HOUSE BILL NO. 45

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTY-FOURTH LEGISLATURE - FIRST SESSION

BY REPRESENTATIVE ALLARD

Introduced: 1/17/25
Referred: Prefiled

A BILL

FOR AN ACT ENTITLED

"An Act relating to the display of flags by governmental entities; and providing for an effective date."

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

*** Section 1.** AS 44.09.030(b) is amended to read:

(b) The flag of the United States and the flag of the State of Alaska shall be displayed daily, weather permitting, [IN THE FOLLOWING PLACES:

(1)] on or near the main administration building of every institution under the authority or control of the state government **and** [;

(2)] in or near every schoolhouse during school days. **A governmental entity that displays the flag of the United States must display the flag in a prominent position that is higher than any other flag displayed.**

*** Sec. 2.** AS 44.09.030 is amended by adding new subsections to read:

(f) A governmental entity may not erect or display a flag that represents a political viewpoint, including a viewpoint concerning race, sexual orientation, gender,

or a politically partisan or political ideology. This subsection does not limit the ability of a private individual to express private speech or viewpoints or exercise the individual's right to freedom of speech protected by the First Amendment to the Constitution of the United States or the ability of a governmental entity to display or erect a flag required or authorized by law.

(g) Except when directly ordered not to use force by a peace officer acting within the scope and authority of the peace officer's employment, an active or retired member of the armed forces of the United States or the National Guard may use reasonable force to prevent the desecration, destruction, or removal of the United States flag or to replace the United States flag to a prominent position consistent with (b) of this section and is immune from civil or criminal liability for that use of reasonable force.

(h) In this section, "governmental entity" means a governmental agency, local government or unit of local government, public school, or public college or university.

*** Sec. 3.** This Act takes effect July 1, 2025.