

Introduced: 4/8/70
Referred: Judiciary and
State Affairs

BY THE JUDICIARY COMMITTEE
BY REQUEST

1 IN THE HOUSE

2 HOUSE BILL NO. 810

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act defining the rights of residents of the state
7 inducted or serving in the armed forces of the United
8 States."

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

10 * Section 1. AS 26 is amended by adding a new chapter to read:

11 CHAPTER 30. RIGHTS OF STATE RESIDENTS INDUCTED OR SERVING
12 IN THE ARMED FORCES OF THE UNITED STATES.

13 Sec. 26.30.010. LIMITATIONS ON SERVICE. No resident of the state
14 inducted or serving in the armed forces of the United States shall
15 be required to serve outside the territorial limits of the United States
16 in the conduct of armed hostilities not an emergency and not otherwise
17 authorized in the powers granted to the President of the United States
18 in Article 2, Section 2, of the Constitution of the United States design-
19 nating the President as the Commander-in-Chief of the armed forces of
20 the United States, unless the hostilities were initially authorized
21 or subsequently ratified by a Congressional declaration of war under
22 the constitutionally established procedures in Article 1, Section 8, of
23 the Constitution of the United States.

24 Sec. 26.30.020. DUTIES OF THE ATTORNEY GENERAL. The attorney
25 general of this state shall, in the name and on behalf of the state and
26 on behalf of any residents of the state who are required to serve in
27 the armed forces of the United States in violation of sec. 10 of this
28 chapter, bring an appropriate action in the Supreme Court of the
29 United States, as the court of original jurisdiction under Article 3,

1 Section 2, Clause 2, of the Constitution of the United States, to
2 defend and enforce the rights of those residents and of the state under
3 sec. 10 of this chapter. If it is determined that the action brought
4 by the attorney general under this section is not one over which the
5 Supreme Court of the United States has original jurisdiction, then the
6 attorney general shall bring another action in an appropriate inferior
7 federal court. Any resident of the state who is required to serve in
8 the armed forces of the United States in violation of sec. 10 of
9 this chapter may notify the attorney general of that fact, and all
10 other residents similarly situated so notifying the attorney general
11 shall be joined as parties in the action. If an action is commenced
12 under this section in an inferior federal court, the attorney general
13 shall take all steps necessary and within his power to obtain a
14 favorable decision on the matter, including a decision by the Supreme
Court of the United States.

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