

Section 32. **SHORT TITLE.** This Act may be cited as the "Uniform Vital Statistics Act".

Repeals.

Section 33. **REPEAL.** Sec. 8-1-7, Secs. 40-11-1 to 40-11-12 inc., Secs. 40-11-21 to 40-11-23 inc. and Secs. 35-2-131 and 56-5-16 ACLA 1949 are hereby repealed.

Section 34. **EFFECTIVE DATE.** This Act shall take effect April 1, 1949.

Approved March 26, 1949.

CHAPTER 120

AN ACT

[Senate Judiciary Committee Substitute for H. B. 22]
Establishing the Alaska National Guard, providing for its organization and administration; making an appropriation and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Eligibility for membership.

Section 1. **GENERAL.** All able bodied male citizens of this Territory and all other able bodied males who have or shall have declared their intention to become citizens of the United States, between the ages of eighteen and forty-five years, shall be eligible to membership in the Alaska Territorial Militia, hereinafter referred to as the National Guard, which is hereby created and established for Alaska.

Section 2. **NATIONAL GUARD.**

(1) The National Guard shall consist of the regularly enlisted militia between the ages of eighteen and forty-

five years, organized, armed and equipped as prescribed by the laws of the United States, and the regulations and tables of organization in conformity herewith, published from time to time by the President of the United States or the Secretary of Defense.

National Guard membership.

(2) The Governor as Commander-in-Chief shall have the power to organize units in communities requesting such and specifically to provide for organization of two Scout Battalions in the western and northwestern coastal areas of Alaska and northern Arctic regions, in accordance with special authority of the Department of the Army to organize Scout Battalions. It shall be the mission of this force constantly to exercise surveillance of these areas, reporting by most rapid means any information of a military nature, to augment the activities of the various agencies of the Army engaged in development of techniques, clothing and equipment for use in mountains and winter warfare, particularly as applied to the climatic and terrain peculiarities of the Arctic and Bering Sea coastal regions of Alaska, to assist in rescue of personnel in crashed planes, both military and civilian, and also assist in other forms of rescue.

Scout Battalions.

Duties.

(3) The Governor shall cause the organized militia of this Territory at all times to conform to all Federal laws and regulations of a military nature as are now or may hereafter from time to time become operative and applicable, notwithstanding any of the provisions of this Act.

Conformity to Federal law.

(4) ALASKA NATIONAL GUARD FUND. There is hereby created the Alaska National Guard Revolving Fund in the Territorial Treasury, hereinafter referred to as the military fund. All moneys hereinafter appropriated for the National Guard or other moneys derived from sale of surplus or damaged property under jurisdiction of said Guard or obtained by way of gift or otherwise shall be deposited in said fund for expenditure under

National Guard Fund.

Territorial vouching procedure to carry out the purposes and provisions of this Act.

Section 3. GENERAL ORGANIZATION.

Organization.

(1) The Governor of the Territory is ex-officio, Commander-in-Chief of the military forces of the Territory.

(2) The Territorial Headquarters staff shall consist of the following staff officers, who shall be chiefs of their respective staff departments:

a. The Adjutant General who shall be ex-officio Chief of Staff, Inspector General and Chief of Ordnance of the Territory.

b. Surgeon General

c. Judge Advocate General

(3) The Adjutant General shall be ex-officio Chief of Staff, Inspector General and Chief of Ordnance of the Territory.

(4) The Adjutant General shall give his entire time to his military duties.

(5) The Surgeon General and the Judge Advocate General must have had military service.

(6) No orders involving expenditure of public funds in the military service shall be given by any officer or other person except as provided by law, or in emergency of the public peace, when life and property are endangered, and subject to approval of the Commander-in-Chief.

Section 4. ORGANIZATION OF THE NATIONAL GUARD.

(1) The component parts of the National Guard on the active list shall consist of staff and line personnel in time of peace as follows: ^{Peacetime organization.}

(2) The staff departments to-wit:

a. The Adjutant General's Department. The Adjutant General's Department to embody Inspector General's Department, the Quartermaster's Department, the Subsistence Department, the Ordnance Department and the Pay Department.

b. The Medical Department

c. The Judge Advocate General's Department

Section 5. THE ADJUTANT GENERAL'S DEPARTMENT.

