

HOUSE BILL NO. 373

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVE EASTMAN

Introduced: 2/20/24

Referred: House Special Committee on Military and Veterans' Affairs, State Affairs

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the organized and unorganized militia; and relating to deploying the
2 militia of the state into active service in a combat zone."

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

4 * **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section
5 to read:

6 SHORT TITLE. This Act may be known as the Defend the Guard Act.

7 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
8 read:

9 LEGISLATIVE FINDINGS. The Alaska State Legislature finds that art. 1, sec. 8, of
10 the Constitution of the United States vests in the United States Congress the exclusive power
11 to declare war and to provide for calling forth the militia to execute the laws of the nation,
12 suppress insurrections, and repel invasions.

13 * **Sec. 3.** AS 26.05.030 is amended by adding a new subsection to read:

14 (f) A person may not simultaneously serve in the Alaska National Guard and

1 the Alaska State Defense Force.

2 * **Sec. 4.** AS 26.05.070 is amended by adding a new subsection to read:

3 (b) Without authorization by the United States Congress declaring war or
 4 calling forth the militia under Article 1, Section 8, Constitution of the United States,
 5 the governor, the federal government, or a member of the organized militia may not
 6 order the militia, or any member of the militia, into active service to a combat zone
 7 outside the state or to perform a duty for the purpose of supporting an armed conflict
 8 outside of the United States, no matter where that duty is performed. In this
 9 subsection,

10 (1) "militia" means the organized and unorganized militia;

11 (2) "outside of the United States" means a location outside the
 12 geographic boundaries of the United States, the Commonwealth of Puerto Rico, the
 13 United States Virgin Islands, or a territory or insular possession.

14 * **Sec. 5.** AS 26.05.080 is amended to read:

15 **Sec. 26.05.080. Decision of governor final. Except for an order in violation**
 16 **of AS 26.05.070(b), whenever** [WHENEVER] any portion of the militia is ordered to
 17 duty by the governor, the decision of the governor in this matter is final.