

**SENATE BILL NO. 202**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-FOURTH LEGISLATURE - FIRST SESSION

**BY SENATOR HUGGINS**

**Introduced: 5/10/05**

**Referred: State Affairs, Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to immunity from tort claims arising out of the use of a boating access**  
2 **facility constructed, operated, or maintained by the state on land owned or managed by**  
3 **the state; 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 in a state court that has jurisdiction over the claim. A person who may  
9 present the claim under AS 44.77 may not bring an action under this section except as  
10 set out in AS 44.77.040(c). A person who may bring an action under AS 36.30.560 -  
11 36.30.695 may not bring an action under this section except as set out in  
12 AS 36.30.685. However, an action may not be brought 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;

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 state;  
 14 AS 23.30 provides the exclusive remedy for such a claim, and no action may be  
 15 brought against the state, its vessels, or its employees under the Jones Act (46 U.S.C.  
 16 688), in admiralty, or under the general maritime law;

17 **(6) arises out of injury or death of an individual or property loss**  
 18 **by a person that occurs in connection with the use of a boating access facility**  
 19 **constructed, operated, or maintained by the state on land owned or managed by**  
 20 **the state; in this paragraph, "boating access facility" means a boat launch, boat**  
 21 **ramp, dock, mooring buoy, road, pathway, trail, or other access point, with or**  
 22 **without support facilities or other structures, that facilitates the launching or**  
 23 **retrieval of a boat from a body of water, and "boat" has the meaning given in**  
 24 **AS 05.25.100.**

25 \* **Sec. 2.** This Act takes effect immediately under AS 01.10.070(c).