

CHAPTER 170

AN ACT

**Authorizing and governing civil actions against the Territory of Alaska;
and providing for certain exceptions.**

(S. B. 93)

**Be it enacted by the Legislature
of the Territory of Alaska:**

Section 1. Any person or corporation having any claim against the Territory of Alaska shall have a right of civil action against the Territory in the District Court for the District of Alaska.

Sec. 2. Such action shall be commenced by filing a complaint and obtaining the issuance and service of a summons in the manner required for civil actions under the laws of the United States and the Territory of Alaska.

Sec. 3. The plaintiff in such action, at the time of filing the complaint, shall file a surety bond executed by the plaintiff and a surety company authorized to carry on business in the Territory of Alaska to the effect that the plaintiff in such action will indemnify said Territory against all costs that may accrue and will pay all costs in case the plaintiff fails to prosecute the action or to obtain judgment against the Territory.

Sec. 4. The Attorney General shall appear as counsel for the Territory. The action shall proceed as other civil actions and appeals may be taken as in other causes. If an appeal is taken by the Territory, no bond shall be required.

Sec. 5. No attachment or execution shall issue against the Territory in any such action. Whenever

a final judgment is rendered in any cause the clerk of the court rendering the same shall forthwith transmit a duly certified copy thereof to the Territorial Department of Finance which shall audit the amount and thereafter shall transmit such copy to the Legislature with the recommendation that an appropriation be made for the payment thereof.

Sec. 6. All provisions of law relating to the limitations of personal actions shall apply to claims against the Territory but the computation of time hereunder shall not begin until this Act shall have become law.

Sec. 7. **Exceptions.** The provisions of this Act shall not apply to:

(1) Any claim based upon an act or omission of an employee of the Government, exercising due care, in the execution of a statute or regulation, whether or not such statute or regulation be valid, or based upon the exercise or performance or the failure to exercise or perform a discretionary function or duty on the part of a territorial agency or an employee of the Territory, whether or not the discretion involved be abused.

(2) Any claim for damages caused by the imposition or establishment of a quarantine by the Territory of Alaska.

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

Sec. 8. Territory not liable for Interest Prior to Judgment or for Punitive Damages:

The Territory shall not be liable for interest prior to judgment or for punitive damages.

Sec. 9. Non-Jury Trials: Costs:

Any action against the Territory under this Act shall be tried by the court without a jury and there shall be no costs assessed against the Territory unless expressly permitted by statute.

Sec. 10. **Compromise by Attorney General:**

The 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.

Approved April 4, 1957

CHAPTER 171

AN ACT

To amend Chapter 17 SLA 1955 by authorizing any cities to assess special or benefit assessments against property benefited by off-street parking facilities.

(S. B. 105)

Be it enacted by the Legislature of the Territory of Alaska:

Section 1. Chapter 17, SLA 1955 is hereby amended by adding a new Section 7 thereto to read as follows:

Sec. 7. Each city is hereby authorized, subject to specific authorization and approval of its city council, to levy special or benefit assessments, equal to the total cost of land and improvements or only a portion thereof,

to be assessed against benefited property in proportion to benefit derived, to be paid in not to exceed ten annual installments at interest not to exceed 6% per annum. Such benefit assessments are to be determined in accordance with established Territorial and local special assessment practice, after proper notice and hearing, provided, however, that no assessment shall be levied against property not located in a zoned business district or district within a city.

Approved April 4, 1957
