

Introduced: 5/22/70
Referred: Judiciary

1 IN THE HOUSE

BY THE RULES COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 872

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the constitutional rights of
7 Alaska residents."

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

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

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

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

23 Sec. 26.30.020. DUTIES OF THE ATTORNEY GENERAL. The attorney
24 general of this state shall, in the name and on behalf of the state and
25 on behalf of any residents of the state who are required to serve in
26 the armed forces of the United States in violation of sec. 10 of this
27 chapter, bring an appropriate action in the Supreme Court of the
28 United States, as the court of original jurisdiction under Article 3,
29 Section 2, Clause 2, of the Constitution of the United States, to

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