the Legislature.

Following the completion of the committee's work, all regulations not sustained by the Legislature would be automatically removed from the Administrative Code. From that point on, all regulations would periodically come up for review on a rotating basis at which time, they would be either allowed to fall by the wayside or found to be important enough to be sustained by the Legislature.

Even with required reviews being rotated over a period of years, most Legislators feel that even that amount of review would cause an avalanche of paper work adding months to the length of any given legislative session. Therefore, it seems that there is a need to divide and delegate the review authority. To do so would require a constitutional amendment.

Until a recent Supreme Court decision, the Legislature occasionally exercised it's authority to annul regulations via a resolution of both houses of the Legislature. The Court has now given regulations equal authority and weight of statutes acted upon by the Legislature. As a result, it is now necessary for a bill, rather than a resolution to be pushed through the entire legislative process in order to remove a regulation. Without the incentive of the regulation review authority compounded with a disincentive stemming from the requirement that both houses must act in unison to review and overrule each regulation, the result has been very little annulment of regulations.

The attached proposed constitutional amendment not only re-establishes the authority to annul regulations via resolutions, it goes one step further to delegate that authority to the respective committees that are normally charged with the duty of dealing with the department that wrote the regulation. (Example): If the Dept. of Transportation were to promulgate a regulation, a joint resolution, by the House and Senate Transportation Committees could annul that regulation.

Although the annulment of a regulation would be removed from the scrutiny of the entirety of each body of the Legislature, the work load would be divided sufficiently to insure that the job was done. Secondly, Joint Committees of the Legislature would be far more representative of the feeling of the public, than would a single bureaucrat hidden within the bureaucracy who is not subject to public opinion at election time.

Please review the attached legislative proposals and share with me whatever thoughts you might have which you feel would improve upon their intent.

STATUS of Activity: (based on dictaphone notes 4/27 & 28)

1. State Affairs hearing on HB 339/34).

Testified on Thursday. Bills were both referred to a sub-committee consisting of Jack Fuller and Mitch Abood. This is essentially a referral to the Administration Regulation Review Committee. Reg. Review will hold interim hearings on the two bills along with their proposed legislative package. They will invite you to participate if you desire. Fish and Game and Dept of Law both had people testify against the bills. Bob Bettisworth came in at my request and testified in support of the bills. Be sure to say thanks when you get a chance.

2. Judiciary hearing on SB 6.

I testified on Saturday. No action was taken at the time of the hearing. I suggested that state publication be postponed till Jan 1, 1982, in order to give the private sector time to get underway with their version. I also recommended that the index (at least) be put on electronic, statewide information systems.

3. Call to Mr. Barth at 272-8859.

I overlooked this call. will try it today.

4. Call DOT/PF re Skycap bid process.

will call today.

5. Coal info.

not sure exactly what you need. Let's discuss.

6. Letter from Radisch.

Talked to Mike Miller's people. None of the folk in question are Juneau residents. they say that if someone will sponsor a bill, they will give it a fair hearing. Not their problem was the attitude.

7. HB 428.

Fred Brown has NOT scheduled a hearing on this. has not made a commitment to me to do so yet.

8. Harry Goldbar/ANFC

Harry was out of town when I called. Talked to Jay Kennady, Dep. Director. He is compiling figures now. He knows we have a deadline of tomorrow.

Legal services is also cranking out a bill draft to do the things you requested. Their may be federal restrictions that prevent us from doing some of the things you wanted. They will advise us at once if their research shows that to be the case. They also are aware of our tuesday deadline.

9. Glen Alps Road Service District.

Their request has been submitted on a Form 35.

10. 500,000 dollar dist ll Road fund.

Dick Swain is back and the money has been requested. However their are serious complications we should talk about. It won't be easy to operate the fund.

11. Transportation planning bill.

Preliminary draft is being done. We may, in review, find other projects to add.

An appropriation can't include a statutory change, so we are also having a bill drafted to change the six year plan statute to require:

- a. Planning to be done five years ahead of ta get date.
- b. Governor to advise legislature of all outstanding project designs.



Alaska State Legislature
House of Representatives
Committee on Rules

Pouch V
State Capitol
Juneau, Alaska 99811

Official Business

MEMORANDUM

TO: Rep. Ray Metcalfe
FROM: Rep. Jack Fuller
Chairman, Rules Committee
DATE: March 2, 1981

You have requested floor scheduling of HCR 46, proposing amendments to the Uniform Rules, and (HB 339) relating to judicial review of administrative regulations.

I brought these two pieces of legislation up at today's Policy Committee meeting. The measures may be calendared when you have 21 votes.

REC'D MAR 3 1982

FOR THE PRESS

.....
The legislation to be reviewed today is as follows:

HB 339, An act relating to judicial review of administrative regulations. Which is a bill designed to substantially restrict regulatory promulgation authority within the various departments of the bureaucracy. The bill also would give the public a substantial advantage in any effort to challenge, in court, both the validity and the need for any particular regulation promulgated. HB 340, an Act providing for the review of regulations and the cessation of effectiveness of regulations not approved by law. HB 340 provides for the termination of all regulations promulgated from within the bureaucracy unless it is subsequently reviewed and found to be reasonable by the legislature. HJR 28 proposing amendments to the Constitution of the State of Alaska relating to the review and annulment of regulations by standing committees of the legislature. HJR 28, is not assigned to the State Affairs Committee, but is currently awaiting formal hearings in the Judiciary Committee. Irrespective of its committee assignment, it is a companion bill to HB 340 and its enactment would be necessary in order to allow the intended effect of HB 340 to occur in a reasonable and functional manner. Therefore, we are soliciting comments on each. HJR 28 streamlines and makes the constitutional requirements of regulation annulment a far easier task. The purpose of the meeting is to gather public input, both technical and philosophical on the value of these legislative proposals. Those wishing to present testimony, please sign up at the door, giving your name and organization affiliation and a one-sentence comment on the nature of your input. For the record, please begin your testimony with your name and organization affiliation and the nature or applicability of your testimony to follow.

STATE OF ALASKA

DEPARTMENT OF FISH AND GAME

OFFICE OF THE COMMISSIONER

JAY S. HAMMOND, GOVERNOR

P.O. BOX 3-2000
JUNEAU, ALASKA 99802
PHONE: (907) 465-4100

December 1, 1981

Honorable Ray Metcalfe, Chairman
House State Affairs Committee
600 W. 41st Ave., Suite 201-A
Anchorage, AK 99503

Dear Mr. Metcalfe:

I regret that a representative of the Department of Fish and Game was not able to attend your hearing of November 23, 1981. I do appreciate the opportunity to comment in writing, particularly since three of the items you will have discussed could seriously impact the Department's and Boards of Fisheries' and Game's ability to manage the State's fish and game resources in an efficient manner that benefits the public.

HB 339

The substitution of "absolutely" for "reasonable" in AS 44.62.030 has the very real potential of having the courts negate all regulatory actions relative to fish and game management. The Boards of Fisheries and Game were established for the purpose of conservation and development of fish and game resources and may adopt regulations to accomplish those goals (AS 16.05.221, 251, and 257). Groups such as Greenpeace could challenge that sport hunting of Dall sheep is not absolutely necessary for conservation and development of that resource; the court would issue a temporary restraining order closing the season until the State could prove the regulation was absolutely necessary and the State would lose recreational opportunities and income. Similarly, spinning lure fishermen could challenge regulations establishing fly fishing only areas and commercial fishermen could challenge regulations that ensure an equitable harvest for sport fishermen. As you can see, these types of litigation could very easily hinder management of the resources and create frustration and animosities between resource users.

HB 340

First of all, I would like to say that statement number (1) of the findings is an insult to those citizens of the State that have donated their time to serve on the Boards of Fisheries and Game. These people have been selected by the Governor, confirmed by the Legislature, and have maintained a very high level of integrity and justice in their decisions on management of the State's resources. Rather than prejudge their abilities, I would recommend that if you are not satisfied with their performance you recommend to the Governor that they be removed. If you think the Boards have acted beyond their statutory authority, then amend that authority by making it more specific.

The requirement for legislative approval of regulations before they become effective could seriously delay implementation of fish and game management systems. The Boards currently meet twice a year to consider proposals for changes to hunting and fishing regulations. These meetings are timed to allow the greatest amount of input and involvement from the public, provide the best and most current data, and to ensure that any changes made are in place and the public so informed before the start of the various seasons. The Legislature is a very busy body with tremendous responsibilities and heavy work loads and thus will not have the time to devote to fish and game resource issues that the Boards do. The issues may not be a legislative priority compared to oil and gas revenue, power projects, social programs, etc. with the result that new resource management programs may not be approved by the Legislature early enough in a session to be in place by the mid-April start of some of the major commercial fisheries.

In the case of fish and game management, the establishment of a citizen's review committee is not warranted. Fish and game regulations are reviewed annually by three public bodies: local Fish and Game Advisory Committees, Regional Resource Councils, and the Boards. To insert another committee made up of people attuned to issues other than fish and game would frustrate the present system and increase the administrative burden of the Department.

HJR 28

The Legislature has mandated broad public input in the formalization and adoption of fish and game regulations by its creation of public regulatory bodies (the Boards), public advisory bodies (local Advisory Committees), and the Administrative Procedures Act. The adoption of the proposed constitutional amendment would allow a committee or committees to annul a regulation that had gone through this extensive public review. This would be frustrating those who have involved themselves in the above public process only to find that some small, influential group had convinced a legislative committee to annul a regulation. Eventually the public would turn to the Legislature rather than the other public groups as the decision making body.

In summary, the bills reviewed would hinder efficient and equitable management of the State's fish and game resources and frustrate the present systems established to maximize public involvement in the decision making process.

I thank you again for the opportunity to comment on these bills and request the chance to submit additional comments in the future.

Sincerely,



Ronald O. Skoog
Commissioner
(907) 465-4100

Summary of Attached Legislative Proposals:

Designed to Bring About Reduction in Regulation and Regulative Authority

The attached legislative proposals consist of three separate bills. The first of the three bills is relatively simple and stands by itself on its own merits. The other two proposals become far more complicated and are basically companion pieces of legislation.

Under current Alaska Law, any department who has the authority to promulgate regulation may do so at any time which it is able to rationalize under its own initiative that the regulation it desires is reasonably necessary, for the purpose of implementing the intent of the Legislature on any given piece of legislation that grants the authority to the department to promulgate regulations for the purpose of implementing a statute.

The first half of the legislative proposal changes the circumstances under which a department can promulgate regulation. The passage of this legislation would remove the term "reasonably necessary" for the purpose of implementing legislative intent and replace the language with terminology that would require promulgated regulations to be "absolutely necessary" before they could be promulgated.

Also under current law, if a private citizen were to challenge a regulation on the basis that it was not "reasonably necessary", the burden falls upon the challenging party to prove that a regulation was not reasonable. In the absence of proof that it is "not reasonable", the regulation is sustained and left on the books.

Should this legislative proposal become law, the burden of proof would reverse. Any private citizen challenging a regulation would then place the burden on the State and the regulating authority to prove that in fact the regulation was "absolutely necessary for the purpose of implementing the intent of the legislature".

In the absence of proof by the State that the challenged regulation was "absolutely necessary", the regulation would be stricken from the Alaska Administrative Code.

