

Introduced: 2/3/71  
Referred: State Affairs and  
Judiciary

1 IN THE HOUSE

BY ROSE, BRADNER, FARRELL,  
MELAND, M. MILLER AND NAUGHTON

2 HOUSE BILL NO. 131

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - FIRST 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 may  
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 art. 2, sec. 2, of the Constitution of the United States designating  
19 the President as the Commander-in-Chief of the armed forces of the  
20 United States, unless the hostilities were initially authorized or  
21 subsequently ratified by a Congressional declaration of war under  
22 the constitutionally established procedures in art. 1, sec. 8, of the  
23 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  
26 and on behalf of any residents of the state who are required to serve  
27 in the armed forces of the United States in violation of sec. 10 of  
28 this chapter, bring an appropriate action in the Supreme Court of the  
29 United States, as the court of original jurisdiction under art. 3,

1       sec. 2, clause 2, of the Constitution of the United States, to defend  
2       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, the  
6       attorney general shall bring another action in an appropriate inferior  
7       federal court. A 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  
15       Court of the United States.