

Introduced: 2/7/68
Referred: State Affairs
& Finance

1 IN THE SENATE

BY THE RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 299

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act entering into the National Guard Mutual
7 Assistance Compact."

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

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

10 CHAPTER 25. NATIONAL GUARD MUTUAL ASSISTANCE COMPACT

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

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

19 ARTICLE I. PURPOSES.

20 The purposes of this compact are to:

- 21 (1) Provide for mutual aid among the party states in the
22 utilization of the National Guard to cope with emergencies.
23 (2) Permit and encourage a high degree of flexibility in
24 the deployment of National Guard forces in the interest of efficiency.
25 (3) Maximize the effectiveness of the National Guard in
26 those situations which call for its utilization under this compact.
27 (4) Provide protection for the rights of National Guard
28 personnel when serving in other states on emergency duty.

29 ARTICLE II. ENTRY INTO FORCE AND WITHDRAWAL.

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

4 (b) Any party state may withdraw from this compact by enacting
5 a statute repealing the same, but no such withdrawal shall take effect
6 until one year after the governor of the withdrawing state has
7 given notice in writing of such withdrawal to the governors of all
8 other party states.

9 ARTICLE III. MUTUAL AID.

10 (a) As used in this article:

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

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

18 (3) "Responding state" means the state furnishing aid,
19 or requested to furnish aid.

20 (b) Upon request of the governor of a party state for assistance
21 in an emergency, the governor of a responding state shall have
22 authority under this compact to send without the borders of his state
23 and place under the temporary command of the appropriate National
24 Guard or other military authorities of the requesting state all or
25 any part of the National Guard forces of his state as he may deem
26 necessary, and the exercise of his discretion in this regard shall
27 be conclusive.

28 (c) The governor of a party state may withhold the National
29 Guard forces of his state from such use and recall any forces or part

1 or member thereof previously deployed in a requesting state.

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

13 (e) Subject to the provisions of paragraphs (f), (g) and (h)
14 of this article, all liability that may arise under the laws of the
15 requesting state, the responding state, or a third state on account
16 of or in connection with a request for aid, shall be assumed and
17 borne by the requesting state.

18 (f) Any responding state rendering aid pursuant to this compact
19 shall be reimbursed by the requesting state for any loss or damage
20 to, or expense incurred in the operation of any equipment answering
21 a request for aid, and for the cost of the materials, transportation
22 and maintenance of National Guard personnel and equipment incurred
23 in connection with such request: provided, that nothing herein
24 contained shall prevent any responding state from assuming such
25 loss, damage, expense or other cost.

26 (g) Each party state shall provide, in the same amounts and
27 manner as if they were on duty within their state, for the pay and
28 allowances of the personnel of its National Guard units while engaged
29 without the state pursuant to this compact and while going to and

1 returning from such duty pursuant to this compact. Such pay and
2 allowances shall be deemed items of expense reimbursable under
3 paragraph (f) by the requesting state.

4 (h) Each party state providing for the payment of compensation
5 and death benefits to injured members and the representatives of
6 deceased members of its National Guard forces in case such members
7 sustain injuries or are killed within their own state, shall provide
8 for the payment of compensation and death benefits in the same
9 manner and on the same terms in case such members sustain injury or
10 are killed while rendering aid pursuant to this compact. Such
11 compensation and death benefits shall be deemed items of expense
12 reimbursable pursuant to paragraph (f) of this article.

13 ARTICLE IV. DELEGATION.

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

20 ARTICLE V. LIMITATIONS.

21 Nothing in this compact shall:

22 (1) Expand or add to the functions of the National Guard,
23 except with respect to the jurisdictions within which such functions
24 may be performed.

25 (2) Authorize or permit National Guard units to be placed
26 under the field command of any person not having the military or
27 National Guard rank or status required by law for the field command
28 position in question.

29 ARTICLE VI. CONSTRUCTION AND SEVERABILITY.

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This compact shall be liberally construed so as to effectuate the purposes thereof. The provisions of this compact shall be severable and if any 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 the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this compact and the applicability thereof 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 deemed to be in state service at all times when engaged pursuant to this compact, and shall be entitled to all rights and benefits provided under AS 26.05.260.