(1) The Adjutant General shall have such military and civilian assistants and/or clerks as may be required to conduct properly the operation of his department. ^{Duties of Adjutant General.}

(2) The Adjutant General shall issue and transmit and keep a record of all orders and regulations of the Commander-in-Chief and all matters pertaining to the National Guard.

(3) He shall keep a record of all appointments, commissions of officers and appointments of non-commissioned officers. He shall have general charge of recruiting and record all enlistments and discharges, and keep the necessary military history of each member of the Territorial forces.

(4) He shall have charge of all correspondence and the records thereof pertaining to his office, and shall file for record all returns of troops and all reports and records of field service and of all active service performed by troops of the Territory in service of the Territory or the United States.

(5) On or before the first day of January next preceding the regular session of the Territorial Legislature, the Adjutant General shall make out a full and detailed report of all the transactions of his office, showing the receipts and expenditures of the same for the preceding biennium.

(6) The Adjutant General shall direct and have charge of the purchase of all military supplies and stores, purchase of supplies and stores, subject to the provisions of the Territorial Bid Law.

(7) The Adjutant General may require a bidder to whom a contract is awarded to give bond running to the Territory in such sums and with such surety as he shall direct, conditioned upon the faithful performance of such contract; in case of breach of the conditions of any such bond, action shall be brought thereon under supervision of the Attorney General, and all moneys recovered shall be turned into the Territory military fund. All stores, supplies or property purchased under contract shall be rigidly inspected by an officer detailed for that purpose by the Commander-in-Chief, and compared with standard supplies and stores of like character, before the same shall be accepted or paid for.

Section 6. APPOINTMENTS AND COMMISSIONS.

Commissions.

(1) No person shall be appointed and commissioned or warranted in any office of the National Guard of Alaska unless he shall have been examined and adjudged qualified therefor by an examining board, appointed by the Commander-in-Chief. The composition, appointment and procedure of examining boards and the nature and scope of examination shall be as prescribed by the military laws or regulations of the United States or of this Territory. Whenever a commissioned officer shall have been examined for promotion pursuant to this Section and shall have been adjudged not qualified therefor,

upon approval of the authority appointing the board of its report to that effect, such officer shall be honorably discharged, retired or placed in the reserve as the Governor shall direct.

Section 7. ENLISTED MEN.

(1) Any able bodied man of good character between the ages of eighteen and forty-five years who is a citizen of the United States or has declared his intention of becoming such, shall be eligible for enlistment in the National Guard for a term of not less than 3 years.

Enlistment.

Age limit.

(2) A man who is of the age of 45 years or upward and is physically fit, who has served at least one full term of enlistment in the Army or Navy of the United States or in the military or naval force of any state or territorial district of the United States, and who has been honorably discharged, may be enlisted or re-enlisted in the National Guard upon the approval of the commanding officer of the battalion in which he desires to be enrolled.

Prior military service.

(3) All men enlisted in the Territorial military service are liable to be called into the service of the United States by the President thereof, in case of war or insurrection, and are bound to faithfully serve out the unexpired portions of their enlistments unless sooner discharged or released by the United States, and while so serving are subject to the military laws and regulations of the United States.

Service in case of war.

Section 8. PAY AND ALLOWANCES.

(1) The Adjutant General, in his capacity as Paymaster General, is charged with all disbursements of pay and allowances for service of troops.

Military pay schedule.

(2) The Adjutant General shall receive \$7500.00 per year.

(3) When in actual service of the Territory under orders of the Commander-in-Chief, officers of the National Guard, except officers on permanent duty receiving a regular salary, shall receive the same pay as provided by law for officers of the United States Army of like grades, including longevity pay.

(4) Enlisted men of the National Guard shall receive per day for services actually performed when in active service under orders of the Commander-in-Chief, according to their respective grades as follows:

- a. Master Sergeants in the National Guard—\$7.00
- b. Sergeants first class in the National Guard—\$6.00
- c. Sergeants in the National Guard—\$5.33.
- d. Corporals in the National Guard—\$4.83.
- e. Privates first class in the National Guard—\$4.50.
- f. Privates in the National Guard—\$4.17.
- g. Recruits in the National Guard—\$4.00.

(5) Transportation and subsistence for all officers and men on duty under Sub-sections (3) and (4) of this Section shall be furnished by the Territory.

