

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

for the legislation or other action it considers necessary to carry out the purposes of secs. 10 - 290 of this chapter.

Sec. 2. 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 32

AN ACT

Relating to appeals from Workmen's Compensation Board decisions; and providing for an effective date.

(S.B. 70)

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

Section 1. AS 23.30.125(c) is amended to read as follows:

(c) If not in accordance with law, a compensation order may be suspended or set aside, in whole or in part, through injunction proceedings in the superior court brought by a party in interest against the board and all other parties to the proceedings before the board. The payment of the amounts required by an award may not be stayed pending final decision in the proceeding unless upon application for an interlocutory injunc-

tion the court on hearing, after not less than three days' notice to the parties in interest and the board, allows the stay of payment, in whole or in part, where irreparable damage would otherwise ensue to the employer. The order of the court allowing a stay shall contain a specific finding, based upon evidence submitted to the court and identified by reference to it, that irreparable damage would result to the employer, and specifying the nature of the damage.

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

Approved April 1, 1965

CHAPTER 33

AN ACT

Relating to the regulation of engineers and architects; and providing for an effective date.

(S.B. 116)

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

Section 1. AS 08.48.010 is amended to read:

Sec. 08.48.010. **Creation and Membership of Board of Examiners.** There is created a Board of Engineers and Architects Examiners consisting of nine members appointed by the governor. The board consists of three civil engineers,

one of whom is knowledgeable in land surveying, one mining engineer, two engineers from other branches of the profession of engineering, and three architects.

Sec. 2. AS 08.48.160(1) and (3) are repealed.

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 34

AN ACT