

**HOUSE BILL NO. 359**

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - SECOND SESSION

BY REPRESENTATIVES GARA, BERKOWITZ, AND CRAWFORD, Croft, Kerttula, Gruenberg, Lynn

Introduced: 1/12/04

Referred: House Special Committee on Military and Veterans' Affairs, Judiciary

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to certain civil actions by or on behalf of members of the military  
2 services; and providing for an effective date."

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

4 \* **Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
5 to read:

6 PURPOSE. The purpose of this Act is to permit a civil action by or on behalf of a  
7 member of the military services against the state, except when the state is immune from the  
8 suit under the doctrine of intramilitary immunity, so that a member of the military services  
9 may bring suit for nonmilitary acts by the state to the same extent as suits may be brought by  
10 a nonmilitary person.

11 \* **Sec. 2.** AS 26.05.145(a) is amended to read:

12 (a) A civil action for damages may not be brought by or on behalf of a  
13 member of the military services against the state **in its capacity as the employer of**  
14 **members of the organized militia** or against any [EMPLOYEE OF THE STATE OR

1 ANY] member or former member of the Alaska militia for wrongful death, personal  
2 injury, or other tort claim or injury arising out of activities that were incident to the  
3 member's military service.

4 \* **Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to  
5 read:

6 RETROACTIVITY. As it applies to suits against the state, sec. 1 of this Act is  
7 retroactive to September 4, 2003.

8 \* **Sec. 4.** This Act takes effect immediately under AS 01.10.070(c).