



# LAWS OF ALASKA

1973

Source

HB 210

Chapter No.

34

## AN ACT

Relating to the Military Code of Alaska.

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

\* Section 1. AS 26.05.060 is amended to read:

Sec. 26.05.060. CONTROL OF ALASKA NATIONAL GUARD AND ALASKA NAVAL MILITIA. The governor as ex officio commander of the militia of the state has command of the Alaska National Guard and the Alaska Naval Militia while they are not in active federal service. He may adopt necessary regulations for them not inconsistent with secs. 473-479, Title 48 U.S.C. Except as otherwise prescribed by those sections, the Alaska National Guard and the Alaska Naval Militia and their members are subject to all federal laws and regulations relating to the National Guard and Naval Militia of the several states and territories and of the United States.

\* Sec. 2. AS 26.05.100 is amended to read:

Sec. 26.05.100. STATE MILITIA. A state militia may be organized through voluntary enlistments under regulations as to discipline and training which may be prescribed by the governor. During the time that the Alaska National Guard or the Alaska Naval Militia, or any part of either of them, is not available to the state by reason of active federal service, or the National Guard or Naval Militia requires augmentation to perform its state mission, the governor may activate the state militia.

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

(a) The headquarters of the Alaska National Guard is composed of an Army National Guard component, an Air

National Guard component and a Naval Militia component. The Army National Guard component and the Air National Guard component shall each be commanded by an assistant adjutant general appointed by the adjutant general with the concurrence of the governor. An assistant adjutant general shall, while holding office, have the grade of brigadier general or a lower grade which the adjutant general may prescribe. On initial appointment an assistant adjutant general must hold a federally-recognized field-grade commission with at least five years service in the Alaska Army National Guard or in the Alaska Air National Guard.

\* Sec. 4. AS 26.05.190(a) is amended to read:

(a) The adjutant general shall make and publish orders and regulations not contrary to law which in his judgment are necessary to bring the organizations, armament, equipment and discipline of the organized militia to a high degree of efficiency. He shall perform all the administrative functions incident to the operation of the Alaska National Guard and the Alaska Naval Militia. In addition the adjutant general shall have an inventory taken at least once each year of all state military stores, property and funds under his jurisdiction.

\* Sec. 5. AS 26.05.200 is amended to read:

Sec. 26.05.200. OFFICERS' QUALIFICATIONS, APPOINTMENT AND TENURE. No person may be commissioned or warranted in any office of the National Guard or the Naval Militia of the state unless he is examined and adjudged qualified for the office by an examining board appointed by the commander in chief, except that at the discretion of the adjutant general the proceedings of federal examining boards may be accepted instead of a state board. The composition, appointment and procedure of examining boards and the nature and scope of examinations shall be as prescribed by the military laws or regulations of the United States or this state.

\* Sec. 6. AS 26.05.210(d) is amended to read:

(d) Commissioned or warrant officers may tender their resignations through National Guard or Naval Militia command channels. Resignations shall be in writing, stating the reason for resignation, and shall take effect when accepted by the adjutant general upon the approval of the governor.

\* Sec. 7. 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 or with the Alaska Naval Militia 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. 8. 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 or Naval Militia at such ages and for such periods of time as are prescribed in federal or state regulations in effect at time of enlistment.

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

(c) Enlisted persons of the Army National Guard, Air National Guard and Naval Militia 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, United States Air Force and United States Navy. However, no enlisted person shall receive pay and allowances of less than \$6 a day.

- \* Sec. 10. AS 26.05.260(d) is amended to read:

(d) An officer or enlisted person of the National Guard or Naval Militia 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, the disabled person 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 no more than 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 a period determined to be right and just by a board of three members, which board shall consist of a combination of medical officers or civilian physicians, convened by order of the commander in chief. The period determined by the board may not exceed six months.

- \* Sec. 11. AS 26.05.260(e) is amended to read:

(e) If an officer or enlisted person of the National Guard or Naval Militia 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 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 members, which board shall consist of a combination of medical officers or civilian physicians, convened by order of the commander in chief.

