LAWS OF ALASKA

2009

AN ACT

Relating to limitation of state liability on certain federal highway programs; and providing for an effective date.

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

THE ACT FOLLOWS ON PAGE 1

AN ACT

1   Relating to limitation of state liability on certain federal highway programs; and providing for

2   an effective date.

3   _____

4   *** Section 1.** AS 44.42.300 is amended by adding a new subsection to read:

5   (d) Except for actions alleging independent negligence by the state or its

6   employees, an action may not be brought against the state or employees of the state for

7   a claim arising out of design, operations, maintenance, or construction activities

8   performed by, or under the management of, federally recognized tribes in Alaska

9   acting in furtherance of the Indian Reservation Roads Program under 25 C.F.R. 170 or

10   the Indian Reservation Roads Bridge Program under 23 U.S.C. 202, and the program

11   or relevant state-tribal agreement requires compliance with all applicable federal and

12   state standards. In this subsection, "independent negligence" means negligence that is

13   not due to the state's selection, supervision, administration, monitoring, or controlling

14   of the activities of the tribe, the tribe's agents, employees, or contractors, or the state's

1   approving or accepting any of the work performed under programs listed in this

2   subsection.

3   *** Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to

4   read:

5   APPLICABILITY. This Act applies to claims arising on or after the effective date of

6   this Act.

7   *** Sec. 3.** The uncodified law of the State of Alaska is amended by adding a new section to

8   read:

9   REVISOR'S INSTRUCTION. The revisor of statutes shall change the section heading

10 of AS 44.42.300 from "Authorization to participate in certain federal highway programs" to

11 "Participation in certain federal highway programs."

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