

Introduced: 1/9/89
Referred: Labor and Commerce
and Finance

go00219a

1 IN THE SENATE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

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SENATE BILL NO. 93

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

SIXTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to workers' compensation benefits
7 for members of the state's organized militia; and
8 providing for an effective date."

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

10 * Section 1. AS 26.05.260(d) is amended to read:

11 (d) A member of the organized militia [ALASKA NATIONAL GUARD OR
12 ALASKA NAVAL MILITIA] who, while performing duties [ON ACTIVE SERVICE]
13 under AS 26.05.070 [AND LAWFULLY PERFORMING DUTIES], including transit
14 to and from the member's home of record, suffers an injury or [A]
15 disability in the line of duty is entitled to all compensation and
16 benefits available under the Alaska Workers' Compensation Act
17 (AS 23.30).

18 * Sec. 2. AS 26.05.260(e) is amended to read:

19 (e) If a member of the organized militia [ALASKA NATIONAL GUARD
20 OR ALASKA NAVAL MILITIA] dies as a result of an injury or [A] disabil-
21 ity suffered in the line of duty while performing duties [ON ACTIVE
22 SERVICE] under AS 26.05.070 [AND WHILE LAWFULLY PERFORMING DUTIES],
23 including transit to and from the member's home of record, death
24 benefits shall be paid to the persons in the amounts specified in
25 AS 23.30.215.

26 * Sec. 3. AS 26.05.260(h) is amended to read:

27 (h) In this section, "member" means an active commissioned or
28 warrant officer or enlisted man or woman in the organized militia
29 [ALASKA NATIONAL GUARD OR ALASKA NAVAL MILITIA].

1 * Sec. 4. AS 26.05.260 is amended by adding new subsections to read:

2 (i) Except as provided in (k) of this section, a member of the
3 organized militia who, while performing duties under 32 U.S.C. 316,
4 502, 503, 504, or 505, suffers an injury or disability in the line of
5 duty is entitled to all compensation and benefits available under the
6 Alaska Workers' Compensation Act (AS 23.30).

7 (j) Except as provided in (k) of this section, if a member of
8 the organized militia dies as a result of an injury or disability
9 suffered in the line of duty while performing duties under 32 U.S.C.
10 316, 502, 503, 504, or 505, death benefits shall be paid to the per-
11 sons in the amounts specified in AS 23.30.215.

12 (k) A member or survivor of a member of the Alaska National
13 Guard who is entitled to compensation under (i) or (j) of this section
14 shall apply for, and provide proof to the Department of Military and
15 Veterans' Affairs of application for, all compensation and benefits
16 authorized under federal law for the injury, disability, or death.
17 The amount of compensation or death benefit paid to a person under
18 AS 23.30 shall be reduced by the amount payable to the person by the
19 United States for the same injury, disability, or death under 10
20 U.S.C. and 37 U.S.C. If a person receives payment of compensation or
21 benefits authorized under 10 U.S.C. or 37 U.S.C. for the injury,
22 disability, or death after payment of compensation begins under
23 AS 23.30 for the injury, disability, or death, or if for any other
24 reason a person receives an overpayment of compensation under AS 23.30
25 and this section, the person shall repay the overpayment by making a
26 lump sum payment or by an offset against future payments due for the
27 injury, disability, or death under AS 23.30 and this section.

28 (1) For purposes of computation of benefits under AS 23.30, the
29 earnings of a member of the organized militia will be presumed to be

- 1 no less than the pay and allowances authorized for a member of the
2 regular armed forces of the United States in the same grade or rank as
3 the organized militia member at the time of the injury or death.
4 * Sec. 5. This Act takes effect July 1, 1989.