The goal of the change in the law would be to reverse the current rate of growth of the Administrative Code. Currently, the incentives under the law are resulting in a constant growth of regulation. This proposal would provide a release valve that would allow regulation to trickle away at a rate that would be hopefully equal to, if not faster than the rate at which it currently trickles into the Administrative Code.

The following two legislative proposals are far more complicated.

To this point, the Legislature has always shied away from requiring a sunset of regulations. The dominant reason is because many members of the Legislature feel that this would create an avalanche of paper work reviewing regulations for the purpose of either sustaining them or allowing them to automatically expire and be removed from the code.

WHAT IS THE TOTAL COST IN FY 83?

	<u>Increased Benefit Formula</u>	<u>EPORS Earlier Retirement</u>	<u>Temporary Service Credit</u>	<u>Judicial Earlier Retirement</u>	<u>Total</u>
STATE EMPLOYER PERS TRS	\$ 19,559.0	\$ 63.2	\$ 231.8	\$ 357.9	\$ 95,310.0
TRS EMPLOYER	\$ 7,143.3				\$ 29,711.4
PERS EMPLOYER	\$ 6,960.8		\$ 131.3		\$ 39,243.2
TRS MEMBERS					\$ 5,939.2
PERS MEMBERS					\$ 12,162.9
EPORS MEMBERS		\$ 13.2			\$ 13.2
JRS MEMBERS				\$ 74.8	\$ 74.8
	\$ 182,454.7				\$ 182,454.7
- Employee Contribution					- 18,102.1
TOTAL EMPLOYER CONTRIBUTION	\$ 164,352.6	\$ 76.4	\$ 363.1	\$ 432.7	\$ 164,352.6

IF IN FY 83 THE PRESENT FOUR PERCENT ACROSS THE BOARD PRPA IS QUANTIFIED TO ALL EMPLOYERS THE TOTAL COST TO THE EMPLOYER WILL BE \$156,105.0. THERE WILL BE NO EMPLOYEE CONTRIBUTION. THIS EMPLOYEE PORTION OF \$18,102.10 WOULD BE PAID BY THE EMPLOYER AND COST THE EMPLOYEES \$18,102.10.

Costs are in thousands of dollars

HB 339 TITLE & SPONSOR SUMMARY 16:12 4/21/82 PAGE 1 OF 3
 AMENDED TITLE: CSHB 339(SA)AM
 AN ACT RELATING TO THE JUDICIAL REVIEW OF ADMINISTRATIVE REGULATIONS

PRIME SPONSOR: METCALFE.
 CO-SPONSORS: ABOOD, BARNES, BEIRNE, BETTLEWORTH, BYLSMA, HALFORD, RANDOLPH.
 CURRENT STATUS: 3/18/82 IN (S) JUDICIARY

HB 339 HOUSE ACTION 16:12 4/21/82 PAGE 2 OF 3
 DATE SEQ PAGE LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/16/81	01	0571	FIRST READING -- COMMITTEE REPORTS
01/25/82	02	0130	S.A. -- CS03, NR02
02/24/82	03	0584	JUD -- S.A. CS03
02/24/82	04	0584	THREE F/NOTES EQUALS ZERO
03/15/82	05	0796	SECOND READING
03/15/82	06	0796	S.A. CS ADOPTED BY UNAN CONSENT
03/15/82	07	0797	RECOMM TO JUD FAILED BY DIV 11-23-06
03/15/82	08	0797	AM01 NOT ADOPTED BY DIV 07-29-04
03/15/82	09	0798	AM02 WITHDRAWN
03/15/82	10	0798	AM TO AM03 ADOPTED BY UNAN CONSENT
03/15/82	11	0799	AM03 ADOPTED BY DIV 19-16-05
03/15/82	12	0799	AM04 ADOPTED BY DIV 21-14-05
03/15/82	13	0800	ADVANCED TO 3RD READING BY UNAN CONSENT
03/15/82	14	0800	THIRD READING
03/15/82	15	0800	PASSED BY DIV 25-11-04
03/15/82	16	0800	NOTICE OF RECONSIDERATION GIVEN
03/17/82	17	0833	POSTPNMT TO 03/19/82 FLD BY DIV 13-22-05
03/17/82	18	0833	RECONSIDERATION NOT TAKEN UP

**** ** ** *** ** *

HB 339 SENATE ACTION 16:13 4/21/82 PAGE 3 OF 3
 DATE SEQ PAGE LEGISLATIVE ACTION

DATE	SEQ	PAGE	LEGISLATIVE ACTION
03/18/82	19	0601	FIRST READING -- COMMITTEE REPORTS JUDICIARY

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CSHB 339(SA) am
 Title Relating to Judicial Review of Administrative Regulations
 Requested by Representative Metcalfe Date April 1, 1982

II. FISCAL DETAIL

Agency Affected Administration
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

HB 339 as amended will have no fiscal impact on the Department of Administration.

IV. DATE April 1, 1982 PREPARED BY Kenneth R. Ryaal
 AGENCY 465-2277

Original: Legislative Finance PHONE _____

cc: Budget and Management

Prime Sponsor (First Legislator Named) Metcalfe, Abood, Barnes et al
 33-001 (Rev. 12/81) Office of the Governor: Keith Specking

MEMORANDUM

Ray Metcalfe
OK
AAA 3.8.82

TO: Al

FROM: Cheryl (✓)

SUBJECT: CSHB 339 - an act relating to judicial review of administrative regulations

You requested I look over Metcalfe's bill. It looks OK and would recommend you support it.

The statutes currently require that an agency's regulations be consistent with the statute and be "reasonably necessary to carry out the purpose of the statute". "Reasonably necessary" has been changed to require that there is a "clearly demonstrated need for the regulation". The purpose for the change is that it is fairly easy for the state to prove that a regulation is "reasonably necessary"; it is more difficult to prove a "demonstrated need".

The bill also adds a section to the Court Review of regulations which sets out guidelines of what the state has to prove when a person seeks relief in Superior Court. These two specific guidelines do not exist in current statute.

Original sponsors: Metcalfe, Abood,
Barnes, et al

Offered: 1/25/82
Referred: Judiciary

*Pls check
to give
opinion*

1 IN THE HOUSE BY THE STATE AFFAIRS COMMITTEE

2 CS FOR HOUSE BILL NO. 339 (State Affairs)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

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9 * Section 1. AS 44.62.030 is amended to read:

10 Sec. 44.62.030. CONSISTENCY BETWEEN REGULATION AND STATUTE. If,
11 by express or implied terms of a statute, a state agency has authority
12 to adopt regulations to implement, interpret, make specific or otherwise
13 carry out the provisions of the statute, no regulation adopted is valid
14 or effective unless consistent with the statute and there is a clearly
15 demonstrated need for the regulation [REASONABLY NECESSARY] to carry out
16 the purpose of the statute.

17 * Sec. 2. AS 44.62.300 is amended by adding a new subsection to read:

18 (b) In an action under (a) of this section brought on the ground
19 that there is no clearly demonstrated need for the regulation as
20 required by AS 44.62.030, the state has the burden of proving that

21 (1) the burdens imposed on the public by the regulation are
22 outweighed by the benefits accruing to the public from the regulation;
23 and

24 (2) there is no less restrictive means available to achieve
25 the purpose of the regulation.

26
27
28
29

*(a) seek
sup it
for relief
guidelines*

fairly easy to prove

reason necessary

[much stronger ^{burden} proof]

Mr. Pellerson

can you define Reasonably
Necessary.

Do you have an alternative
is there any reason that ~~the~~
in those reg's you feel are
so important could not be brought
before the

Do you have any comments on
the second portion

H

B

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4

1

THE LEGISLATURE OF THE STATE OF ALASKA
 TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 341
 Title Special Appropriation to DOT/PF to remedy deficiencies in state Bldgs. in Kenai P
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected DOT/PF
 Program Category Affected _____
 BRU, Program, or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY:81	FY82	FY83	FY84	FY'85	FY86
100 PERSONAL SERVICES		45				
200 TRAVEL						
300 CONTRACTUAL		955				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		1,000,000				

FUNDING (Thousands of Dollars)

GENERAL FUND		1,000,000				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Construction amount in 1980 dollars	\$591,320
Escalate at 13% 1981 dollars	668,192
Escalate at 13% 1982 dollars	755,057
Project contingency 15%	113,258
	<u>\$868,315</u>
Architectural/Engineering fees at 10%	\$ 86,831
	<u>\$955,146</u>
Administration and Assessment	45,000
TOTAL	\$1,000,146

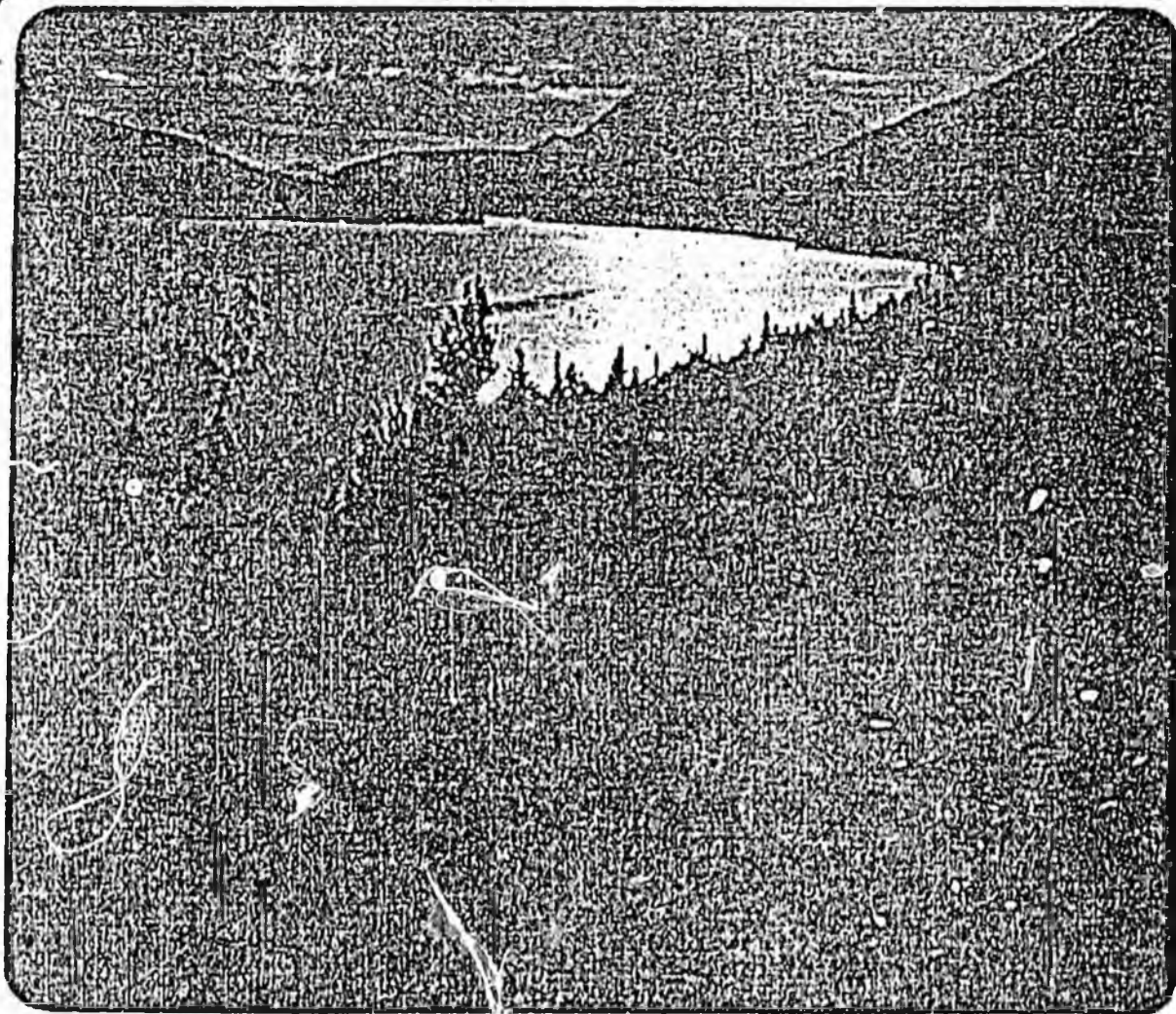
IV. DATE 3/26/81 PREPARED BY AB
 AGENCY _____
 PHONE _____
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

AMENDMENT

On page one, line 15, delete ", Volume I" and insert a period after the word "Peninsula".