- \* Sec. 12. AS 26.05.265 is amended to read:

Sec. 26.05.265. REENLISTMENT BONUS. After the initial voluntary enlistment for the period of service in the Alaska National Guard, or the Alaska Naval Militia which fulfills the mandatory requirement for military service

under the Military Selective Service Act of 1967 (PL 90-40; 81 Stat. 100; 50 U.S.C. App., secs. 451 - 456 and 458 - 471), a bonus shall be paid to a person who reenlists in the Alaska National Guard or the Alaska Naval Militia. The bonus is a sum equal to 10 days of basic pay for each year he reenlists, computed according to a member's grade at the time he reenlists. The reenlistment bonus is prorated over the total reenlistment period with payment of an equal portion of the total amount at the end of each service year.

\* Sec. 13. AS 26.05.295(a) is amended to read:

(a) Each active member of the Alaska National Guard or the Alaska Naval Militia who has completed the initial voluntary enlistment period of service which fulfills the mandatory requirement for military service under the Military Selective Service Act of 1967 (PL 90-40; 81 Stat. 100; 50 U.S.C. App., secs. 451 - 456 and 458 - 471) is eligible for educational assistance benefits in Alaska educational facilities.

\* Sec. 14. AS 26.05.295(c) is amended to read:

(c) For the purposes of computing eligible benefits under the Alaska educational assistance program, each retirement point earned as a member of the Alaska National Guard or the Alaska Naval Militia is equivalent to one day's active military service. Computation of credit for retirement points is based on the retirement credits record in accordance with existing federal National Guard and Reserve regulations.

\* Sec. 15. AS 26.05.310(a) is amended to read:

(a) Except in organizations in the service of the United States, military courts in the Alaska militia, including the Alaska National Guard and the Alaska Naval Militia, are of three kinds: general, special and summary courts-martial.

\* Sec. 16. AS 26.05.320(a) is amended to read:

(a) General court-martial. A general court-martial of the Alaska National Guard or the Alaska Naval Militia shall be convened only by order of the governor. A general court-martial may try any person subject to the military code of Alaska for a crime made punishable by the military laws of the United States and the state, and may impose fines not exceeding \$200, sentence forfeiture of pay and allowances, reprimand, give bad conduct discharges, dismiss or dishonorably discharge from the service, reduce noncommissioned officers in rank, and confine in a jail or guardhouse for a period not exceeding 60 days. Any two or more punishments may be combined in the sentence imposed by the court. The procedure by which a general court-martial shall function in view of the state's lack of manpower, and shortage of places of confinement and finances, shall be in compliance with reasonable rules and regulations, adjusted to the peculiar characteristics of the state. The rules and regulations shall be formulated by the adjutant general, drafted by the staff judge advocate

and approved by the governor.

- \* Sec. 17. AS 26.05.330(h) is amended to read:

(h) If a member of the National Guard or Naval Militia is prosecuted by civil or criminal action for an act performed or committed by him or an act caused, ordered or directed by him to be done or performed in furtherance of and while in the performance of his military duty, the expenses of the defense of the action, civil or criminal, including attorney fees, witness fees for the defense, defendant's court costs and all costs for transcripts of records and abstracts on appeal by the defense, shall be paid out of the state general fund.

- \* Sec. 18. AS 26.05.340(a) is amended to read:

(a) In no case may any part of the Alaska National Guard, Alaska Naval Militia or the state militia be used against any labor organization or for the purpose of strike breaking within the state.

- \* Sec. 19. AS 26.05.340(c) is amended to read:

(c) A person who, either by himself or with another, wilfully deprives a member of the National Guard or Naval Militia of his employment or prevents his being employed by himself or another, or obstructs or annoys the member of the National Guard or Naval Militia or his employer in respect of his trade, business or employment, because the member of the National Guard or Naval Militia is a member, or in any way dissuades any person from enlisting in the National Guard or Naval Militia by threat or injury to him in respect of his employment, trade or business, if he so enlists, is guilty of a misdemeanor, and upon conviction is punishable by a fine of not more than \$100.

- \* Sec. 20. AS 26.05.340(d) is amended to read:

(d) All matters relating to the organization, discipline and government of the National Guard or Naval Militia, not otherwise provided for by the laws of the United States, this chapter, or regulations issued by the president shall be governed by regulations issued by the adjutant general and approved by the governor, and the regulations when adopted, have the same force and effect as though enacted in this chapter.