Disability in
line of duty.

(6) Any officer or enlisted man of the National Guard who may be wounded or disabled in any way, while on duty and lawfully performing the same, so as to prevent his working at his profession, trade or other occupation from which he gains his living, shall be entitled to be treated by an officer of the Medical Department detailed by the Surgeon General, and to draw one-half of his active service pay, as specified in Sub-sections (3) and (4) of this Section, for not to exceed thirty days of such disability, on the certificate of the attending medical officer; if still disabled at the end of thirty days, he shall be entitled to draw pay at the same rate for

such period as board of three medical officers duly convened by order of the Commander-in-Chief, may determine to be right and just, but not to exceed six months.

(7) In every case where an officer or enlisted man of the National Guard shall suffer permanent total disability or death while performing his duty as an officer or enlisted man in pursuance of orders from the Commander-in-Chief, said officer or enlisted man, or his heirs or dependents, shall have a claim against the Territory for financial help or assistance, on such terms and in such amount, not exceeding \$5,000.00 as may be determined by a board of three medical officers to be right and just, said board shall be convened for the purpose by order of the Commander-in-Chief. Permanent disability.

(8) Officers of the Medical Department who attend cases of injury or illness incurred in the line of duty under Sub-section (6) of this Section shall be entitled to such reasonable compensation in each case as the circumstances may warrant, as approved by the Surgeon General and the Commander-in-Chief. Medical pay in line of duty.

(9) Necessary hospital charges incurred in cases stated in Sub-section (6) of this Section and for beds in open or general wards shall be paid by the Territorial National Guard by issuance of appropriate vouchers. Hospital charges.

(10) All phases should be handled through the one fund, National Guard Revolving Fund.

Section 9. ARMORIES AND RIFLE RANGES.

(1) No National Guard organization shall be maintained by the Territory at any station, town or city, unless there be there an available and suitable hall for drills, together with necessary and adequate company assembly rooms, store and locker and other rooms as may be required by the Commander-in-Chief, excepting Armories.

Exception.

"Scout Battalions" organized and equipped under special authority of the Department of the Army. Buildings and sites for armory purposes may be leased or constructed, based upon location and size of units to be organized, and shall be financed out of the Revolving Fund, it being understood that such facilities may be made available by local communities or by cooperative arrangement between the Territory and the Federal Government and any local community.

Leasing or constructing.

Suitable armory required.

(2) The army of each battalion, company or smaller unit shall be subject to the order of the Adjutant General and be under the charge of its commanding officer, who shall keep therein all property furnished by the Territory. No unit shall be furnished with arms or equipment until a suitable armory shall be provided for their deposit. Subject to such reasonable regulations as may be promulgated by the Adjutant General, the use of armories may be permitted for any reasonable and legitimate civilian activities so long as such activities do not interfere with their use for military purposes. Proceeds received as rental or otherwise at any armory from such non-military use shall be deposited in the Revolving Fund.

Target ranges.

(3) All target ranges belonging to or leased by the Territory shall be administered by the Adjutant General. Gallery ranges shall be maintained at all armories occupied by Territorial troops, and every command shall be given suitable instruction in marksmanship under direction of its commander, and regulations as authorized by the Commander-in-Chief.

Section 10. COURTS MARTIAL.

Court martial.

(1) Except in organizations in the service of the United States, courts martial in the National Guard shall be of three kinds, namely, general courts martial, special courts martial and summary courts martial. They shall

be constituted like, and have cognizance of the same subjects, possess like powers, except as to punishments, as similar courts provided for by the laws and regulations governing the Army of the United States, and the proceedings of courts martial of the National Guard shall follow the forms and modes of procedure prescribed for said similar courts.

(2) **EXPENSES OF MILITARY COURTS.** The expenses incident to and connected with the holding of military courts in the National Guard shall be paid out of the Fund under orders, rules and regulations issued by the Governor. Expenses of court.

