

1 SB28  
2 214980-1  
3 By Senator Butler  
4 RFD: Veterans and Military Affairs  
5 First Read: 11-JAN-22  
6 PFD: 01/05/2022

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8 SYNOPSIS: Existing law provides for the organization  
9 and existence of the Alabama National Guard.

10 This bill would provide for the inclusion of  
11 the Space National Guard within the Alabama  
12 National Guard if the federal government creates  
13 the Space National Guard in the National Defense  
14 Authorization Act by fiscal year 2025.

15  
16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

19  
20 Relating to the Alabama National Guard; to provide  
21 for the inclusion of the Space National Guard within the  
22 Alabama National Guard, contingent upon its creation by the  
23 federal government.

24 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

25 Section 1. Sections 31-2-1, 31-2-3, 31-2-55,  
26 31-2-57, and 31-3-1, Code of Alabama 1975, are amended to read  
27 as follows:

1           "§31-2-1.

2           "The following definitions shall be used in  
3     construing, interpreting, enforcing, and applying the  
4     provisions of this chapter or any provision of any other act  
5     affecting the militia, the Military Department, or any parts  
6     thereof:

7           "(1) ARMED FORCES OF THE STATE OF ALABAMA. The  
8     National Guard to include army and, air, and space, the  
9     Alabama State Guard, and the Naval Militia.

10          "(2) NATIONAL DEFENSE ACT. Title 32, United States  
11     Code, and amendments thereto, and that body of laws enacted by  
12     Congress relating to the reserve components of the Armed  
13     Forces of the United States and amendments thereto, heretofore  
14     or which may hereafter be enacted.

15          "(3) REGULATIONS OF THE DEPARTMENT OF DEFENSE. All  
16     regulations or directives issued by the Secretary of Defense  
17     or by the appropriate secretary of a service in the Department  
18     of Defense, including the Chief of the National Guard Bureau.

19          "(4) UNIFORM CODE OF MILITARY JUSTICE. Chapter 47,  
20     Title 10, United States Code, and all amendments heretofore or  
21     hereafter enacted, and all executive orders and regulations  
22     pursuant thereto.

23          "(5) UNIT DESIGNATIONS. Headquarters, company,  
24     troop, battery, battalion, flight, group, brigade, squadron,  
25     regiment, division, wing, or other unit designations used by  
26     the National Guard shall be in accordance with the common  
27     usage or regulations of the United States Armed Forces.

1           "§31-2-3.

2           "The militia of the state shall be divided into the  
3 organized militia, the retired list, and the unorganized  
4 militia, which together shall constitute the state military  
5 forces. The organized militia shall be composed of: An army  
6 national guard and, an air national guard, and a space  
7 national guard, which forces, together with an inactive  
8 national guard, shall comprise the Alabama National Guard; the  
9 Alabama Naval Militia; and the Alabama State Guard, whenever  
10 any ~~such force is~~ of the forces are organized by the Governor  
11 pursuant to existing laws. The National Guard, army or, air,  
12 or space, shall consist of ~~such~~ organizations and units ~~as~~  
13 that the Commander in Chief may from time to time authorize to  
14 be formed, all to be organized in accordance with the laws of  
15 the United States affecting the National Guard, army and, air,  
16 and space, and the regulations issued by the appropriate  
17 Secretary of the Department of Defense.

18           "§31-2-55.

19           "Officers and enlisted men and women of the  
20 headquarters and headquarters detachment of the Alabama Army  
21 and, Air, and Space National Guard shall be selected and  
22 appointed from among the active or inactive members of the  
23 National Guard by the Adjutant General in the same manner as  
24 for other units.

25           "§31-2-57.

