

1 IN THE HOUSE

BY MR. TAYLOR

2 HOUSE BILL NO. 247

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SECOND LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to actions against public
7 corporations; amending Ch. 170, SLA 1957;
8 repealing Sec. 56-2-2, ACLA 1949; and pro-
9 viding for an effective date."

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

11 Section 1. Ch. 170, SLA 1957 is amended to read:

12 Section 1. RIGHT OF ACTION CONFERRED. Any person or
13 corporation having any claim against the State [TERRITORY]
14 of Alaska or any political subdivision or public corporation
15 of the state shall have a right of civil action against the
16 state, political subdivision or public corporation in the
17 Superior Court. [TERRITORY IN THE DISTRICT COURT FOR THE
18 DISTRICT OF ALASKA.]

19 Sec. 2. MANNER OF COMMENCING ACTION. Such action shall
20 be commenced by filing a complaint and obtaining the issuance
21 and service of a summons in the manner required for civil ac-
22 tions under the laws of [THE UNITED STATES AND THE TERRITORY
23 OF] Alaska.

24 Sec. 3. BOND REQUIRED OF PLAINTIFF. The plaintiff in
25 any [SUCH] action against the state, at the time of filing
26 the complaint, shall file a surety bond executed by the
27 plaintiff and a surety company authorized to carry on busi-
28 ness in [THE TERRITORY OF] Alaska to the effect that the
29 plaintiff in such action will indemnify the state [SAID

1 TERRITORY] against all costs that may accrue and will pay
2 all costs in case the plaintiff fails to prosecute the
3 action or to obtain judgment against the state [TERRITORY].

4 Sec. 4. COUNSEL FOR STATE: APPEALS. In any action
5 against the state, the Attorney General shall appear as
6 counsel for the state [TERRITORY]. The action shall proceed
7 as other civil actions and appeals may be taken as in other
8 causes. If an appeal is taken by the state [TERRITORY], no
9 bond shall be required.

10 Sec. 5. EFFECT OF JUDGMENT AGAINST STATE. No attach-
11 ment or execution shall issue against the state, or political
12 subdivision or public corporation [TERRITORY] in any [SUCH]
13 action. Whenever a final judgment is rendered in any cause
14 against the state, the clerk of the court rendering the same
15 shall forthwith transmit a duly certified copy thereof to
16 the state [TERRITORIAL] Department of Administration
17 [FINANCE] which shall audit the amount and thereafter shall
18 transmit such copy to the legislature with the recommendation
19 that an appropriation be made for the payment thereof. A
20 judgment rendered against a political subdivision or public
21 corporation of the state shall be satisfied pursuant to the
22 provisions of Sec. 56-2-4, ACLA 1949.

23 Sec. 6. LIMITATIONS ON ACTIONS. All provisions of law
24 relating to the limitations of personal actions shall apply
25 to claims under this Act [AGAINST THE TERRITORY] but the
26 computation of time hereunder shall not begin until this Act
27 shall have become law.

28 Sec. 7. EXCEPTIONS. The provisions of this Act shall
29 not apply to:

1 (1) Any claim based upon an act or omission of an
2 employee of the state, or political subdivision or public
3 corporation [GOVERNMENT], exercising due care, in the
4 execution of a statute, ordinance or regulation, whether or
5 not such statute, ordinance or regulation be valid, or based
6 upon the exercise or performance or the failure to exercise
7 or perform a discretionary function or duty on the part of
8 an [A TERRITORIAL] agency or an employee of the state, or
9 political subdivision or public corporation [TERRITORY],
10 whether or not the discretion involved be abused.

11 (2) Any claim for damages caused by the
12 imposition or establishment of a quarantine [BY THE TERRI-
13 TORY OF ALASKA].

14 (3) Any claim arising out of assault, battery,
15 false imprisonment, false arrest, malicious prosecution,
16 abuse of process, libel, slander, misrepresentation, deceit,
17 or interference with contract rights.

18 Sec. 8. INTEREST: PUNITIVE DAMAGES. [TERRITORY NOT
19 LIABLE FOR INTEREST PRIOR TO JUDGMENT OR FOR PUNITIVE
20 DAMAGES:] The state, or political subdivision or public
21 corporation of the state [TERRITORY] shall not be liable for
22 interest prior to judgment or for punitive damages.

23 Sec. 9. NON-JURY TRIALS: Costs. [:] Any action
24 against the state or a political subdivision or public corp-
25 oration [TERRITORY] under this Act shall be tried by the
26 court without a jury and there shall be no costs assessed
27 against the state, political subdivision or public corpora-
28 tion [TERRITORY] unless expressly permitted by statute.

29 Sec. 10. COMPROMISE BY ATTORNEY GENERAL. [:] The

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Attorney General or any of his assistants assigned to a case may, with the approval of the court, arbitrate, compromise, or settle any action filed under this Act against the state.

Sec. 2. Sec. 56-2-2, ACLA 1949 is 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.