

Original sponsor: The Senate  
Judiciary Committee

Offered: 3/5/65  
Referred: Rules

1 IN THE SENATE BY THE HOUSE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 71

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to claims against the  
7 state."

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

9 \* Section 1. AS 09.50.250 is amended to read:

10 ARTICLE 4. CLAIMS AGAINST STATE

11 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE.

12 A person or corporation having any contract, quasi-contract,  
13 or tort [A] claim against the state may bring an action  
14 against the state in the superior court. A person who may  
15 present his claim under AS 44.77.010 - 44.77.060 may not  
16 bring an action under this section except as set out in  
17 AS 44.77.040(c). However, no action may be brought under  
18 this section if the claim

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

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

29 (3) arises out of assault, battery, false im-

HCSSB 71 am by Free Conference Committee

1           prisonment, false arrest, malicious prosecution, abuse of  
2           process, libel, slander, misrepresentation, deceit, or  
3           interference with contract rights.

4           \* Sec. 2. AS 09.50.280 is amended to read:

5                   Sec. 09.50.280. JUDGMENT FOR PLAINTIFF. If judgment  
6           is rendered for the plaintiff, it shall be for the legal  
7           amount found due from the state with legal interest [ONLY]  
8           from the date it became due [OF JUDGMENT] and without  
9           punitive damages.

10          \* Sec. 3. AS 44.77.040 is amended to read:

11                   Sec. 44.77.040. HEARING AND JUDGMENT ON APPEAL TO  
12          DEPARTMENT. (a) The Department of Administration shall  
13          fix a time for hearing the appeal and shall notify the  
14          claimant and the officer who approved the voucher and give  
15          them a reasonable opportunity to be heard.

16                   (b) The department, after the hearing, may affirm,  
17          reverse, or modify its original decision. Upon acceptance  
18          by the claimant of the decision of the department or if the  
19          claimant does not bring an action on his claim as set out  
20          in (c) of this section, [THE JUDGMENT OF THE DEPARTMENT OF  
21          ADMINISTRATION IS BINDING AND] the department shall issue  
22          a warrant against the proper appropriation for the sum the  
23          department finds due the claimant.

24                   (c) If the claimant does not accept the decision of  
25          the Department of Administration, he may bring an action  
26          under AS 09.50.250 - 09.50.300 if he brings it within 30  
27          days after he receives notice of the decision of the depart-  
28          ment. A claimant may also bring an action under AS 09.50.-  
29          250 - 09.50.300 at any time after one year has elapsed since

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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.