26           "All members of the federally recognized  
27 headquarters and headquarters detachment, Alabama Army and,

1 Air, and Space National Guard, who are full-time military  
2 employees of the state, and ~~such~~ other members of the  
3 headquarters and headquarters detachment, Alabama Army ~~and,~~  
4 Air, and Space National Guard, as the Governor may deem  
5 necessary, shall, if authorized by federal military laws and  
6 authorities when they or the National Guard and Naval Militia  
7 are ordered into the federal service in case of a national  
8 crisis, be assigned to duty in the state headquarters in  
9 connection with the execution of any national selective  
10 service act, the National Defense Act, or any similar federal  
11 laws enacted for the purpose of inducting the manpower of this  
12 state and of the nation into the military, naval, or other  
13 similar emergency service of the United States, in connection  
14 with the organization, training, and maintenance of temporary  
15 military forces by the state as "home guards" or similar  
16 forces and in the operation of the State Military Department,  
17 to the extent permitted by federal authorities and not  
18 inconsistent with their federal duties.

19 "§31-3-1.

20 "(a) The following words and phrases when used in  
21 this chapter shall have the following meanings, respectively,  
22 unless the context shall clearly indicate a different meaning  
23 in the connection used:

24 "(1) AWARDING AUTHORITY. The State Board of  
25 Adjustment, created and existing pursuant to Article 4 of  
26 Chapter 9 of Title 41 of this Code.

1           "(2) CHILD or CHILDREN. ~~Such term includes~~ Includes  
2 posthumous children and all other children entitled by law to  
3 inherit as children of the deceased, also stepchildren who  
4 were members of the family of the deceased at the time of his  
5 or her death, and dependent upon him or her for support, also  
6 a grandchild of the deceased Alabama national guardsman, whose  
7 ~~father~~ parent is dead or is an invalid, and who was supported  
8 by and was a member of the family of ~~such~~ the deceased  
9 grandparent at the time of his or her death.

10           "(3) DEPENDENT CHILD. An unmarried child under the  
11 age of 18 years, or one over that age who is physically or  
12 mentally incapacitated from earning.

13           "(4) ALABAMA NATIONAL GUARDSMEN. The officers and  
14 men and women commissioned or enlisted in the Alabama National  
15 Guard, army ~~or~~, air, or space, as defined in Section 31-2-3.

16           "(b) For the purposes of this chapter, the following  
17 described persons shall be conclusively presumed to be wholly  
18 dependent:

19           "(1) A ~~wife~~ spouse of an Alabama National Guardsman,  
20 unless it be shown that ~~she~~ the spouse was voluntarily living  
21 apart from ~~her husband~~ the national guardsman at the time of  
22 ~~his~~ the national guardsman's death, or unless it be shown that  
23 the ~~husband~~ national guardsman was not in any way contributing  
24 to his or her spouse's support and had not in any way  
25 contributed to his or her spouse's support for more than 12  
26 months next preceding the occurrence of the injury causing ~~his~~  
27 the national guardsman's death.

1           "(2) Minor children under the age of 18 years and  
2 those ~~over 18,~~ if physically and mentally incapacitated from  
3 earning, children 18 or more years of age.

4           "(3) A husband, wife, child, mother, father,  
5 grandmother, grandfather, sister, brother, mother-in-law, and  
6 father-in-law who were wholly supported by the deceased  
7 Alabama national guardsman, at the time of ~~his~~ the national  
8 guardsman's death and for a reasonable period of time prior  
9 thereto, shall be considered his or her dependents and payment  
10 of compensation may be made to them as authorized in this  
11 chapter.

12           "(c) Any member of the class named in subdivision  
13 (b) (3) ~~of this section~~ who regularly derived part of his or  
14 her support from the earnings of the deceased Alabama national  
15 guardsman, at the time of ~~his~~ death of the national guardsman  
16 and for a reasonable time immediately prior thereto, shall be  
17 considered ~~his~~ a partial dependent of the national guardsman  
18 and payment of compensation may be made to ~~such~~ the partial  
19 dependent as authorized in this chapter."

20           Section 2. This act shall become operative only if  
21 the federal government creates the Space National Guard in the  
22 National Defense Authorization Act by fiscal year 2025.

23           Section 3. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.