

HOUSE BILL NO. 279

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FIRST LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE SHAW

Introduced: 2/24/20

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

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the organized militia; and relating to the authority of the adjutant
2 general."

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

4 * Section 1. AS 26.05.060 is amended to read:

5 **Sec. 26.05.060. Control and command of the organized militia [ALASKA**
6 **NATIONAL GUARD AND ALASKA NAVAL MILITIA]. The governor, by**
7 **virtue of this office, is the commander in chief [AS EX OFFICIO COMMANDER]**
8 **of the militia of the state. The governor's command is exercised through the**
9 **adjutant general, who shall carry out the policies of the governor in military**
10 **affairs. The adjutant general represents the governor and shall act in conformity**
11 **with the governor's instructions. The adjutant general shall exercise control and**
12 **command of the military department of the state. The adjutant general shall**
13 **adopt regulations that provide for the organization, administration, and**
14 **equipment of the organized militia that are not contrary to federal law or**

1 **regulations** [HAS COMMAND OF THE ALASKA NATIONAL GUARD AND
 2 THE ALASKA NAVAL MILITIA WHILE THEY ARE NOT IN ACTIVE
 3 FEDERAL SERVICE. THE GOVERNOR MAY ADOPT NECESSARY
 4 REGULATIONS FOR THEM]. The Alaska National Guard and the Alaska Naval
 5 Militia and their members are subject to all federal laws and regulations relating to the
 6 National Guard and Naval Militia of the several states and territories and of the United
 7 States.

8 * **Sec. 2.** AS 26.05.070 is amended to read:

9 **Sec. 26.05.070. Orders for [GOVERNOR MAY ORDER] organized**
 10 **militia into active state service.** In the event of war, disaster, insurrection, rebellion,
 11 tumult, catastrophe, wildland fire, invasion, or riot; or if a mob or body of men act
 12 together by force with intent to commit a felony or to offer violence to persons or
 13 property, or by force and violence to break and resist the laws of the state, or the
 14 United States; or in the case of imminent danger of the occurrence of any of these
 15 events; or whenever responsible civil authorities fail to preserve law and order, or
 16 protect life and property, or the governor believes that failure is imminent, the
 17 governor may order the organized militia or any part of it, into active state service to
 18 execute the laws and to perform duties in connection with them that the governor
 19 considers proper. Whenever any portion of the militia is ordered into active state
 20 service by the governor, it becomes an additional police force, retaining its separate
 21 entity and operating at all times as a military organization under military command,
 22 with power to cooperate with but not to supersede the existing civilian law
 23 enforcement officers whenever possible, for the re-establishment of law and order and
 24 for the protection of life and property. The governor may also order members of the
 25 organized militia to active state service, with their consent, for the purpose of training
 26 or for full-time duty with the office of the adjutant general. [IN THE EVENT OF
 27 WILDLAND FIRE, THE GOVERNOR MAY DELEGATE TO THE ADJUTANT
 28 GENERAL THE GOVERNOR'S AUTHORITY UNDER THIS SECTION TO
 29 ORDER SOME OR ALL OF THE ORGANIZED MILITIA INTO ACTIVE STATE
 30 SERVICE TO FIGHT WILDLAND FIRE. IN THIS SECTION, "WILDLAND FIRE"
 31 INCLUDES THE UNCONTROLLED BURNING OF GRASS, BRUSH, TIMBER,

1 AND OTHER VEGETATIVE MATERIAL.]

2 * **Sec. 3.** AS 26.05.070 is amended by adding new subsections to read:

3 (b) In the event of wildland fire, earthquake, flooding, or other natural
4 catastrophe, or under imminently serious conditions where time or circumstance does
5 not permit approval from the governor, the adjutant general may provide an immediate
6 response by temporarily ordering members of the organized militia into active state
7 service or otherwise employing the resources under its control, subject to any
8 supplemental direction by the governor, to save lives, prevent human suffering, or
9 mitigate great property damage in the state.

10 (c) The adjutant general shall make reasonable and continuous efforts to
11 contact the governor for approval of any orders issued under this section.

12 (d) If the adjutant general exercises the authority under (b) of this section, but
13 does not receive the governor's approval under (c) of this section, the adjutant general
14 shall reassess whether there remains a continued need for an organized militia
15 response as soon as practicable, but not later than 72 hours after the order under (b) of
16 this section was given.

17 (e) The adjutant general may order members of the organized militia to active
18 state service, with their consent, for full-time duty with the office of the adjutant
19 general.

20 (f) In this section, "wildland fire" includes the uncontrolled burning of grass,
21 brush, timber, and other vegetative material.

22 * **Sec. 4.** AS 26.05.080 is amended to read:

23 **Sec. 26.05.080. Decision of governor final.** Whenever any portion of the
24 militia is ordered to duty by the governor, the decision of the governor in this matter is
25 final. **Whenever any portion of the militia is ordered to duty by the adjutant**
26 **general, the decision is subject to review by the governor.**

27 * **Sec. 5.** AS 26.05.660 is amended to read:

28 **Sec. 26.05.660. Delegation by the governor.** The governor may delegate any
29 authority vested in the governor under the code of military justice, and provide for the
30 subdelegation of the authority, except the powers given to the governor by
31 **AS 26.05.450** [AS 26.05.170 AND 26.05.450].

1 * **Sec. 6.** AS 26.05.170, 26.05.260(m)(2), and 26.05.340(d) are repealed.