



# LAWS OF ALASKA

1968

Source

SB 299

Chapter No.

77

## AN ACT

Entering into the National Guard Mutual Assistance Compact.

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

\* Section 1. AS 26 is amended by adding a new chapter to read:

#### CHAPTER 25. NATIONAL GUARD MUTUAL ASSISTANCE COMPACT.

Sec. 26.25.010. ENTRY INTO COMPACT. The National Guard Mutual Assistance Compact is enacted into law and entered into on behalf of the State of Alaska with all other states and jurisdictions legally joining in it in a form substantially as contained in sec. 20 of this chapter.

Sec. 26.25.020. TERMS AND PROVISIONS OF COMPACT. The terms and provisions of the compact referred to in sec. 10 of this chapter are as follows:

#### ARTICLE I. PURPOSES.

The purposes of this compact are to:

(1) provide for mutual aid among the party states in the utilization of the National Guard to cope with emergencies;

(2) permit and encourage a high degree of flexibility in the deployment of National Guard forces in the interest of efficiency;

(3) maximize the effectiveness of the National Guard in those situations which call for its utilization under this compact;

(4) provide protection for the rights of National Guard personnel when serving in other states on emergency duty.

ARTICLE II. ENTRY INTO FORCE AND WITHDRAWAL.

(a) This compact shall enter into force when enacted into law by any two states. Thereafter, this compact becomes effective as to any other state upon its enactment.

(b) A party state may withdraw from this compact by enacting a statute repealing it, but the withdrawal does not take effect until one year after the governor of the withdrawing state has given notice in writing of such withdrawal to the governors of all other party states.

ARTICLE III. MUTUAL AID.

(a) As used in this article:

(1) "emergency" means an occurrence or condition, temporary in nature, in which police and other public safety officials and locally available National Guard forces are, or may reasonably be expected to be, unable to cope with substantial and imminent danger to the public safety;

(2) "requesting state" means the state whose governor requests assistance in coping with an emergency;

(3) "responding state" means the state furnishing aid, or requested to furnish aid.

(b) Upon request of the governor of a party state for assistance in an emergency, the governor of a responding state shall have authority under this compact to send outside the borders of his state and place under the temporary command of the appropriate National Guard or other military authorities of the requesting state all or any part of the National Guard forces of his state as he may consider necessary, and the exercise of his discretion in this regard shall be conclusive.

(c) The governor of a party state may withhold the National Guard forces of his state from such use and recall any forces or part or member of forces previously deployed in a requesting state.

(d) Whenever National Guard forces of a party state are engaged in another state in carrying out the purposes of this compact, the members thereof so engaged shall have the same powers, duties, rights, privileges and immunities as members of National Guard forces in such other state. The requesting state shall save members of the National Guard forces of responding states harmless from civil liability for acts or omissions in good faith which occur in the performance of their duty while engaged in carrying out the purposes of this compact, whether the responding forces are serving the requesting state within its borders or are in transit to or from such service.

(e) Subject to the provisions of (f), (g) and (h) of this article, all liability that may arise under the laws of the requesting state, the responding state, or a third

state on account of or in connection with a request for aid, shall be assumed and borne by the requesting state.

(f) A responding state rendering aid under this compact shall be reimbursed by the requesting state for loss or damage to, or expense incurred in the operation of any equipment answering a request for aid, and for the cost of the materials, transportation and maintenance of National Guard personnel and equipment incurred in connection with the request: provided, that nothing in the compact shall prevent a responding state from assuming the loss, damage, expense or other cost.

(g) Each party state shall provide, in the same amounts and manner as if they were on duty inside their state, for the pay and allowances of the personnel of its National Guard units while engaged outside the state under this compact and while going to and returning from such duty under this compact. Such pay and allowances shall be considered items of expense reimbursable under (f) of this article by the requesting state.

(h) Each party state providing for the payment of compensation and death benefits to injured members and the representatives of deceased members of its National Guard forces in case such members sustain injuries or are killed inside their own state, shall provide for the payment of compensation and death benefits in the same manner and on the same terms in case such members sustain injury or are killed while rendering aid pursuant to this compact. Such compensation and death benefits shall be considered items of expense reimbursable under (f) of this article.

#### ARTICLE IV. DELEGATION.

Nothing in this compact may be construed to prevent the governor of a party state from delegating any of his responsibilities or authority respecting the National Guard, provided that the delegation is otherwise in accordance with law. For purposes of this compact, however, the governor may not delegate the power to request assistance from another state.

#### ARTICLE V. LIMITATIONS.

Nothing in this compact may:

(1) expand or add to the functions of the National Guard, except with respect to the jurisdictions within which the functions may be performed;

(2) authorize or permit National Guard units to be placed under the field command of a person not having the military or National Guard rank or status required by law for the field command position in question.

#### ARTICLE VI. CONSTRUCTION AND SEVERABILITY.

This compact shall be liberally construed so as to effectuate its purposes. The provisions of this compact shall be severable and if a phrase, clause, sentence

or provision of this compact is declared to be contrary to the constitution of any state or of the United States or its applicability to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and its applicability to any government, agency, person or circumstance shall not be affected thereby. If this compact shall be held contrary to the constitution of any state participating herein, the compact shall remain in full force and effect as to the remaining party states and in full force and effect as to the state affected as to all severable matters.

Sec. 26.25.030. RIGHTS AND BENEFITS. In accordance with Article III(h) of the National Guard Mutual Assistance Compact, members of the National Guard forces of this state shall be considered to be in state service at all times when engaged under this compact, and shall be entitled to all rights and benefits provided under AS 26.-05.260.