

HOUSE BILL NO. 326

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

BY THE HOUSE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 1/17/08

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

A BILL

FOR AN ACT ENTITLED

1 "An Act authorizing the governor to delegate to the adjutant general the authority to
2 order the organized militia into active state service and authorizing the payment of
3 Alaska National Guard called into active state service to fight wildfires at rates of pay
4 established for certain emergency fire-fighting personnel; and providing for an effective
5 date."

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

7 * **Section 1.** AS 26.05.070 is amended to read:

8 **Sec. 26.05.070. Governor may order organized militia into active state**
9 **service.** In the event of war, disaster, insurrection, rebellion, tumult, catastrophe,
10 invasion, or riot; or if a mob or body of men act together by force with intent to
11 commit a felony or to offer violence to persons or property, or by force and violence to
12 break and resist the laws of the state, or the United States; or in the case of imminent
13 danger of the occurrence of any of these events; or whenever responsible civil

1 authorities fail to preserve law and order, or protect life and property, or the governor
 2 believes that failure is imminent, the governor may order the organized militia or any
 3 part of it, into active state service to execute the laws and to perform duties in
 4 connection with them that the governor considers proper. Whenever any portion of the
 5 militia is ordered into active state service by the governor, it becomes an additional
 6 police force, retaining its separate entity and operating at all times as a military
 7 organization under military command, with power to cooperate with but not to
 8 supersede the existing civilian law enforcement officers whenever possible, for the re-
 9 establishment of law and order and for the protection of life and property. The
 10 governor may also order members of the organized militia to active state service, with
 11 their consent, for the purpose of training or for full-time duty with the office of the
 12 adjutant general. **The governor may delegate authority to order the organized**
 13 **militia or any part of it, into active state service under this section to the adjutant**
 14 **general.**

15 * **Sec. 2.** AS 26.05.260(b) is amended to read:

16 (b) Members of the Alaska National Guard and Alaska Naval Militia are
 17 entitled to receive, for each day of active service under AS 26.05.070, pay equal to
 18 200 percent of the minimum daily basic pay provided by federal laws and regulations
 19 for members of equivalent grades of the United States armed forces, **except that the**
 20 **adjutant general and the commissioner of natural resources may agree that**
 21 **specified classifications of Alaska National Guard personnel called to active state**
 22 **service to fight wildfires shall be paid at rates established for emergency fire-**
 23 **fighting personnel in accordance with AS 41.15.030.** [HOWEVER, A MEMBER
 24 MAY NOT RECEIVE LESS THAN \$105 PER DAY FOR ACTIVE SERVICE
 25 PERFORMED DURING THE FISCAL YEAR ENDING JUNE 30, 2000.] For fiscal
 26 years beginning after June 30, 2000, the minimum payment of \$105 shall be increased
 27 one percent for each percent increase in the consumer price index for Anchorage,
 28 Alaska, as determined by the United States Department of Labor, Bureau of Labor
 29 Statistics, not to exceed an annual increase of four percent. The increase, if any, takes
 30 effect not more than 30 days after the release of the consumer price index. The
 31 consumer price index that is published immediately after July 1, 1999, is the reference

1 base index.

2 * **Sec. 3.** This Act takes effect immediately under AS 01.10.070(c).