INVENTORY AND CONDITION SURVEY OF PUBLIC FACILITIES

STATE OF ALASKA
DEPARTMENT OF TRANSPORTATION AND PUBLIC FACILITIES
DIVISION OF FACILITY PROCUREMENT POLICY



KENAI PENINSULA

VOLUME 1

INTRODUCTION

The Alaska State Legislature mandated, by Chapter 168/78, that a current inventory of public facilities be completed and maintained. This includes a projection of serviceability of existing facilities and projections of replacements and additions to these facilities. This required that the Department of Transportation and Public Facilities inventory all public facilities and determine the condition of these facilities.

To accomplish this task, the Department contracted with WRAN-Kumin, Inc. who, along with their sub-consultants (Hargis Engineers, Bomhoff & Associates Hanscomb Associates), inventoried State owned, leased, and financed buildings in the Kenai Region.

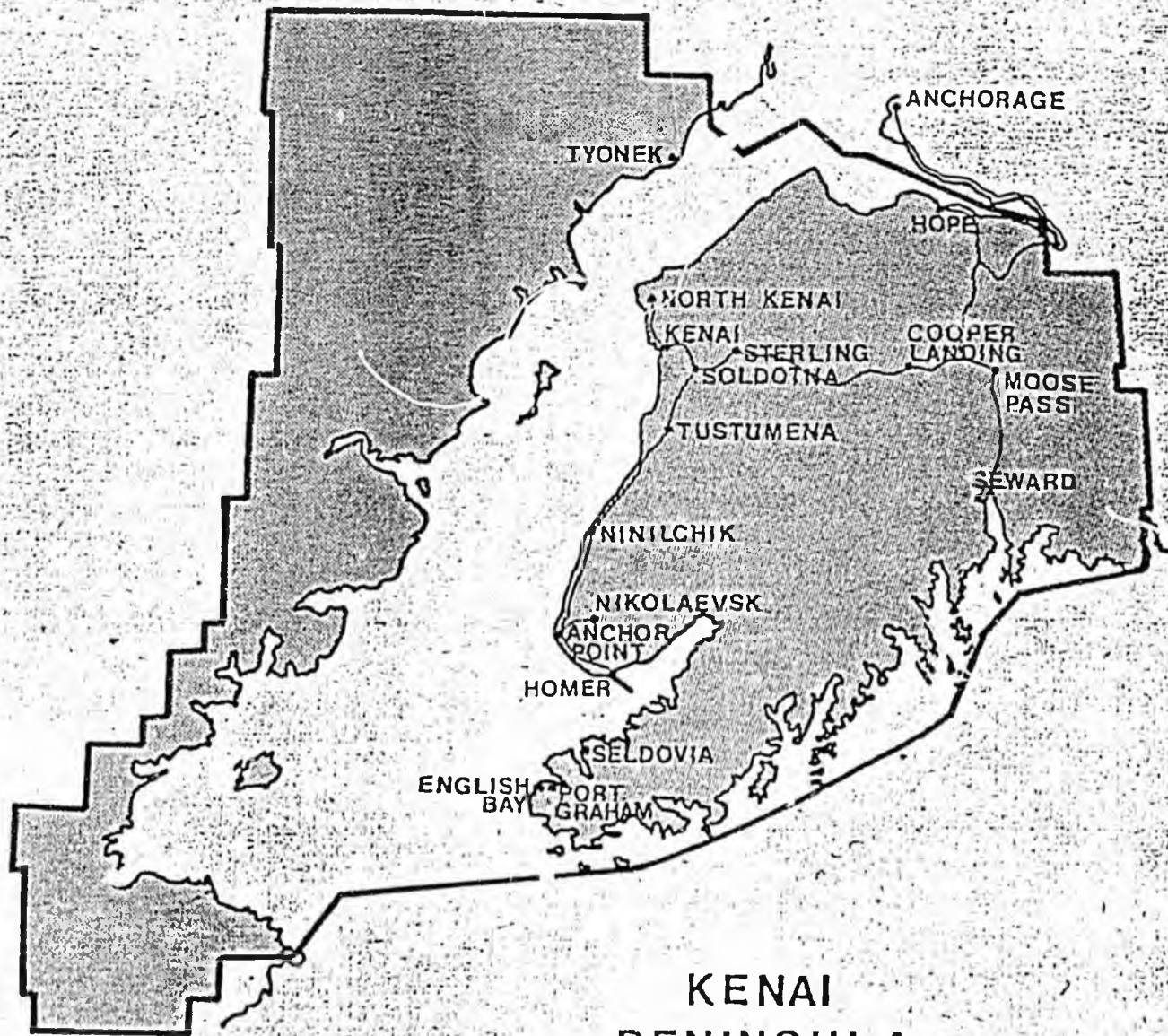
The consultant's field inspection teams visited the following villages during the fall of 1979 and winter 1980: Anchor Point, Corner Landing, English Bay, Homer, Hope, Kenai, Moose Pass, Nikolaevsk, Port Graham, Seldovia, Seward, Soldotna, Sterling, Tustumena, and Tyonek. The inspection team, made up of engineers and architects, collected inventory data on existing facilities to determine the extent to which facilities comply with handicap, building, electrical, mechanical, and fire/life safety codes. For those facilities found to be deficient, with regard to the above mentioned codes, statutes, and regulations, the cost of bringing them into compliance has been determined.

This summary volume contains an overview and summary of general data, recommendations, and cost estimates for the inventoried facilities within the Kenai region.

For more detailed information, including all field data collected, the Department of Transportation and Public Facilities has produced a limited number of "village volumes" - a separate volume for each village containing all data for each facility in that village. The Kenai District has sixteen village volumes.



STATE LOCATION MAP



KENAI PENINSULA BOROUGH

DISTRICT LOCATION MAP

KENAI PENINSULA REGION

Field work for these inventory and condition surveys was accomplished during the fall of 1979 and winter/spring 1980. During the course of work some recurrent conditions were observed which the inventory and condition survey format may not necessarily address in an overview. Although close scrutiny of the numerous volumes might lead one to some conclusions, the field team felt that to briefly generalize here might be helpful towards pointing out areas of particular interest or concern which may be deserving of attention.

First of all, is the issue of energy. The Kenai Peninsula Borough owns all of the schools in its region and is currently evaluating their buildings for energy efficiency. They keep good records of fuel consumption and appear to be very conscientious. Other buildings owned or used by state agencies seldom tracked fuel consumption conscientiously and records were generally not available on site. Room for improvement exists as many of the buildings are old and not energy efficient for a variety of reasons.

The surprising thing is that relatively new buildings have not been designed to be especially energy efficient. New mechanical and electrical systems tend to respond to current trends in energy conservation, but building insulation is often no greater than amounts used 15 or 20 years ago.

It may benefit the Kenai Peninsula Borough and the State of Alaska to require energy analysis of new construction during design development

stages. Graphs demonstrating fuel consumption plotted against increased building insulation could be fairly easily plotted and increased building costs could be estimated and weighed against current and anticipated future fuel prices.

Although there is sometimes resistance to energy conserving construction along with vocal protests of enormous cost increases, actual practice is proving that in reality new construction can be very energy efficient with little overall cost increase.

The use of portable, modular spaces represents another area where energy is wasted. These isolated structures have relatively little usable floor space compared to exterior surface area and therefore lose disproportionate amounts of heat. Their lack of efficiency is often augmented by inferior construction and materials.

While it may be necessary for portables to be purchased to alleviate over crowded conditions from time to time, it is regretful that they tend to fall into extended use. Some are moved from site to site over the years at additional costs that distort the original estimated investment. Insurance rates on modulars can also be very high. They are seldom as functional or convenient as conventional construction designed for particular uses (educational, office, storage, etc.) although users usually accept this aspect of the modular simply because it is what is. Such acceptance of what may truly be an inferior space does have advantages in terms of flexibility.

Certainly, one would hope that the future purchase and extended use of modulars be discouraged, or at least that consideration first be given to a variety of factors such as: initial purchase price, moving and relocation cost, insurance costs, amenities provided compared to conventional space, convenience of use, maintenance costs and fuel

cost compared to conventional space, building life expectancy, compliance of construction to current codes and comparison of same construction to conventional construction, and how well needs of users are satisfied, relative to conventional construction.

Related to the issue of energy is a second area of concern, that of mechanical systems. If there was a universal complaint among users of buildings surveyed, it was that they worked in uncomfortably hot, cold, or fluctuating temperatures. A large part of the problem appears to stem from out of balance central heating systems. Sometimes, improper adjustments by unskilled personnel had aggravated problems, which were then compounded when throughout a school, for instance, users would purposefully block individual vents with cardboard to cut off an air supply or accidentally cover horizontal duct grills with books or supplies. Sometimes systems are just not adequate to meet user expectations, but there does appear to be a real need for more regular maintenance by thoroughly trained, skilled personnel.

A third concern is that of building upgrading, maintenance and replacement. Some agencies are particularly aware of the political processes necessary to achieve funds for their structures, others less so. In the absence of a clear plan for building care, upgrading, replacement or additions, conditions vary widely from department to department. Some public agencies may work in crowded, outdated facilities that are grossly inadequate and even unsafe, while others may have adequate but poorly maintained space.

Leased spaces were often the chief offenders in terms of function and condition. Situations that should not be tolerated such as lack of safe egress, poor ventilation, faulty wiring or inadequate lighting can go unchanged in leased space, even upon contract renewal, for lack of proper procedures for evaluation.

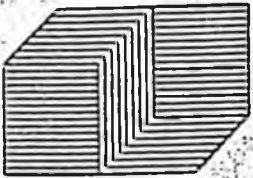
There is an apparent need for better maintenance and custodial services in many existing buildings, as well as for methods by which the performance and suitability of facilities can be periodically evaluated.

While completed surveys should lead to improvements, additional work may be necessary to develop performance and maintenance standards to achieve greater uniformity in public facilities with respect to environmental, safety, and functional conditions.

Hanscomb Associates Inc.

Registered in the State of Alaska

501 West Northern Lights Boulevard
Suite 201
Anchorage, Alaska 99503
(907) 274-7693



March 11, 1980

Wran-Kumin, Inc.
241 E. 5th Avenue
Suite 201
Anchorage, AK 99501

Dear Sir/Madam:

D.O.T. Inventories

In determining costs for individual villages we have based our geographic index essentially for three major areas: Bristol Bay, Kuskokwim Bay and Norton Sound. All other villages around these three major towns have been priced accordingly, due to additional transportation, subsistence, labor costs, etc.

