

Introduced: 1/20/70
Referred: State Affairs
and Judiciary

1 IN THE HOUSE

BY BEIRNE

2 HOUSE BILL NO. 492

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to women in the Alaska Militia."

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

8 * Section 1. AS 26.05.010 is amended to read:

9 Sec. 26.05.010. ALASKA MILITIA ESTABLISHED. The militia of the
10 state consists of all able-bodied [MALE] citizens of the United States
11 and all other able-bodied persons [MALE] who have declared their
12 intentions to become citizens of the United States, who reside in the
13 state, [ARE 17 YEARS OF AGE OR OLDER AND UNDER 60,] and who are
14 between the ages of 17 and 59 years, inclusive, and are eligible for
15 [NOT EXEMPT FROM] military service under the laws of the United States
16 or this state.

17 * Sec. 2. AS 26.05.140 is amended to read:

18 Sec. 26.05.140. SUITS AGAINST OFFICERS AND ENLISTED PERSONNEL
19 [MEN]. Members of the militia ordered into active service for the
20 state by order of the governor are not liable civilly or criminally
21 for any act done by them in their official capacity while on such
22 service. If a suit is commenced in a court against an officer or
23 enlisted personnel [MAN] of the militia as a result of an act done
24 by the officer or enlisted personnel [MAN] in his official capacity
25 while in active service, the defendant may require the person
26 instituting the suit to give security for the payment of costs. If
27 judgment is for the defendant, treble costs shall be assessed against
28 the plaintiff. The defendant in the action shall be defended by the
29 attorney general at the expense of the state but the defendant may

1 employ private counsel.

2 * Sec. 3. AS 26.05.180(b) is amended to read:

3 (b) The adjutant general may appoint necessary officers, enlisted
4 personnel [MEN,] and civilian employees to the headquarters staff.

5 * Sec. 4. AS 26.05.220 is amended to read:

6 Sec. 26.05.220. RETIRED LIST. Every commissioned officer and
7 enlisted personnel [MAN] upon reaching the maximum age prescribed for
8 active duty by appropriate regulations and every commissioned officer
9 or enlisted personnel [MAN] who is disabled or incapacitated for
10 active duty through no fault or dereliction of his own, and every
11 commissioned officer or enlisted personnel [MAN] who serves honorably
12 with the Alaska National Guard in any capacity and is unable to perform
13 further active duty due to limitations imposed by appropriate
14 regulations may be placed upon the retired list upon recommendation
15 by the adjutant general and approval of the governor.

16 * Sec. 5. AS 26.05.240 is amended to read:

17 Sec. 26.05.240. ENLISTED PERSONNEL [MEN]. Any able-bodied
18 person [MAN] of good character who is a citizen of the United States
19 or has declared his intention of becoming a citizen is eligible for
20 enlistment in the National Guard at such ages and for such periods of
21 time as are prescribed in federal or state regulations in effect at
22 time of enlistment.

23 * Sec. 6. AS 26.05.250 is amended to read:

24 Sec. 26.05.250. DISCHARGES. An enlisted person [MAN] who is
25 discharged from service in the organized militia of the state shall
26 receive a notice of discharge in writing in the form and classification
27 prescribed by state law or regulations. In time of peace or when
28 there is no declaration of national emergency, a discharge may be given
29 before the expiration of terms of enlistment under regulations

1 prescribed by competent authority.

2 * Sec. 7. AS 26.05.260 is amended to read:

3 Sec. 26.05.260. PAY AND ALLOWANCES. (a) The adjutant general
4 is charged with all disbursements of pay and allowances for service
5 of the troops.

6 (b) Commissioned and warrant officers for state services actually
7 performed are entitled to receive pay and allowances equal to those
8 provided by federal laws and regulations for commissioned and warrant
9 officers of the same grades of the United States Army or Air Force.

10 (c) Enlisted personnel [MEN] of the Army National Guard and Air
11 National Guard shall receive for each day of active service for the
12 state, under orders of the governor, pay and allowances equal to those
13 provided by federal laws and regulations for enlisted personnel [MEN]
14 of like grades of the United States Army and United States Air Force.
15 However, no enlisted personnel [MAN] shall receive pay and allowances
16 of less than \$6 a day.

17 (d) An officer or enlisted personnel [MAN] of the National
18 Guard who, while on active duty for the state and lawfully performing
19 his duties, is wounded or disabled in any way, so as to prevent his
20 working at his profession, trade, or other occupation from which he
21 gains his living, is entitled to be treated by an officer of the
22 medical department detailed by the state surgeon general. If that
23 medical officer is not available, he is entitled to be treated by a
24 licensed civilian physician, and on the certificate of the attending
25 medical officer or physician to draw one-half of his active service
26 pay, as specified in (b) and (c) of this section, for not to exceed
27 30 days of the disability. If still disabled at the end of 30 days,
28 he is entitled to draw pay at the same rate for the period as a
29 board of three medical officers or civilian physicians convened by

1 order of the commander in chief determines to be right and just, but
2 not to exceed six months.

3 (e) If an officer or enlisted personnel [MAN] of the National
4 Guard suffers permanent total disability or death while performing
5 his duty as an officer or enlisted personnel [MAN] under orders from
6 the commander in chief, the officer or enlisted personnel [MAN], or his
7 heirs or dependents, have a claim against the state for financial
8 help or assistance, on such terms and in such amount, not exceeding
9 \$7,500, as is determined to be right and just by a board of three
10 medical officers or three civilian physicians. The commander in
11 chief shall, by order, convene the board for this purpose.

12 (f) Officers of the medical department and civilian physicians
13 who attend cases of injury or illness incurred in the line of duty
14 under (d) of this section are entitled to reasonable compensation
15 in each case as the circumstances warrant, as approved by the adjutant
16 general.

17 (g) Necessary charges incurred in cases stated in this section
18 shall be paid from the state general fund by appropriate vouchers.

19 * Sec. 8. AS 26.05.330(e) is amended to read:

20 (e) For each day of duty as a member of a general court-martial
21 or as a witness under summons from the president or judge advocate of
22 the court, officers and enlisted personnel [MEN] shall be paid as
23 provided in sec. 260 (b) and (c) of this chapter.
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