

SENATE BILL NO. 238

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 2/2/00

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to payment, benefits, and work status of members in the active
2 service of the Alaska State Militia; and providing for an effective date."

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

4 * **Section 1.** AS 26.05.260(d) is amended to read:

5 (d) A member of the organized militia who, while performing duties under
6 AS 26.05.070, including transit to and from the member's home of record, suffers an
7 injury or disability in the line of duty is entitled to all compensation and benefits
8 available under AS 23.30 (Alaska Workers' Compensation Act). **For a member of**
9 **the Alaska State Militia, compensation and benefits under this subsection are**
10 **provided as though the member was a state employee.**

11 * **Sec. 2.** AS 26.05.260(e) is amended to read:

12 (e) If a member of the organized militia dies as a result of an injury or
13 disability suffered in the line of duty while performing duties under AS 26.05.070,
14 including transit to and from the member's home of record, death benefits shall be

1 paid to the persons in the amounts specified in AS 23.30.215. **For a member of the**
 2 **Alaska State Militia, the death benefits under this subsection are provided as**
 3 **though the member was a state employee.**

4 * **Sec. 3.** AS 26.05.260(h) is amended to read:

5 (h) For purposes of computation of benefits under AS 23.30,

6 (1) the earnings of a member of the **Alaska National Guard or Alaska**
 7 **Naval Militia** [ORGANIZED MILITIA] will be presumed to be no less than the pay
 8 and allowances authorized for a member of the regular armed forces of the United
 9 States in the same grade or rank as the **Alaska National Guard or Alaska Naval**
 10 **Militia** [ORGANIZED MILITIA] member at the time of the injury or death;

11 (2) **the earnings of a member of the Alaska State Militia will be**
 12 **presumed to be equal to the pay and allowances authorized by (j) of this section**
 13 **for the duties being performed by the member while on active state service at the**
 14 **time of the injury or death; if the member of the Alaska State Militia did not**
 15 **receive pay or allowances authorized under (j) of this section, the earnings of the**
 16 **member will be presumed to be no less than the pay and allowances authorized**
 17 **for a member of the regular armed forces of the United States in the same grade**
 18 **or rank as the Alaska State Militia member at the time of the injury or death.**

19 * **Sec. 4.** AS 26.05.260(i) is amended to read:

20 (i) In this section "member" means an active commissioned or warrant officer
 21 or enlisted man or woman in the **Alaska National Guard or Alaska Naval Militia,**
 22 **or a volunteer serving in the active service of the Alaska State Militia**
 23 [ORGANIZED MILITIA].

24 * **Sec. 5.** AS 26.05.260 is amended by adding new subsections to read:

25 (j) When active state service is authorized by the governor, or by the adjutant
 26 general as the governor's designee, members of the Alaska State Militia are entitled
 27 to receive, for each day of active service under AS 26.05.070, pay and allowances as
 28 provided in this subsection. Pay shall be equal to that provided under AS 39.27.011 -
 29 39.27.020 for equivalent assignments of state officials or employees, including
 30 adjustments under AS 39.27.025, if applicable. Allowances shall be paid to the same
 31 extent, in the same manner, and under the same conditions as provided for state

1 officials and employees under AS 39.20.110 - 39.20.170. However, pay or allowances
2 are not authorized for training or community service activities of members of the
3 Alaska State Militia.

4 (k) Members of the Alaska State Militia are not state employees.
5 Compensation and benefits under AS 23.30 provided for in (d), (e), and (h) of this
6 section for members of the Alaska State Militia are provided as though the member
7 was a state employee. Members of the Alaska State Militia are entitled to pay and
8 other benefits only as provided in this section. Nothing in this section entitles a
9 member of the Alaska State Militia to retirement benefits.

10 * **Sec. 6.** This Act takes effect immediately under AS 01.10.070(c).