As directed, we have priced every item individually and have assumed that all corrective and upgrading work will be done under one contract per facility. Therefore, keeping mobilization and overhead costs to the minimum. The costs also include design contingencies.

The costs are in current dollars and should be escalated to the effective date of the contract. We suggest that one percent (1%) per month escalation factor be used, provided that the present economic situation does not change substantially in the next two years.

Sincerely,

Jim Chapman

JC/am

KENAI REGION

LOCATION	1980 CONSTRUCTION COST ESTIMATE						PROJECT* TOTAL
	Architecural	Fire & Life	Handicap	Mechanical	Electrical	SUB TOTAL	
Anchor Point	7,370	840	15,970	11,940	2,170	38,290	52,840
Cooper Landing	18,130	6,870	42,230	510	2,690	70,430	97,190
English Bay	70,210	17,400	71,270	3,360	7,320	169,560	233,990
Homer	372,840 Alternate #1 1,240,500	36,760	241,560	60,810	16,970	729,940 Alternate #1 1,576,600	1,007,320 Alternate #1 2,175,690
Hope	505,450	19,510	14,400	13,750	0	553,110	763,290
Kenai	1,049,940 Alternate #1 1,643,170	250,340	356,170	142,690	9,940	1,809,080 Alternate #1 2,402,310	2,496,520 Alternate #1 3,315,180
Moose Pass	66,880	4,510	11,000	16,910	15,420	114,720	158,320
Nikolaevsk	2,137,180	12,300	26,760	0	5,470	2,181,710	3,010,760
Ninilchik	301,830	9,570	85,100	24,930	38,950	460,380	635,330
Port Graham	37,910	17,400	16,590	10,280	1,880	84,060	116,000

KENAI REGION

LOCATION	1980 CONSTRUCTION COST ESTIMATE						PROJECT* TOTAL
	Architecural	Fire & Life	Handicap	Mechanical	Electrical	SUB TOTAL	
Tustema	61,850 Alternate #1 363,970	11,520	14,470	7,100	5,640	100,580 Alternate #1 402,700	138,800 Alternate #1 555,720
Tyonek	27,480 Alternate #1 230,120	9,030	24,840	3,420	11,270	76,040 Alternate #1 278,680	96,660 Alternate #1 384,580
TOTAL	6,745,340 Alternate #1 9,634,960	591,320	1,180,380	509,060	1,489,730	9,515,330 Alternate #1 12,405,540	13,124,910 Alternate #1 17,119,490
%							
TOTAL							
%							

Subtotal Includes Contractor Mobilization, General Conditions of 20% Office Overhead & Profit of 15% & Construction Contingency of 10%

Project Total Includes A/E Fees & Administration (20%), Project Contingency (15%)
*A 13% Escalation Cost Factor should be used for Each Year Beyond Base Year 1980

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 341

Title Special Appropriation to DOT/PF to remedy deficiencies in state Bldgs. in Kenai Per

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected DOT/PF

Program Category Affected _____

BRU, Program, or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY82	FY83	FY84	FY 85	FY86
100 PERSONAL SERVICES		45				
200 TRAVEL						
300 CONTRACTUAL		955				
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL		1,000,000				

FUNDING (Thousands of Dollars)

GENERAL FUND		1,000,000				
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

Construction amount in 1980 dollars	\$591,320
Escalate at 13% 1981 dollars	668,192
Escalate at 13% 1982 dollars	755,057
Project contingency 15%	117,258
	<u>\$868,315</u>
Architectural/Engineering fees at 10%	\$ 86,831
	<u>\$955,146</u>
Administration and Assessment	45,000
	<u>TOTAL \$1,000,146</u>

IV. DATE 3/26/81 PREPARED BY _____

AGENCY _____

Original: Legislative Finance PHONE _____

cc: Budget and Management
Prime Sponsor (First Legislator Named)

H B

354



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

WM. GRANT CALLOW
General Counsel

303 K Street
Anchorage, Alaska 99501

April 7, 1981

Honorable Mike Miller, Chairman
State Affairs Committee
Alaska House of Representatives
State Capitol, Room 102
Juenau, Alaska 99811

Dear Representative Miller:

At the request of the Alaska Court System, HB 354 was introduced this year which, if enacted, would amend AS 39.30.090(15) to allow retired state judges and justices who receive retirement benefits from the state to purchase auditory, visual and dental insurance for themselves. The bill has been referred to the House State Affairs Committee for review.

Under the current statute, retired teachers and other retired state employees are allowed to purchase this type of insurance coverage, and it seems that the drafters of the subsection may have inadvertently overlooked retired judges since (1) they are expressly covered in all the other related subsections of the statute (9-13); and (2) there is no fiscal impact because the retired judges are expressly required to pay the cost of the insurance. I am enclosing copies of the current statute and HB 354 for your reference.

A number of our retired state judges and justices, and particularly Senior Justice John Dimond, are understandably concerned about this bill.

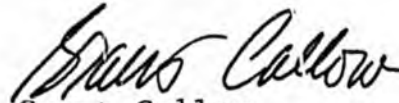
On behalf of the Court System, I would like to respectfully request that HB 354 be considered by the State Affairs Committee at its earliest convenience. Since it is a short bill without any apparent fiscal impact to the state, I would not expect it to be at all controversial.

Honorable Mike Miller
April 7, 1981
page two

I will, of course, be happy to appear before the State Affairs Committee to answer any questions which you or any of the other committee members may have on the bill.

Please let me know if you have any questions.

Sincerely,



Grant Callow
General Counsel

GC:kmp

cc: Senior Justice John Dimond

(8) "wages" means remuneration for employment, including the cash value of remuneration paid in any medium other than cash, except that "wages" does not include that part of remuneration which, even if it were for "employment" within the meaning of the Federal Insurance Contributions Act, would not constitute "wages" within the meaning of that act. (§ 2 ch 95 SLA 1951)

Editor's note. — The federal Insurance Contributions Act, referred to in paragraph (4), may be found in 26 U.S.C. §§ 3101 — 3125. The Social Security Act, referred to in paragraph (7), may be found in 42 U.S.C. § 301 et seq.

Article 2. Group Life and Health Insurance.

Section

- 90. Procurement of group insurance
- 100. Definitions

Sec. 39.30.090. Procurement of group insurance. The Department of Administration may obtain a policy or policies of group insurance covering state employees and employees of other participating governmental units subject to the following conditions:

(1) A group insurance policy shall provide one or more of the following benefits: life insurance, accidental death and dismemberment insurance, weekly indemnity insurance, hospital expense insurance, surgical expense insurance, dental expense insurance, audio-visual insurance, or other medical care insurance.

(2) Each eligible employee of the state, his spouse and his unmarried children chiefly dependent on him for support and each eligible employee of another participating governmental unit shall be covered by the group policy, unless exempt under regulations adopted by the commissioner of administration.

(3) A governmental unit may participate under a group policy if

(A) its governing body adopts a resolution authorizing participation, and payment of required premiums;

(B) a certified copy of the resolution is filed with the Department of Administration; and

(C) the commissioner of administration approves the participation in writing.

(4) Repealed by § 14 ch 47 SLA 1974.

(5) Repealed by § 14 ch 47 SLA 1974.

(6) The Department of Administration shall obtain the insurance policy from any insurer authorized to transact business in the state under AS 21.09 and 21.90.

(7) The Department of Administration shall make available bid specifications for desired insurance benefits to all insurance carriers licensed in the state and qualified to provide the desired benefits. The specifications shall be made available on or before July 1, 1965, and at

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least once every succeeding five years. The lowest responsible bid submitted by an insurance carrier with adequate servicing facilities shall govern selection of a carrier under this section.

(8) If the aggregate of dividends payable under the group insurance policy exceeds the governmental unit's share of the premium, the excess shall be applied by the governmental unit for the sole benefit of the employees.

(9) A person receiving benefits under AS 14.25.110, AS 22.25 or AS 39.35 who is not 65 years of age may obtain major medical and life insurance under this section for himself and any dependents who have not reached the age of 65 years.

(10) A person receiving benefits under AS 14.25.110, AS 22.25 or AS 39.35 who is 65 years of age or older but who has dependents who are under 65 may obtain major medical insurance for these dependents under this section.

(11) A person receiving benefits under AS 14.25.110, AS 22.25 or AS 39.35 may obtain major medical and prescription drug insurance under this section for himself and any dependents to cover costs which are not covered by the federal old age survivor's and disability insurance program.

(12) A person electing to have insurance under (9), (10) or (11) of this section shall pay the cost of this insurance.

(13) No person may elect for coverage under (9), (10) or (11) of this section unless he was or is presently eligible for coverage under this section.

(14) For each permanent part-time employee electing coverage under this section, the state shall contribute one-half the state contribution rate for permanent full-time state employees, and the permanent part-time employee shall contribute the other one-half.

(1.) A person receiving benefits under AS 14.25 or AS 39.35 may obtain auditory, visual, and dental insurance for himself under this section. The level of coverage for persons over 65 shall be the same as that available before reaching age 65 except that the benefits payable shall be supplemental to those afforded under the federal old age, survivors, and disability insurance program, if any. A person electing to have insurance under this paragraph shall pay the cost of the insurance. The commissioner of administration shall adopt regulations implementing this paragraph. (§ 2 ch 151 SLA 1955; am § 1 ch 168 SLA 1959; am § 1 ch 105 SLA 196., am § 1 ch 70 SLA 1968; am § 66 ch 69 SLA 1970; am § 1 ch 123 SLA 1970; am § 1 ch 159 SLA 1972; am §§ 1, 2 ch 46 SLA 1973; am §§ 13, 14 ch 47 SLA 1974; am § 2 ch 27 SLA 1976; am § 39 ch 177 SLA 1978; am § 1 ch 55 SLA 1979)

Effect of amendments. — The 1976 amendment added paragraph (14). The 1978 amendment, retroactive to June 28, 1976, in paragraph (14), inserted "electing coverage under this section" and deleted "as a condition of employment" following "permanent part-time employee."

POSITION PAPER

SENATE BILL NO. 286

HOUSE BILL NO. 354

"An Act relating to audio, visual, and dental insurance coverage for persons receiving benefits under the judicial retirement system; and providing for an effective date."

This bill brings the judicial retirement system onto a par with the other two state retirement systems; teachers' and public employees' retirement systems. This is an appropriate action in view of the comparable need for this benefit by all retirees, regardless of the route by which they enter a state supported retirement system.

Position

The Department supports this bill.

