

Alaska State Legislature House and Senate Democrats

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Democrats Seek To Reinstate Legal Rights Of Military Members – One More Time: Bill Would Overturn Law From Last Session

ANCHORAGE – This week Representatives Les Gara, Ethan Berkowitz and Harry Crawford (D's – Anchorage) filed a bill to reinstate rights of Alaska military members that were taken away last legislative session. Berkowitz is "hopeful the Governor will join us," and the three legislators requested his support most recently in a December 23rd letter. Indications from the Governor's Office during a November dispute over this issue are that he may reconsider his position and support this effort. According to Gara, "it would be nice to start the legislative session with a bi-partisan resolution to a very contentious issue."

Over loud opposition from minority members, and a handful of majority members including the House Speaker, the Legislature passed HB 245, a Governor's Bill. Section 4 of that bill took away the right of on-duty military members to recover damages when killed or injured by a state employee's negligence or recklessness. Specifically, the law states a claim for negligence or recklessness "may not be brought by or on behalf of a member of the military services against the state . . . for wrongful death, personal injury or other tort claim or injury" if the military member is on active duty. Thus, for example, if a state employee negligently runs a red light and paralyzes or kills a military member who is on his way to pick up supplies, the member cannot sue the state.

Crawford states "there is no good reason to take basic rights away from military members, especially in these times." Civilians still have a right of recovery if killed or severely injured by the state. The House Democrats wish to reinstate the right of military members to equal treatment under the law, and hope the Governor will ask the legislative majority to make this a priority issue this session. Former Director of Military and Veterans Affairs Laddie Shaw joined Gara and Berkowitz in their November call to the Governor for a reversal of last session's law.

Contacts: Rep. Les Gara (269-0106); Rep. Ethan Berkowitz (888 465-4919); Rep. Harry Crawford (269-0100); Laddie Shaw (349-0119 d; 317-2505 cell)

Putting Alaskans First € Moving Alaska Forward 2003

Sen. Bettye Davis, Sen. Johnny Ellis, Sen. Kim Elton, Sen. Lyman Hoffman, Sen. Hollis French, Sen. Gretchen Guess, Sen. Georgianna Lincoln, Sen. Donny Olson, Rep. Ethan Berkowitz, Rep. Sharon Cissna, Rep. Harry Crawford, Rep. Eric Croft, Rep. Les Gara, Rep. Max Gruenberg, Rep. David Guttenberg, Rep. Reggie Joule, Rep. Mary Kapsner, Rep. Beth Kerttula, Rep. Albert Kookesh, Rep. Carl Moses

ALASKA STATE LEGISLATURE



REPRESENTATIVE LES GARA

December 23, 2003

The Honorable Frank Murkowski
Governor of Alaska
Box 110001
Juneau, AK 99811

Dear Governor Murkowski:

Enclosed is a bill myself and Representatives Berkowitz and Crawford have filed to correct the problem our offices have discussed with last year's HB 245. I hope you will decide to support it, and make it a bi-partisan effort. Let me know if you have any thoughts on the matter. Also, if you have any language changes, we'd be happy to work with them.

Enjoy your holidays.

Sincerely,

Les Gara

Cc: Representative Ethan Berkowitz
Representative Harry Crawford