



# LAWS OF ALASKA

1972

Source

SCSHB 259 am S

Chapter No.

141

## AN ACT

Relating to women in the Alaska militia.

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

\* Section 1. AS 26.05.010(a) is amended to read:

(a) The militia of the state consists of all able-bodied citizens of the United States and all other able-bodied persons who have declared their intention to become citizens of the United States, who reside in the state, and who are between the ages of 17 and 59 years, inclusive, and are eligible for military service under the laws of the United States or this state.

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

Sec. 26.05.140. SUITS AGAINST OFFICERS AND ENLISTED PERSONS. Members of the militia ordered into active service for the state by order of the governor are not liable civilly or criminally for any act done by them in their official capacity while on such service. If a suit is commenced in a court against an officer or enlisted person of the militia as a result of an act done by the officer or enlisted person in his official capacity while in active service, the defendant may require the person instituting the suit to give security for the payment of costs. If judgment is for the defendant, treble costs shall be assessed against the plaintiff. The defendant in the action shall be defended by the attorney general at the expense of the state but the defendant may employ private counsel.

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

(b) The adjutant general may appoint necessary

officers, enlisted persons, and civilian employees to the headquarters staff.

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

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

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

Sec. 26.05.240. ENLISTED PERSONS. Any able-bodied person of good character who is a citizen of the United States or has declared his intention of becoming a citizen is eligible for enlistment in the National Guard at such ages and for such periods of time as are prescribed in federal or state regulations in effect at time of enlistment.

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

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

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

(c) Enlisted persons of the Army National Guard and Air National Guard shall receive for each day of active service for the state, under orders of the governor, pay and allowances equal to those provided by federal laws and regulations for enlisted persons of like grades of the United States Army and United States Air Force. However, no enlisted person shall receive pay and allowances of less than \$6 a day.

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

(d) An officer or enlisted person of the National Guard who, while on active duty for the state and lawfully performing his duties, is wounded or disabled in any way, so as to prevent his working at his profession, trade, or other occupation from which he gains his living, is entitled to be treated by an officer of the medical department detailed by the state surgeon general. If that medical officer is not available, he is entitled to be treated by a licensed civilian physician, and on the certificate of the attending medical officer or physician to draw one-half of

his active service pay, as specified in (b) and (c) of this section, for not to exceed 30 days of the disability. If still disabled at the end of 30 days, he is entitled to draw pay at the same rate for the period as a board of three medical officers or civilian physicians convened by order of the commander in chief determines to be right and just, but not to exceed six months.

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

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

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

Sec. 26.05.280. TRANSPORTATION, SUBSISTENCE, AND SUPPLIES. There shall be provided by the state, transportation and subsistence for all officers and enlisted persons who are ordered into active service by the state for encampment, field duty, or other duty. Necessary transportation, stores and subsistence for troops when ordered on duty shall be contracted by the proper officers and paid for as other military bills.

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

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

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

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

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

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