Recommended by:

David Bruce
David Bruce, Deputy Director
Division of Public Health

Date:

April 1, 1981

Approved by:

Helen D. Beirne
Helen D. Beirne
Commissioner

Date:

4-7-81

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. _____ HOUSE BILL NO. 354
 _____ SENATE BILL NO. 286
 Title "An Act relating to audio, visual, and dental insurance coverage (judicial)....."
 Requested by Helen D. Beirne Date March 25, 1981

II. FISCAL DETAIL
 Agency Affected Health and Social Services
 Program Category Affected Public Health
 BRU, Program, or Subprogram(s) Affected Family Health
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES	0	0	0	0	0	0
200 TRAVEL	0	0	0	0	0	0
300 CONTRACTUAL	0	0	0	0	0	0
400 COMMODITIES	0	0	0	0	0	0
500 EQUIPMENT	0	0	0	0	0	0
600 LAND & STRUCTURES	0	0	0	0	0	0
700 GRANTS, CLAIMS, ETC.	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

FUNDING (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS	0	0	0	0	0	0
OTHER (Specify Fund Source)	0	0	0	0	0	0

POSITIONS

FULL TIME	0	0	0	0	0	0
PART TIME	0	0	0	0	0	0
TEMPORARY	0	0	0	0	0	0

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE March 25, 1981 PREPARED BY David A. Spence, M.D.
 AGENCY Family Health
 PHONE 465-3100
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) M&B Approval M. Hubbard Date 4/6/81

H B

376

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill No. 376
 Title Allowing a retirement credit for certain leaves of absence
 Requested by House State Affairs Committee Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Labor Services and Elementary & Secondary Education
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-01-02 (TRS) 02-11-8-02-01-00 (TRS MATCH)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
100 BENEFITS		63.6	70.0	77.0	84.7	93.2
TOTAL	-0-	63.6	70.0	77.0	84.7	93.2

FUNDING (Thousands of Dollars)

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
GENERAL FUND	-0-	63.6	70.0	77.0	84.7	93.2
FEDERAL FUNDS						
VETERAN'S FUND						
FISH & GAME FUND						
HIGHWAY FUND						
AIRPORT FUND						
CAPITAL FUND						
PERS						
TRS						

POSITIONS

	FY 80	FY 81	FY 82	FY 83	FY 84	FY 85
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Would increase TRS contribution rate by .024% of payroll to fund this bill.
2. Assume that one teacher vests each year who would not otherwise.

IV. DATE 05/14/81 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Representative Mike Miller
 Office of the Governor (Keith Specking)

ATTACHMENT

Bill/Resolution No. HB 376

ASSUMPTIONS:

1. Estimated FY 82 Payroll (Total System) = \$261,775,000
2. State Contribution Rate to Fund Bill = .012%
3. State TRS Matching Rate to Fund Bill = .012%
4. School District Rate to Fund Bill = .012%

COST ANALYSIS:

<u>Employer</u>	<u>Payroll</u>		<u>Rate</u>	<u>Cost</u>	<u>Appropriation</u>
1. Department of Education	4,712,000	X	.012%	\$ 1.1	To Their Budget
2. University of Alaska	42,617,000	X	.012%	\$ 5.1	To Their Budget
				<u>\$ 6.2</u>	
3. State TRS Matching	\$261,775,000	X	.012%	31.4	To TRS Match
4. State TRS Regular Budget:					
Personal Services				\$ -0-	To Personal
Travel				\$ -0-	To Travel
Contractual				\$ -0-	To Contractual
Commodities				\$ -0-	To Commodities
Equipment				<u>\$ -0-</u>	To Equipment
				<u>\$ 37.6</u>	
5. All School Districts	\$214,446,000	X	.012	<u>\$ 26.0</u>	
				<u>\$ 63.6</u>	

REMARKS:

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST
 Bill/Resolution No. House Bill No. 376 (Revised)
 Title Allowing a retirement credit for certain leaves of absence
 Requested by House State Affairs Committee Date _____

II. FISCAL DETAIL
 Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Labor Services and Elementary & Secondary Education
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-01-02 (TRS) 02-11-8-02-01-00 (TRS MATCH)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)
EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
100 BENEFITS		37.1	40.8	44.9	49.4	54.3
TOTAL	-0-	37.1	40.8	44.9	49.4	54.3

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	-0-	37.1	40.8	44.9	49.4	54.3
FEDERAL FUNDS						
VETERAN'S FUND						
FISH & GAME FUND						
HIGHWAY FUND						
AIRPORT FUND						
CAPITAL FUND						
PERS						
TRS						

POSITIONS

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. This supersedes Fiscal Note on HB 376 dated 5/14/81.
2. Would increase TRS contribution rate by .024% of payroll to fund this bill.
3. Assume that one teacher vests each year who would not otherwise.

Paul S. Arnoldt
JC

IV. DATE 5/19/81 PREPARED BY Paul S. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Representative Mike Miller
 Office of the Governor (Keith Specking)

ATTACHMENT

Bill/Resolution No. HB 376 (Revised)

ASSUMPTIONS:

1. Estimated FY 82 Payroll (Total System) = \$261,775,000
2. State Contribution Rate to Fund Bill = .012%
3. State TRS Matching Rate to Fund Bill = .012%
4. School District Rate to Fund Bill = .012%

COST ANALYSIS:

<u>Employer</u>	<u>Payroll</u>		<u>Rate</u>	<u>Cost</u>	<u>Appropriation</u>
1. Department of Education	\$ 4,712,000	X	.012%	\$.6	To Their Budget
2. University of Alaska	42,617,000	X	.012%	\$ 5.1	To Their Budget
				\$ 5.7	
3. State TRS Matching	\$261,775,000	X	.012%	\$ 31.4	To TRS Match
4. State TRS Regular Budget:					
Personal Services				\$ -0-	To Personal
Travel				\$ -0-	To Travel
Contractual				\$ -0-	To Contractual
Commodities				\$ -0-	To Commodities
Equipment				\$ -0-	To Equipment
				\$ 37.1	
				\$ 37.1	
5. All School Districts	\$214,446,000	X	.012%	\$ 25.7	
				\$ 62.8	
				\$ 62.8	

REMARKS:

H B

3 8 8

COMMITTEE REPORT

HOUSE

FURTHER: FINANCE

3/25/81

(5)

Date: 5-15-81

Mr. Speaker:

The Committee on STATE AFFAIRS has had HB 388

"An Act relating to the Alaska National Guard and Alaska Naval Militia; and providing for an effective date."

under consideration and reports it back as follows:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for HB 388 same title
 new title
- and recommends CS HB 388 (S.A.) DO PASS
- AND attaches a "Letter of Intent" New Fiscal Note COMING
- reports it back without recommendation
- referred to the _____ Committee

MEMBERS SIGNING
DO PASS

[Signature]

[Signature]

[Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS:

[Signature]

CHAIRMAN

Changes made 15 May

Introduced: 3/25/81
Referred: State Affairs and
Finance

1 IN THE HOUSE

BY MILLER AND DUNCAN

2 HOUSE BILL NO. 388

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the Alaska National Guard and
7 Alaska Naval Militia; and providing for an effective
8 date."

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

10 * Section 1. AS 14.25.060(c) is amended to read:

11 (c) The total military service claimed may not exceed five years.
12 The total Alaska National Guard and Alaska Naval Militia service claimed
13 may not exceed five years. The combined total of outside, [AND] mili-
14 tary, and Alaska National Guard and Alaska Naval Militia service may
15 not exceed 10 years, except that, if entry into the armed forces is
16 immediately preceded by membership service and within one year after
17 discharge is continued by membership service, that service will not be
18 counted for purposes of determining the applicability of the 10-year
19 limitation on the combined total of outside, [AND] military, and Alaska
20 National Guard and Alaska Naval Militia service. The combined total of
21 outside, military, Alaska National Guard and Alaska Naval Militia, and
22 Alaska BIA service may not exceed 15 years.

23 * Sec. 2. AS 14.25.100(a) is amended to read:

24 (a) A member who served as an active member of the armed forces of
25 the United States may receive credited [CREDITABLE] service under this
26 system up to a maximum of five years. Each 12 months of military service
27 equals one school year, and lesser military periods will be determined
28 for credit purposes in a proportionate ratio to a year. To receive
29 credited [CREDITABLE] service under this section, the member must have

1 received a discharge other than dishonorable. Except as provided in (f)
2 of this section, credit [CREDIT] for service in the armed forces shall
3 be granted only if the member makes contributions for the service [IN
4 THE SAME MANNER AS REQUIRED FOR OUTSIDE SERVICE] under AS 14.25.060.
5 [THE MILITARY SERVICE CREDITED UNDER THIS SECTION SHALL BE INCLUDED IN
6 THE 10-YEAR LIMITATION OF OUTSIDE SERVICE AS SPECIFIED IN AS 14.25.060,
7 EXCEPT IF ENTRY INTO THE ARMED FORCES IS IMMEDIATELY PRECEDED BY ALASKA
8 MEMBERSHIP SERVICE AND FOLLOWING DISCHARGE IS CONTINUED BY ALASKA
9 MEMBERSHIP SERVICE WITHIN ONE YEAR THEREAFTER, SERVICE MAY NOT BE
10 COUNTED FOR PURPOSES OF DETERMINING THE APPLICABILITY OF THE 10-YEAR
11 LIMITATION ON OUTSIDE SERVICE.]

12 * Sec. 3. AS 14.25.100 is amended by adding a new subsection to read:

13 (f) Notwithstanding AS 14.25.060 and (a) of this section, a
14 member is not required to make contributions for credit for service in
15 the armed forces if the member is a member or former member of the
16 Alaska National Guard or Alaska Naval Militia, or a former member of
17 the Territorial Guard, and the military service claimed under this
18 section plus the Alaska National Guard, Alaska Naval Militia or Terri-
19 torial Guard service equals or exceeds 20 years.

20 * Sec. 4. AS 14.25 is amended by adding a new section to read:

21 Sec. 14.25.103. CREDIT FOR MEMBERSHIP IN THE ALASKA NATIONAL
22 GUARD AND ALASKA NAVAL MILITIA. (a) A member who is a member of the
23 Alaska National Guard or Alaska Naval Militia may receive credited
24 service under this system for all or a part of his credited service
25 under the Alaska National Guard and Alaska Naval Militia retirement
26 system (AS 26.05.222 - 26.05.227) by electing to forgo four months of
27 credited service under that retirement system for each month of service
28 credited under this system. Each 12 months of service credited under
29 this system equals one school year, and lesser periods will be deter-

1 mined for credit purposes in a proportionate ratio to a year.

2 (b) A member who is a former member of the Alaska National Guard
3 or Alaska Naval Militia with at least six years credited service under
4 the Alaska National Guard and Alaska Naval Militia retirement system
5 (AS 26.05.222 - 26.05.227) may receive credited service under (a) of
6 this section. If the member has received retirement benefits under the
7 Alaska National Guard and Alaska Naval Militia retirement system and
8 wishes to claim credited service with respect to the months for which
9 benefits have been paid, he is indebted to the retirement fund in the
10 amount of those benefits. Compound interest at the rate prescribed by
11 regulation adopted by the administrator shall be added to the arrearage
12 indebtedness beginning on the date the member received the first benefit
13 for which he is indebted to the retirement fund or July 1, 1980, which
14 ever is later, and continuing to the date of payment from the
15 retirement fund or the date of retirement, whichever occurs first.

16 (c) Except as provided in (b) of this section, a member is not
17 required to make contributions for credited service allowed under this
18 section.

19 (d) The credited service allowed under this section may not
20 exceed an aggregate period of five years.

21 (e) A member may not receive credited service under this section
22 if credit for membership in the Alaska National Guard or Alaska Naval
23 Militia was granted under the public employees' retirement system
24 (AS 39.35).

25 (f) In this section, "credited service under the Alaska National
26 Guard and Alaska Naval Militia retirement system" means the total
27 number of months that a person included in that system was a member of
28 the Territorial Guard, Alaska National Guard, or Alaska Naval Militia.

