

SENATE BILL NO. 120

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/6/03

Referred: Labor and Commerce, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the state's sovereign immunity for certain actions regarding injury,
2 illness, or death of state-employed seamen and to workers' compensation coverage for
3 those seamen; and providing for an effective date."

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

5 * **Section 1.** AS 09.50.250 is amended to read:

6 **Sec. 09.50.250. Actionable claims against the state.** A person or corporation
7 having a contract, quasi-contract, or tort claim against the state may bring an action
8 against the state. A person who may present the claim under AS 44.77 may not bring
9 an action under this section except as set out in AS 44.77.040(c). A person who may
10 bring an action under AS 36.30.560 - 36.30.695 may not bring an action under this
11 section except as set out in AS 36.30.685. However, an action may not be brought
12 [UNDER THIS SECTION] if the claim

13 (1) is an action for tort, and is based upon an act or omission of an
14 employee of the state, exercising due care, in the execution of a statute or regulation,

1 whether or not the statute or regulation is valid; or is an action for tort, and based upon
 2 the exercise or performance or the failure to exercise or perform a discretionary
 3 function or duty on the part of a state agency or an employee of the state, whether or
 4 not the discretion involved is abused;

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

7 (3) arises out of assault, battery, false imprisonment, false arrest,
 8 malicious prosecution, abuse of process, libel, slander, misrepresentation, deceit, or
 9 interference with contract rights; [OR]

10 (4) arises out of the use of an ignition interlock device certified under
 11 AS 33.05.020(c); or

12 (5) arises out of injury, illness, or death of a seaman that occurs or
 13 manifests itself during or in the course of, or arises out of, employment with the
 14 state; AS 23.30 provides the exclusive remedy for such a claim and no action may
 15 be brought against the state, its vessels, or its employees under the Jones Act (46
 16 U.S.C. 688), in admiralty, or under the general maritime law.

17 * **Sec. 2.** The uncodified law of the State of Alaska is amended by adding a new section to
 18 read:

19 APPLICABILITY. (a) AS 09.50.250(5), enacted by sec. 1 of this Act, applies to
 20 claims or causes of action accruing on or after the effective date of this Act.

21 (b) Nothing in this Act affects the terms of a collective bargaining agreement in effect
 22 on the effective date of this Act.

23 * **Sec. 3.** This Act takes effect July 1, 2003.