



LAWS OF ALASKA

2008

Source
CSHB 326(FIN)

Chapter No.

AN ACT

Authorizing the governor to order the organized militia into active state service to fight wildland fire, authorizing the governor to delegate to the adjutant general the authority to order the organized militia into active state service to fight wildland fire, and authorizing the payment of Alaska National Guard called into active state service to fight wildland fire at rates of pay established for certain emergency fire-fighting personnel; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1 Authorizing the governor to order the organized militia into active state service to fight
2 wildland fire, authorizing the governor to delegate to the adjutant general the authority to
3 order the organized militia into active state service to fight wildland fire, and authorizing the
4 payment of Alaska National Guard called into active state service to fight wildland fire at
5 rates of pay established for certain emergency fire-fighting personnel; and providing for an
6 effective date.

7

8 * **Section 1.** AS 26.05.070 is amended to read:

9 **Sec. 26.05.070. Governor may order organized militia into active state**
10 **service.** In the event of war, disaster, insurrection, rebellion, tumult, catastrophe,
11 **wildland fire,** invasion, or riot; or if a mob or body of men act together by force with
12 intent to commit a felony or to offer violence to persons or property, or by force and
13 violence to break and resist the laws of the state, or the United States; or in the case of

1 imminent danger of the occurrence of any of these events; or whenever responsible
2 civil authorities fail to preserve law and order, or protect life and property, or the
3 governor believes that failure is imminent, the governor may order the organized
4 militia or any part of it, into active state service to execute the laws and to perform
5 duties in connection with them that the governor considers proper. Whenever any
6 portion of the militia is ordered into active state service by the governor, it becomes
7 an additional police force, retaining its separate entity and operating at all times as a
8 military organization under military command, with power to cooperate with but not
9 to supersede the existing civilian law enforcement officers whenever possible, for the
10 re-establishment of law and order and for the protection of life and property. The
11 governor may also order members of the organized militia to active state service, with
12 their consent, for the purpose of training or for full-time duty with the office of the
13 adjutant general. **In the event of wildland fire, the governor may delegate to the**
14 **adjutant general the governor's authority under this section to order some or all**
15 **of the organized militia into active state service to fight wildland fire. In this**
16 **section, "wildland fire" includes the uncontrolled burning of grass, brush,**
17 **timber, and other vegetative material.**

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

19 (b) Members of the Alaska National Guard and Alaska Naval Militia are
20 entitled to receive, for each day of active service under AS 26.05.070, pay equal to
21 200 percent of the minimum daily basic pay provided by federal laws and regulations
22 for members of equivalent grades of the United States armed forces, **except that the**
23 **adjutant general and the commissioner of natural resources may agree that**
24 **specified classifications of Alaska National Guard personnel called to active state**
25 **service to fight wildland fire shall be paid at rates established for emergency fire-**
26 **fighting personnel in accordance with AS 41.15.030** [. HOWEVER, A MEMBER
27 MAY NOT RECEIVE LESS THAN \$105 PER DAY FOR ACTIVE SERVICE
28 PERFORMED DURING THE FISCAL YEAR ENDING JUNE 30, 2000]. For fiscal
29 years beginning after June 30, 2000, the minimum payment of \$105 shall be increased
30 one percent for each percent increase in the consumer price index for Anchorage,
31 Alaska, as determined by the United States Department of Labor, Bureau of Labor

1 Statistics, not to exceed an annual increase of four percent. The increase, if any, takes
2 effect not more than 30 days after the release of the consumer price index. The
3 consumer price index that is published immediately after July 1, 1999, is the reference
4 base index.

5 * **Sec. 3.** AS 26.05.260(k) is amended to read:

6 (k) In this section,

7 **(1)** "member" means an active commissioned or warrant officer or
8 enlisted man or woman in the Alaska National Guard or Alaska Naval Militia, or a
9 volunteer serving in the active service of the Alaska State Defense Force;

10 **(2)** "**wildland fire**" **includes the uncontrolled burning of grass,**
11 **brush, timber, and other natural vegetative material.**

12 * **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).