29 * Sec. 5. AS 14.25.226(10) is amended to read:

1 (10) "credited service" means all membership service as pro-
2 vided in (20) of this section, plus outside, military, Alaska National
3 Guard, Alaska Naval Militia, Territorial Guard, and BIA service not
4 exceeding 15 years, with outside, Alaska National Guard, Alaska Naval
5 Militia, Territorial Guard, and military service limited to 10 years
6 except under the conditions set out in AS 14.25.100;

7 * Sec. 6. AS 23.30 is amended by adding a new section to read:

8 Sec. 23.30.238. MEMBERS OF THE NATIONAL GUARD AND NAVAL MILITIA.

9 A member of the Alaska National Guard or Alaska Naval Militia while on
10 active duty for the state and lawfully performing his duties is an
11 employee of the state for the purposes of this chapter. Weekly compen-
12 sation for disability or death under this section may not be less than
13 the initial payment of compensation under AS 23.30.175.

14 * Sec. 7. AS 26.05.160(a) is amended to read: [Dept want deleted]

15 (a) The adjutant general of the state is appointed by the governor.
16 The governor shall prescribe the grade of the adjutant general which may
17 [SHALL] not exceed major general. The governor may appoint the adjutant
18 general from a list of not less than three eligible persons submitted by
19 the National Guard Advisory Board. To be eligible for appointment as
20 adjutant general, a person shall be a citizen of the state, ~~be~~ a member
21 of the Alaska National Guard with at least five years service, and hold
22 or have held a federally recognized field-grade commission. An adjutant
23 general who is appointed after December 1, 1982, before assuming his
24 duties, shall have completed the command and general staff course or its
25 equivalent and at least one additional course, either residential or
26 correspondence, at one of the war colleges operated by the United States
27 Department of Defense. However, if the person appointed adjutant gen-
28 eral after December 1, 1982, was a field grade officer of the Alaska
29 National Guard or Alaska Naval Militia before July 1, 1980, war college

1 study is not required. The adjutant general shall make returns and
2 reports to the Chief, National Guard Bureau, and to the governor or to
3 the officers designated by the Chief, National Guard Bureau, and the
4 governor, at the times and in the form prescribed.

5 * Sec. ~~8.7~~ AS 26.05 is amended by adding new sections to read:

6 Sec. 26.05.165. NATIONAL GUARD ADVISORY BOARD. ~~128~~ There is
7 established the National Guard Advisory Board, whose members are ap-
8 pointed by the governor and serve at his pleasure. The National Guard
9 Advisory Board is composed of

10 (1) an employee of the Department of Military Affairs who is
11 a member of the Alaska National Guard or Alaska Naval Militia;

12 (2) an officer in the Alaska Army National Guard, not em-
13 ployed by the Department of Military Affairs;

14 (3) an enlisted person in the Alaska Army National Guard,
15 not employed by the Department of Military Affairs;

16 (4) an officer in the Alaska Air National Guard, not employed
17 by the Department of Military Affairs;

18 (5) an enlisted person in the Alaska Air National Guard, not
19 employed by the Department of Military Affairs;

20 (6) two public members.

21 ~~(b) Members appointed under (a)(1) - (5) of this section shall be~~
22 ~~members of the Alaska National Guard Association or one of its subsidi-~~
23 ~~ary officer or enlisted associations.~~ cut

24 Sec. 26.05.166. TERM OF OFFICE. Members of the National Guard
25 Advisory Board shall be appointed for overlapping terms of three years.
26 A person appointed to fill a vacancy on the National Guard Advisory
27 Board shall serve for the remainder of the unexpired term.

28 Sec. 26.05.167. QUORUM. A majority of the membership of the
29 National Guard Advisory Board constitutes a quorum to transact the

1 business of the board, but a majority of the members of the board must
2 approve the list of persons recommended for appointment to the office
3 of the adjutant general under AS 26.05.160(a).

4 Sec. 26.05.168. TRANSPORTATION AND PER DIEM. Members of the
5 National Guard Advisory Board receive no compensation for their service
6 on the board but are entitled to the travel expenses and per diem pro-
7 vided in AS 39.20.180 when necessary to attend meetings of the board.

8 ~~Sec. 26.05.169. DUTIES. The National Guard Advisory Board shall~~ ^{may}

9 (1) submit lists of persons for the governor's consideration
10 under AS 26.05.160(a);

11 ~~(2) recommend to the governor policies concerning the admin- put~~
12 ~~istration and operation of the Alaska National Guard and the Alaska~~
13 ~~Naval Militia;~~ ^{receded to go in ad. Gen. SA}

14 ~~2 (3) recommend to the governor legislation that will enhance~~
15 ~~the recruitment, retention, and retirement programs for the Alaska~~
16 ~~National Guard and Alaska Naval Militia;~~

17 ~~3 (4) recommend to the governor basic force requirements and~~
18 ~~unit structuring for further recommendation to the National Guard~~
19 ~~Bureau which will enhance the efficiency of the militia.~~ ^{put}

20 * Sec. 9. AS 26.05.222 is amended to read:

21 Sec. 26.05.222. CREATION AND ADMINISTRATION OF ALASKA NATIONAL
22 GUARD AND ALASKA NAVAL MILITIA RETIREMENT SYSTEM. (a) There is estab-
23 lished an Alaska National Guard and Alaska Naval Militia retirement
24 system. The commissioner of administration shall administer the Alaska
25 National Guard and Alaska Naval Militia retirement system.

26 (L) The commissioner of administration may adopt regulations to
27 implement the Alaska National Guard and Alaska Naval Militia retirement
28 system. Regulations adopted by the commissioner under this subsection
29 relate to the internal management of state agencies and their adoption

1 is not subject to the Administrative Procedure Act (AS 44.62).

2 * Sec. 10. AS 26.05.223 is amended to read:

3 Sec. 26.05.223. COMMENCEMENT OF PARTICIPATION IN SYSTEM. A
4 member of the Alaska National Guard or Alaska Naval Militia shall be
5 included in this system upon commencement of membership in the Alaska
6 National Guard or Alaska Naval Militia [, OR ON JANUARY 1, 1973, WHICH-
7 EVER IS LATER, OR UPON COMMENCEMENT OF MEMBERSHIP IN THE ALASKA NAVAL
8 MILITIA OR ON JULY 1, 1980, WHICHEVER IS LATER].

9 * Sec. 11. AS 26.05.224(a)(1) is amended to read:

10 (1) upon voluntary retirement from the Alaska National Guard
11 or Alaska Naval Militia after a total of 20 years or more of satisfac-
12 tory service in the Alaska National Guard, Alaska Naval Militia, or
13 active military service in the armed forces of the United States, and
14 the reserves of them, or any combination of service in these components
15 [IF AT LEAST FIVE YEARS OF THE SERVICE IS IN THE ALASKA NATIONAL GUARD
16 OR ALASKA NAVAL MILITIA]; or

17 * Sec. 12. AS 26.05.224(b) is amended to read:

18 (b) The retirement pension is the amount of money that is
19 payable monthly under the Alaska longevity bonus program (AS 47.45.010).
20 The retirement pension shall be paid [\$100 A MONTH PAYABLE] for the
21 total [SAME] number of months that the member participated satisfac-
22 torily in the Alaska National Guard or Alaska Naval Militia.

23 * Sec. 13. AS 26.05.224(c) is amended to read:

24 (c) an eligible member or former member may elect to receive his
25 retirement pension beginning on the first day of the month in which he
26 becomes eligible for retirement, or the member or former member may
27 elect to defer payment to a later date. Payment of a deferred retire-
28 ment benefit may not begin until application for the benefit is filed
29 with and approved by the Department of Military Affairs. [DEFERRED

1 RETIREMENT PAYMENTS MUST BE MADE MONTHLY AT THE RATE OF \$100.]

2 * Sec. 14. AS 26.05.226(a) is amended to read:

3 (a) The Department of Military Affairs shall contribute to the
4 Alaska National Guard and Alaska Naval Militia retirement system the
5 amounts determined by the commissioner of administration as necessary
6 to

7 (1) fund the system based on the actuarial requirements of
8 the system as established by the commissioner of administration; and

9 (2) administer the system.

10 * Sec. 15. AS 26.05.227(3) is amended to read:

11 (3) "system" means the Alaska National Guard and Alaska
12 Naval Militia retirement system.

13 * Sec. 16. AS 26.05.260(c) is amended to read:

14 (c) A member [ENLISTED PERSONS] of the Alaska [ARMY NATIONAL
15 GUARD, AIR] National Guard or Alaska [AND] Naval Militia shall receive
16 for each day of active service for the state, under orders of the
17 governor, pay and allowances equal to those provided by federal laws
18 and regulations for members [ENLISTED PERSONS] of like grades of the
19 United States Army, United States Air Force and United States Navy,
20 plus compensation equal to the per diem allowance payable to a state
21 officer or employee at the location where the service is performed.

22 [HOWEVER, NO ENLISTED PERSON SHALL RECEIVE PAY AND ALLOWANCES OF LESS
23 THAN \$6 A DAY.]

24 * Sec. 17. AS 26.05.260 is amended by adding new subsections to read:

25 (h) A member of the Alaska National Guard or Alaska Naval Militia
26 who is injured or disabled while on active duty for the state and while
27 lawfully performing his duties, including transit to and from his home
28 of record, is entitled to the compensation and benefits available under
29 the Alaska Workers' Compensation Act (AS 23.30) for the injury or dis-

1 ability.

2 (i) If a member of the Alaska National Guard or Alaska Naval
3 Militia dies as a result of an injury or disability received while on
4 active duty for the state and while lawfully performing his duties,
5 including transit to and from his home of record, his designated bene-
6 ficiaries are entitled to receive death benefits allowed beneficiaries
7 under the Alaska Workers' Compensation Act (AS 23.30). In addition,
8 the Department of Military Affairs shall send to the beneficiaries,
9 within 15 days of receipt by the department of notice of the member's
10 death, a payment equal to six times the deceased member's monthly
11 salary as designated in (c) of this section, including special and
12 incentive pay, applicable on the date of the member's death. This
13 additional payment will be made only if (1) the death occurs on or
14 before the 120th day after the member's release from active duty ordered
15 by the governor, and (2) a state surgeon in the Alaska National Guard
16 or Alaska Naval Militia determines that the member's death resulted
17 from an injury or disability received during that active duty period.
18 The Department of Military Affairs shall also pay to the designated
19 beneficiaries the pay and allowances accrued but unpaid to the member
20 at the time of death within 15 days after the date of notice of his
21 death is received by the department. Persons are considered to be
22 designated beneficiaries when they are designated as beneficiaries in a
23 member's military personnel record file. If a member does not
24 designate a beneficiary, beneficiaries under this subsection shall be
25 determined in accordance with the Alaska Workers' Compensation Act
26 (AS 23.30).

