HOUSE BILL NO. 91

IN THE LEGISLATURE OF THE STATE OF ALASKA

SEVENTEENTH LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE BY REQUEST

Introduced: 2/1/91
Referred: State Affairs, Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the jurisdiction of the district court."

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

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

4 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person or
5 corporation having a contract, quasi-contract, or tort claim against the state may bring an action
6 against the state [IN THE SUPERIOR COURT]. A person who may present the claim under
7 AS 44.77 may not bring an action under this section except as set out in AS 44.77.040(c). A
8 person who may bring an action under AS 36.30.560 - 36.30.695 may not bring an action under
9 this section except as set out in AS 36.30.685. However, an action may not be brought under
10 this section if the claim

11 (1) is an action for tort, and is based upon an act or omission of an employee of
12 the state, exercising due care, in the execution of a statute or regulation, whether or not the
13 statute or regulation is valid; or is an action for tort, and based upon the exercise or performance
14 or the failure to exercise or perform a discretionary function or duty on the part of a state agency

1 or an employee of the state, whether or not the discretion involved is abused;

2 (2) is for damages caused by the imposition or establishment of a quarantine by

3 the state;

4 (3) arises out of assault, battery, false imprisonment, false arrest, malicious

5 prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with

6 contract rights; or

7 (4) arises out of the use of an ignition interlock device certified under

8 AS 33.05.020(c).

9 * **Sec. 2.** AS 22.15.050 is amended to read:

10 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The jurisdiction of

11 the district courts does not extend to

12 (1) an action in which the title to real property is in question;

13 (2) an action for false imprisonment, libel, slander, malicious prosecution, **or**

14 actions of an equitable nature, [(] except as otherwise provided by law [), OR ACTIONS IN

15 WHICH THE STATE IS A DEFENDANT].