

Original sponsor: Banfield, McGill,  
McVeigh and Moore

Offered: 4/16/71  
Referred: Judiciary

1 IN THE HOUSE

BY THE STATE AFFAIRS COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 259

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST 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(a) is amended to read:

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

16 \* Sec. 2. AS 26.05.140 is amended to read:

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

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

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

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

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

15 \* Sec. 5. AS 26.05.240 is amended to read:

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

22 \* Sec. 6. AS 26.05.250 is amended to read:

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

1 \* Sec. 7. AS 26.05.260(c) is amended to read:

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

9 \* Sec. 8. AS 26.05.260(d) is amended to read:

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

25 \* Sec. 9. AS 26.05.260(e) is amended to read:

26 (e) If an officer or enlisted personnel [MAN] of the National  
27 Guard suffers permanent total disability or death while performing  
28 his duty as an officer or enlisted personnel [MAN] under orders from  
29 the commander in chief, the officer or enlisted personnel [MAN], or his

1 heirs or dependents, have a claim against the state for financial  
2 help or assistance, on such terms and in such amount, not exceeding  
3 \$7,500, as is determined to be right and just by a board of three  
4 medical officers or three civilian physicians. The commander in  
5 chief shall, by order, convene the board for this purpose.

6 \* Sec. 10. AS 26.05.280 is amended to read:

7 Sec. 26.05.280. TRANSPORTATION, SUBSISTENCE, AND SUPPLIES. There  
8 shall be provided by the state, transportation and subsistence for  
9 all officers and enlisted personnel [MEN] who are ordered into active  
10 service by the state for encampment, field duty, or other duty.  
11 Necessary transportation, stores and subsistence for troops when  
12 ordered on duty shall be contracted by the proper officers and paid  
13 for as other military bills.

14 \* Sec. 11. AS 26.05.320(c) is amended to read:

15 (c) Summary court-martial. The commanding officer of a unit  
16 may appoint a summary court to consist of one officer who may administer  
17 oaths and may try enlisted personnel [MEN] for breach of discipline  
18 and for minor violations of a military regulation governing the unit.  
19 The court, when satisfied of the guilt of the soldier, may fine him  
20 not exceeding \$25 for any single offense, sentence to a reduction  
21 in rank, and declare not in excess of one month's forfeiture of  
22 pay and allowances. The proceedings shall be informal.

23 \* Sec. 12. AS 26.05.330(e) is amended to read:

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

28 \* Sec. 13. AS 26.05.030 is amended by adding a new subsection to read:

29 (e) Women may serve only in the organized militia.