27 * Sec. 18. AS 26.05.265 is amended to read:

28 Sec. 26.05.265. REENLISTMENT BONUS. (a) A bonus shall be paid
29 to an enlisted [A] person who, at the time his enlistment is completed,

1 reenlists or extends an enlistment in the Alaska National Guard or the
2 Alaska Naval Militia for six years. The bonus is \$3,000 payable in the
3 amount of \$1,000 at the satisfactory completion of the second year of
4 reenlistment or extension, \$1,000 at the satisfactory completion of the
5 fourth year, and \$1,000 at the satisfactory completion of the sixth
6 year. [A SUM EQUAL TO 10 DAYS OF BASIC PAY FOR EACH YEAR HE REENLISTS
7 OR EXTENDS HIS ENLISTMENT, COMPUTED ACCORDING TO A MEMBER'S GRADE AT
8 THE END OF EACH QUALIFYING YEAR AND PAYABLE AT THAT TIME. PAYMENT OF A
9 BONUS IS CONTINGENT UPON THE MEMBER SATISFACTORILY PARTICIPATING IN
10 UNIT TRAINING ACTIVITIES FOR THE YEAR FOR WHICH PAYMENT IS TO BE MADE.]

11 (b) A person who has a break in service of more than 30 days for-
12 feits his eligibility for a reenlistment bonus.

13 * Sec. 19. AS 26.05.296(a) is amended to read:

14 (a) To the extent funds are available, the adjutant general shall
15 authorize the payment of not more than 75 [50] percent of the cost of
16 tuition, books, and required fees for each active and retired [MALE OR
17 FEMALE] member of the Alaska National Guard or the Alaska Naval Militia
18 who attends an educational, vocational, or technical training school in
19 Alaska. Payments authorized under this section continue so long as (1)
20 the active member participates satisfactorily in unit training activi-
21 ties or the retired member is on the retired member list; and (2) the
22 member pursues the course of study in a manner acceptable to the school.

23 * Sec. 20. AS 26.05 is amended by adding a new section to read:

24 Sec. 26.05.297. ALASKA SENIOR RESERVE OFFICERS' TRAINING CORPS
25 SCHOLARSHIP PROGRAM (a) There is established in the Department of
26 Military Affairs an Alaska Senior Reserve Officers' Training Corps
27 scholarship program.

28 (b) Persons meeting the eligibility requirements of (c) of this
29 section may receive a scholarship equal to the cost of resident tuition,

1 fees, and books at the University of Alaska for each semester to the
2 extent money is available.

3 (c) To be eligible for a scholarship, a person must

4 (1) be enrolled as a full-time student at the University of
5 Alaska and qualify for resident tuition status;

6 (2) be participating in the Senior Reserve Officers' Training
7 Corps program at the University of Alaska for that semester;

8 (3) be a member of the Alaska National Guard or Alaska Naval
9 Militia;

10 (4) maintain a satisfactory standard of academic achievements
11 as prescribed by the adjutant general;

12 (5) meet all federal requirements for appointment as an
13 officer in the Alaska National Guard;

14 (6) agree in writing that he will accept an appointment, if
15 offered, as a commissioned officer in the Alaska National Guard or
16 Alaska Naval Militia and that he will serve in the Alaska National
17 Guard or Alaska Naval Militia for a period of time prescribed by the
18 adjutant general.

19 (d) A person receiving a scholarship under this section is ineli-
20 gible for benefits under AS 26.05.295 or 26.05.296.

21 * Sec. 21. AS 39.35.340 is amended by adding a new subsection to read:

22 (1) An employee is not required to make contributions for credited
23 service under this section if the employee is a member or former member
24 of the Alaska National Guard, Alaska Naval Militia, or the Territorial
25 Guard, with a total period of credited service of at least 20 years
26 when added to the military service claimed.

27 * Sec. 22. AS 39.35 is amended by adding a new section to read:

28 Sec. 39.35.345. CREDIT FOR MEMBERSHIP IN THE ALASKA NATIONAL
29 GUARD AND ALASKA NAVAL MILITIA. (a) A vested member who is a member

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1 of the Alaska National Guard or Alaska Naval Militia may receive
2 credited service under this system for all or any part of his credited
3 service under the Alaska National Guard and Alaska Naval Militia retire-
4 ment system (AS 26.05.222 - 26.05.227) by electing to forgo four months
5 of credited service under that retirement system for each month of
6 service credited under this system.

7 (b) A vested member who is a former member of the Alaska National
8 Guard or Alaska Naval Militia with at least six years credited service
9 under the Alaska National Guard and Alaska Naval Militia retirement
10 system (AS 26.05.222 - 26.05.227) may receive credited service under
11 (a) of this section. If the vested member has received retirement
12 pension benefits under the Alaska National Guard and Alaska Naval
13 Militia retirement system and wishes to claim credited service with
14 respect to months for which benefits have been paid, he is indebted to
15 this system in the amount of those benefits. Interest as prescribed by
16 regulation adopted by the administrator accrues on this indebtedness
17 beginning on the date the vested member received the first benefit for
18 which he is indebted to this system or July 1, 1980, whichever is
19 later. Any outstanding indebtedness which exists at the time a person
20 is appointed to retirement will necessitate an actuarial adjustment to
21 the benefits payable under this section.

22 (c) Except as provided in (b) of this section, an employee is not
23 required to make contributions for credited service allowed under this
24 section.

25 (d) The credited service allowed under this section may not
26 exceed an aggregate period of five years and may not be used to satisfy
27 the credited service requirements for normal or early retirement.

28 (e) An employee may not receive credited service under this sec-
29 tion if credit for membership in the Alaska National Guard or Alaska

1 Naval Militia was granted under AS 14.25.

2 (f) As used in this section, "credited service under the Alaska
3 National Guard and Alaska Naval Militia retirement system" means the
4 total number of months that a person included in that system was a
5 member of the Territorial Guard, Alaska National Guard, or Alaska Naval
6 Militia.

7 * Sec. 23. AS 26.05.260(b), (d), (e), (f), and (g) are repealed.

8 * Sec. 24. A person described in AS 14.25.100(f) added by sec. 3 of this
9 Act or in AS 39.35.340(1) added by sec. 21 of this Act who made contributions
10 for military service credit before the effective date of this Act is entitled
11 to a refund of those contributions.

12 * Sec. 25. The first appointees to the National Guard Advisory Board
13 established in AS 26.05.165 added by sec. 8 of this Act shall serve the
14 following terms: two for one-year terms; two for two-year terms; and three
15 for three-year terms.

16 * Sec. 26. A retired member or a deferred vested member on July 1, 1981,
17 is eligible for any increase in benefits resulting from the amendments to
18 AS 14.25 (teachers' retirement system) in secs. 1 - 5 of this Act.

19 * Sec. 27. A retired member or deferred vested member on July 1, 1981,
20 is eligible for any increase in benefits resulting from the amendments to
21 AS 39.35 (public employees' retirement system) in secs. 21 and 22 of this
22 Act.

23 * Sec. 28. A retired member of the Alaska National Guard or Alaska Naval
24 Militia on July 1, 1981, is eligible for any increase in the retirement
25 pension payable under AS 26.05.222 - 26.05.227 resulting from the amendments
26 to AS 26.05 (Alaska National Guard and Alaska Naval Militia retirement
27 system) in secs. 9 - 13 of this Act.

28 * Sec. 29. If a retired or former member eligible for a credit or refund
29 under secs. 4, 22, or 24 of this Act dies before June 30, 1981, his bene-

1 ficiary on July 1, 1981 shall receive those accrued benefits not received by
2 the deceased.

3 * Sec. 30. The amendments made to AS 26.05.265 in sec. 18 of this Act do
4 not apply to a person who was receiving state reenlistment bonus payments
5 under AS 26.05.265 for a reenlistment or extension approved before July 1,
6 1981.

7 * Sec. 31. This Act takes effect July 1, 1981.
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THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 388
Title An Act Relating to the Alaska National Guard
Requested by Representative Miller Date 5-13-81

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
Program Category Affected Labor Services
BRU, Program, or Subprogram(s) Affected 02-96-8-01-01 (PERS)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
100 BENEFITS		3,114.4	3,425.8	3,768.4	4,145.2	4,559.7
TOTAL	0	3,114.4	3,425.8	3,768.4	4,145.2	4,559.7

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND	2,550.6	2,805.6	3,086.3	3,395.0	3,734.4
FEDERAL FUNDS	143.3	157.6	173.3	190.7	209.7
VETERAN'S FUND	6.3	6.9	7.5	8.3	9.1
FISH & GAME FUND	18.7	20.5	22.6	24.8	27.4
HIGHWAY FUND	40.5	44.5	49.0	53.9	59.3
AIRPORT FUND	90.3	99.3	109.3	120.2	132.2
CAPITAL FUND	264.7	291.2	320.2	352.3	387.6
PERS					
TRS					

POSITIONS NONE

	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME					
PART TIME					
TEMPORARY					

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section II')

1. Estimate that approximately 50 PERS members have 20 years of military and Alaska National Guard service.
2. Estimate that approximately 200 PERS members have over 6 years of Alaska National Guard service.
3. To fund this bill, the State contribution rate would be increased by 1.05% of the FY82 covered payroll.
4. Estimate that the FY82 covered State PERS payroll to be \$296,614,000 increasing 10% annually.
5. The cost to political subdivisions is estimated to be approximately as follows:

FY 82	FY 83	FY 84	FY 85	FY 86
\$2673.9	\$2941.3	\$3235.4	\$3559.0	\$3914.9

IV. DATE 5-14-81 PREPARED BY Paul R. Arnoldt, Director
AGENCY Division of Retirement & Benefits
PHONE 465-4460

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) Representative Miller
Office of the Governor (Keith Specking)

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 388

Title An Act Relating to the Alaska National Guard

Requested by Representative Miller

Date 5-13-81

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits

Program Category Affected Labor Services and Elementary & Secondary Education

BRU, Program, or Subprogram(s) Affected 02-96-8-01-01-02 (TRS) 02-11-8-02-01-00 (TRS MATCH)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING		301.1	331.2	364.3	400.7	440.8
100 BENEFITS		53.4	58.7	64.6	71.1	78.2
TOTAL	0	354.5	389.9	428.9	471.8	519.0

FUNDING (Thousands of Dollars)

GENERAL FUND		354.5	389.9	428.9	471.8	519.0
FEDERAL FUNDS						
VETERAN'S FUND						
FISH & GAME FUND						
HIGHWAY FUND						
AIRPORT FUND						
CAPITAL FUND						
PERS						
TRS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate 5 teachers having 20 years of military or Alaska National Guard service.
2. Estimate 20 teachers having over 6 years of National Guard service.
3. To fund this bill, the TRS contribution rate would be increased by .23% of covered payroll (the TRS contribution rate is split 50/50 between the state matching contribution and the school district contribution).
4. Estimate FY 82 TRS covered payroll to be \$261,775,000 increasing 10% annually.

