

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 43.20.173 is repealed.

Sec. 2. AS 43.20.180 is amended to read:

Sec. 43.20.180. **Credits Against Tax.** The amounts deducted and withheld as

taxes under sec. 170 of this chapter during a calendar year are allowed as credits to the taxpayer against the tax imposed by this chapter.

Sec. 3. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.

Approved March 24, 1965

CHAPTER 29

AN ACT

Requiring information to be furnished to the Department of Revenue by fish processors and buyers; and providing for an effective date.

(C.S.S.B. 19)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 43.20 is amended by adding a new section to read:

Sec. 43.20.172. **Information Required of Fish Processors and Buyers.** (a) In order to facilitate the administration of this chapter, every processor or fish buyer shall furnish to the department by January 31 of each year a list of all persons from whom newly harvested fish or fish products taken in Alaskan waters were purchased during the preceding calendar year, regardless of the place where payment was made. The list shall include the total of purchase prices paid to each seller, his name and address, his social security number, and his Alaska commercial fishing license

number.

(b) For purposes of this section, there is a rebuttable presumption that all newly harvested fish or fish products sold in Alaska were taken in Alaskan waters. The commissioner may alter the presumption by regulation in circumstances where its application would not produce a close accord with the actual location of the taking, such as the off-shore halibut fishery.

(c) For purposes of this section, "newly harvested fish or fish products" means all fish or fish products which have not previously been sold to a fish buyer or processor.

Sec. 2. This Act takes effect on the day after its passage an approval or on the day it becomes law without such approval.

Approved March 24, 1965

CHAPTER 30

AN ACT

Relating to claims against the state.

(H.C.S.S.B. 71)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 09.50.250 is amended to read:

Article 4. Claims Against State.

Sec. 09.50.250. **Actionable Claims Against the State.** A person or corporation having a contract, quasi-contract, or tort claim against the state may bring an action against the state in the superior court. A person who may

present his claim under AS 44.77.010 - 44.77.060 may not bring an action under this section except as set out in AS 44.77.040(c). However, no action may be brought under this section if the claim

(1) is an action for tort, and is based upon an act or omission of an employee of the state, exercising due care, in the execution of a statute or regulation, whether or not the statute or regulation is valid; or is an action for tort, and based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a state agency or an employee of the state, whether or not the discretion involved is abused;

(2) is for damages caused by the imposition or establishment of a quarantine by the state;

(3) arises out of assault, battery, false imprisonment, false arrest, malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with contract rights.

Sec. 2. AS 09.50.280. is amended to read:

Sec. 09.50.280. **Judgment for Plaintiff.** If judgment is rendered for the plaintiff, it shall be for the legal amount found due from the state with legal interest from the date it became due and without punitive damages.

Sec. 3. AS 44.77.040 is amended to read:

Sec. 44.77.040. **Hearing and Judgment on Appeal to Administration.** (a) The Department of Administration shall fix a time for hearing the appeal and shall notify the claimant and the officer who approved the voucher and give them a reasonable opportunity to be heard.

(b) The department, after the hearing, may affirm, reverse, or modify its original decision. Upon acceptance by the claimant of the decision of the department or if the claimant does not bring an action on his claim as set out in (c) of this section, the department shall issue a warrant against the proper appropriation for the sum the department finds due the claimant.

(c) If the claimant does not accept the decision of the Department of Administration, he may bring an action under AS 09.50.250 - 09.50.300 if he brings it within 30 days after he receives notice of the decision of the department. A claimant may also bring an action under AS 09.50.250 - 09.50.300 at any time after one year has elapsed since the presentation of his claim under sec. 10 of this chapter if no decision has been made by the department.

Sec. 4. AS 44.77 is amended by adding a new section to read:

Sec. 44.77.070. **Application of Procedure.** Secs. 10 - 60 of this chapter do not apply to any department in the executive branch which has adopted a mandatory claims and appeal procedure.

Approved March 24, 1965

CHAPTER 31

AN ACT

Requiring that annual reports and requests for legislation and other action be filed by the Alaska State Housing Authority with the Department of Commerce; and providing for an effective date.

(S.B. 113)

Be It Enacted by the Legislature of the State of Alaska:

Section 1. AS 18.55.270 is amended to read:

Sec. 18.55.270. **Reports and Recommendations for Legislation.** The authority shall file with the Department of Commerce an annual report of its activities and shall make recommendations