(3) Whenever the sentence of a general court martial shall include a fine, and such sentence shall have been approved by the officer ordering such court, the Adjutant General shall issue an execution warrant for the collection of such fine, directed to any peace officer of the Judicial Division wherein the person against whom such fine is imposed resides, and such officer shall proceed in the same manner as if he were likewise authorized in a civil suit, and he shall make return within twenty days after receiving the same to the Adjutant General. In default of the payment of such fine, or if the officer carrying out the execution shall certify that there is no property of the defendant out of which to satisfy such fine, the Adjutant General shall issue a commitment for placement of such delinquent in a specified guard house or jail. Collection of fine.
Default.

Such warrant of commitment for such default shall specify the amount in dollars of the said fine or unpaid balance thereof, and such delinquent shall remain in the custody of the keeper or warden of such guard house or jail one day for each two dollars of said unpaid sum. Warrant for commitment

(4) Whenever the sentence of a general court martial shall be or include imprisonment in a jail or penitentiary, and such sentence shall have been approved by

Adjutant General
to issue commit-
ment.

the officer ordering such court, the Adjutant General shall issue an appropriate commitment, directed to the authorities in charge of such jail or penitentiary charged with carrying out the sentences and said authorities shall in turn make return thereof to the Adjutant General.

If such sentence shall be, or include imprisonment in a military guard house, such sentence shall be executed by order of or arrangement made by the officer approving such sentence.

Disposition of
fines.

(5) All fines levied and collected under the provisions of this Section shall be paid to the Treasurer of the Territory, who shall deposit same in the military fund of the Territory.

(6) For each day's duty as a member of a general court martial, or as a witness for a defendant under summons from the president or Judge Advocate, officers and men shall be paid as provided in Sub-sections (3) and (4) of Section 8 hereof.

(7) The presiding officer, or recorder, of any military board duly appointed to conduct any investigation or survey, or an officer detailed for such purpose may administer oaths to any witness attending to testify in such investigation.

(8) All expenses incident to conduct of such boards shall be paid for upon proper vouchers drawn against the Fund.

Court expenses
for act done in
line of duty.

(9) If any member of the National Guard shall be prosecuted by civil or criminal action for any act performed or committed by such member, or any acts caused, ordered or directed by such member to be done or performed in furtherance of and while in the performance of his military duty, all the expense of the defense of

such action or actions, civil or criminal, including attorney's fees, witnesses' fees for the defense, defendant's court costs and all costs for transcripts of records and abstracts thereof on appeal by the defense, shall be paid out of the military fund.

Section 11. GENERAL PROVISIONS.

(1) In no case shall any part of this Alaska National Guard as herein defined be used against any labor organization or for the purpose of strike breaking within the Territory of Alaska. No strike
interference.

(2) No part of the military forces shall leave the Territory with arms and equipment without the consent of the Commander-in-Chief.

(3) A person who, either by himself or with another, wilfully deprives a member of the National Guard of his employment, or prevents his being employed by himself or another, or obstructs or annoys said member of the National Guard or his employer in respect of his trade, business or employment, because said member of said National Guard is such member, or dissuades any person from enlisting in the said National Guard by threat of injury to him in case he shall so enlist, in respect to his employment, trade or business, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$100.00 Obstructing
personnel.

(4) The word "officer" as used in this Act, means any commissioned officer of the National Guard of the Territory, and the words "enlisted man" as used in this Act, means all other members of the National Guard of the Territory.

Section 12. All laws or parts thereof which are in conflict with his Act are hereby repealed. Repeal.

Emergency
clause.

Section 13. An emergency is hereby declared to exist and this Act shall become effective immediately upon its passage and approval.

Appropriation.

Section 14. APPROPRIATION. There is hereby appropriated out of any money in the Territorial Treasury not otherwise appropriated the sum of \$75,000.00 to carry out the purposes of this Act.

Approved March 26, 1949.

CHAPTER 121

AN ACT

[H. B. 122]

To appropriate the sum of \$5,000.00 for expenses of the Pioneers' Home for the biennium ending March 31, 1949; and declaring an emergency.

Be it enacted by the Legislature of the Territory of Alaska:

Deficiency
Appropriation.

Section 1. That the sum of \$5,000.00, or so much thereof as may be found necessary, is hereby appropriated out of any moneys in the Treasury not otherwise appropriated, for the expenses of the Pioneers' Home for the biennium ending March 31, 1949.

Emergency
clause.

Section 2. An emergency is hereby declared to exist, and this Act shall take effect immediately upon its passage and approval.

Approved March 26, 1949.