IV. DATE 5-14-81

PREPARED BY

Paul B. Arnoldt
Paul B. Arnoldt, Director

AGENCY

Division of Retirement & Benefits

PHONE

465-4460

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named) Representative Miller

Office of the Governor (Keith Specking)

THE LEGISLATURE OF THE STATE OF ALASKA
 TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. House Bill 388
 Title An Act Relating to the Alaska National Guard
 Requested by Representative Miller Date 5-13-81

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Labor Services
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-02-08 (NGRS)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
100 BENEFITS		1,202.2	1,202.2	1,202.2	1,202.2	1,202.2
TOTAL	0	1,202.2	1,202.2	1,202.2	1,202.2	1,202.2

FUNDING (Thousands of Dollars)

GENERAL FUND		1,202.2	1,202.2	1,202.2	1,202.2	1,202.2
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

IV. DATE 5-14-81 PREPARED BY Paul B. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 465-4460

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Representative Miller
 Office of the Governor

John A. Logan
CB

STATE OF ALASKA

JAY S. HAMMOND, Governor

DEPARTMENT OF MILITARY AFFAIRS

OFFICE OF THE ADJUTANT GENERAL

ROOM 610 MACKAY BUILDING
338 DENALI STREET
ANCHORAGE, ALASKA 99501
PHONE: (907) 243-0656 AUTOVON: 862-7210
Pouch L, Juneau, AK 99811

14 May 1981

Honorable Mike Miller, Chairman
House State Affairs Committee
Alaska House of Representatives
Juneau, Alaska 99801

Subject: House Bill 388

Dear Mr. Miller,

This is a position paper from the Department of Military Affairs - House Bill 388. Although this is not a Department Bill, we support legislation that will benefit Guard members. We have analyzed this bill and have addressed it by section in stating the Department's position.

Sections 1 through 6 pertain to the conversion of Alaska National Guard Service for retirement credit for school teachers. We have no objection to this proposal.

Section 7 imposes undue restrictions on the Governor's appointment of his Adjutant General. The Department strongly opposes this section as it would inhibit the Governor's prerogative to appoint the best qualified person. Our State Constitution is clear on this point and to alter it at this time would be an injustice to the Governor.

Section 8 proposes that a National Guard Advisory Board be established. The Department of Military Affairs also vigorously opposes this section as it would restrict the Governor, acting as the Commander-in-Chief, and the Adjutant General serving as his military commander, to handle the day-to-day affairs of the Department of Military Affairs.

Sections 9 - 11 became law in the last session of the Legislature.

Section 12 proposes that the retirement pension shall be the same amount as that paid under the Alaska Longevity program. We have no objection to this section.

Section 13 & 14 became law in the last session of the Legislature.

Section 15 is administrative in nature. We have no objection.

Honorable Mike Miller
Page 2

Section 16. We have no objection. It proposes that all members who are called to State Duty shall receive the applicable per diem, in addition to their military pay and allowances.

Section 17 proposes that all members of the Guard or Naval Militia called to State Duty would be covered by the Alaska Workmen's Compensation Act. We support this section. It appears in House Bill 243 and Senate Bill 54. Both are now in the House Finance Committee for approval.

Section 18. We support and is also found in House Bill 243 and Senate Bill 54.

Section 19 proposes to increase the tuition reimbursement program from 50% to 75%. We have no objection to this section.

Section 20. We have sponsored similiar legislation in the past and have no objection, and strongly support it.

Sections 21 - 27. We have no objection to these sections, as with sections 1 - 6.

Section 28 is administrative in nature. We have no objection.

Section 29. We have no objection.

Section 30. We support and is identical to our Department Bill 54, now in the House Finance Committee.

Sincerely yours,

Richard P. Compton
For LTC Henry A. Compton, Director
Recruiting & Retention Division
Department of Military Affairs

I. REQUEST

Bill/Resolution No. CS for House Bill No. 388 (State Affairs)

Title An Act Relating to the Alaska National Guard and Alaska Naval Militia

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits

Program Category Affected Labor Services

BRU, Program, or Subprogram(s) Affected 02-96-8-01-01 (PERS)

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 STATE TRS MATCHING						
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CAPITAL FUND		264.7	291.2	320.2	352.3	387.6
PERS						
TRS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate that approximately 50 PERS members have 20 years of military and Alaska National Guard service.
2. Estimate that approximately 200 PERS members have over 6 years of Alaska National Guard service.
3. To fund this bill, the State contribution rate would be increased by 1.05% of the FY 82 covered payroll.
4. Estimate that the FY 82 covered State PERS payroll to be \$296,614,000 increasing 10% annually.
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\$2673.9	\$2941.3	\$3235.4	\$3559.0	\$3914.9

Paul B. Arnoldt *AP*

IV. DATE 06-04-81

PREPARED BY _____

Paul B. Arnoldt, Director

AGENCY _____

Division of Retirement & Benefits

PHONE _____

465-4460

Original: Legislative Finance

cc: Budget and Management

Prime Sponsor (First Legislator Named)

Representative Miller

Office of the Governor (Keith Specking)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. CS for House Bill No. 388 (State Affairs)
 Title An Act Relating to the Alaska National Guard and Alaska Naval Militia
 Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits
 Program Category Affected Labor Services and Elementary & Secondary Education
 BRU, Program, or Subprogram(s) Affected 02-96-8-01-01-02 (TRS) 02-11-8-02-01-00 (TRS MATCH)
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
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200 TRAVEL						
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400 COMMODITIES						
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GENERAL FUND		354.5	389.9	428.9	471.8	519.0
FEDERAL FUNDS						
VETERAN'S FUND						
FISH & GAME FUND						
HIGHWAY FUND						
AIRPORT FUND						
CAPITAL FUND						
PERS						
TRS						

POSITIONS NONE

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Estimate 5 teachers having 20 years of military or Alaska National Guard service.
2. Estimate 20 teachers having over 6 years of National Guard service.
3. To fund this bill, the TRS contribution rate would be increased by .23% of covered payroll (the TRS contribution rate is split 50/50 between the state matching contribution and the school district contribution).
4. Estimate FY 82 TRS covered payroll to be \$261,775,000 increasing 10% annually.

Paul E. Arnoldt

IV. DATE 06-04-81 PREPARED BY Paul E. Arnoldt, Director
 AGENCY Division of Retirement & Benefits
 PHONE 455-4460
 Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named) Representative Miller
 Office of the Governor (Keith Specking)

ATTACHMENT

Bill/Resolution No. CSHB No. 388
(State Affairs)ASSUMPTIONS:

1. Estimated FY82 Payroll (Total System)	=	\$261,775,000
2. State Contribution Rate to Fund Bill	=	.115%
3. State TRS Matching Rate to Fund Bill	=	.115%
4. School District Rate to Fund Bill	=	.115%

COST ANALYSIS:

<u>Employer</u>	<u>Payroll</u>		<u>Rate</u>	<u>Cost</u>	<u>Appropriation</u>
1. Department of Education	\$ 4,712,000	X	.115%	\$ 5.4	To Their Budget
2. University of Alaska	\$ 42,617,000	X	.115%	\$ 49.0	To Their Budget
				\$ 53.4	
3. State TRS Matching	\$261,775,000	X	.115	\$ 301.1	To TRS Match
4. State TRS Regular Budget:					
Personal Services				\$ -0-	To Personal
Travel				\$ -0-	To Travel
Contractual				\$ -0-	To Contractual
Commodities				\$ -0-	To Commodities
Equipment				\$ -0-	To Equipment
				<u>\$354.5</u>	
5. All School Districts	\$214,446,000	X	.115	<u>\$246.6</u>	
				<u>\$601.1</u>	

REMARKS:

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

Page 4 of 4

I. REQUEST

Bill/Resolution No. CS for House Bill No. 388 (State Affairs)
Title An Act Relating to the Alaska National Guard and Alaska Naval Militia
Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement and Benefits
Program Category Affected Labor Services
BRU. Program. or Subprogram(s) Affected 02-96-8-01-02-08 (NGRS)
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
100 BENEFITS		1,803.0	1,803.0	1,803.0	1,803.0	1,803.0
TOTAL	0	1,803.0	1,803.0	1,803.0	1,803.0	1,803.0

FUNDING (Thousands of Dollars)

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
GENERAL FUND		1,803.0	1,803.0	1,803.0	1,803.0	1,803.0
FEDERAL FUNDS						
OTHER (Specify Fund Source)						

POSITIONS NONE

	FY 81	FY 82	FY 83	FY 84	FY 85	FY 86
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

1. Additional costs are the result of increasing retirement benefits for National Guard retirees from \$100 per month to \$250 per month which is the amount currently payable under the Alaska longevity bonus program.

Paul B. Arnoldt

IV. DATE 06-04-81 PREPARED BY Paul B. Arnoldt, Director
AGENCY Division of Retirement and Benefits
PHONE 465-4460
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named) Representative Miller

Duncan & Miller HB 388	Survey on SB 74	Bradley, Hohman, Kelley SB 262	Governor's & Fuller's Bill HB 243 & SB 54	
Sec. 1-5; 26-29 Option 4 years for 1 Teacher's Retirement Sec. 21-22; Sec. 23 Repealers Ditto Public Employees	For 511 Against 142 ----- Member of Retirement System 142 Non-members 510	Sec. 8 compares to Sec. 2 except adds "after 31 Dec 39" Sec. 9 same as Sec. 3 Sec. 10 " " Sec. 4 Sec. 11 " " Sec. 1 Sec. 12 " " Sec. 21 Sec. 13 " " Sec. 22 Except interest from 1981 versus 1980 Sec. 14 " " Sec. 23	Not Covered Sec. 8 same as Sec. 23 Repealers	
Sec. 6. State Active Duty Status Add employee for disability and death benefits	Not specific in survey		Sec. 2 same as Sec. 6	
Sec. 7. Require Adjutant General upon appointment: 5 yrs Alaska Guard Hold Federal Grade Complete C&G Staff and War College	For 573 Against 120			
Sec. 8; 25 National Guard Advisory Board Established	For 615 Against 62			
Sec. 9,10,11,14,15 Adds Naval Militia to definition retirement	In old Bill SB 74	Sec. 1, Sec. 2 change 69 to 71? Balance same as Sec. 11	Sec. 4 same as Sec. 15	
Sec. 12 & 13 Index monthly retirement program to Alaska Longevity Bonus	For 629 Against 38 Stated as an increase to \$125	Do not index to AS 47.45.010 per Sec. 12		

<p>Sec. 16: Pay basic Fed Pay & Allowances plus state per diem area where state active duty performed</p>	<p>In old bill SB 74</p>	<p>Sec. 5 same as 16 Sec. HB 388</p>	<p>Sec. 1 just basic Fed Pay & Allowances not less than \$65.00 indexed: Note lowest state per diem is now \$60.00</p>	
<p>Sec. 17 provides Alaska's Workmen's Compensation (AS 23.30) for injury or disability to and from Active duty</p>	<p>In old bill SB 74</p>	<p>Sec. 6 same as Sec. 17</p>	<p>Sec. 2 & 3 (Abbreviated)</p>	
<p>Sec. 18, 30 State Dept. Reenlistment Bonus Program</p>			<p>Sec. 5 same as Sec. 18 Sec. 7 same as Sec. 30</p>	
<p>Sec. 19 Ed support 75% (Increase from 50%) Includes books add retired members</p>	<p>Better Benefits For 666 Against 43</p>		<p>Sec. 6 only adds retired members</p>	
<p>Sec. 20 establish Senior ROTC Program</p>		<p>Sec. 7 same as Sec. 20</p>		
<p>Sec. 29 provides benefits to survivors under Sec. 26, 27, 28, 29</p>		<p>Sec. 15 same as Sec. 26 Sec. 16 " " Sec. 27 Omits survivors of persons died Sec. 29</p>		
		<p>Sec. 1 definition same Sec. 3 Aids "regardless of whether he filed an application - etc AS 26.05.224 (d) Sec. 4. Earlier service covers all former guardsmen eliminates Jan 1, 69 restriction</p>		

Sec. 24 provides refund to those who bought in military

Omitted

For SB 74 in general 581

Against " " " 34