

CS FOR SENATE BILL NO. 193(L&C)

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY THE SENATE LABOR AND COMMERCE COMMITTEE

Offered: 2/11/00
Referred: Finance

Sponsor(s): SENATOR PEARCE

A BILL

FOR AN ACT ENTITLED

1 "An Act relating to the payment of wages and claims for the payment of wages."

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

3 * **Section 1.** AS 22.15.040(a) is amended to read:

4 (a) **Except as otherwise provided in this subsection, when** [WHEN] a claim
5 for relief does not exceed \$7,500, exclusive of costs, interest, and attorney fees, and
6 request is so made, the district judge or magistrate shall hear the action as a small
7 claim unless important or unusual points of law are involved or the state is a
8 defendant. **The Department of Labor and Workforce Development may bring an**
9 **action as a small claim under this subsection for the payment of wages under**
10 **AS 23.05.220 in an amount not to exceed \$20,000, exclusive of costs, interest,**
11 **penalties, and attorney fees.** The supreme court shall prescribe the procedural rules
12 and standard forms to assure simplicity and the expeditious handling of small claims.

13 * **Sec. 2.** AS 22.15.120(a) is amended to read:

14 (a) A magistrate shall preside only in cases and proceedings under
15 AS 22.15.040, 22.15.100, and 22.15.110, and as follows:

1 (1) for the recovery of money or damages only when the amount
2 claimed, exclusive of costs, interest, and attorney fees, does not exceed \$7,500;

3 (2) for the recovery of specific personal property when the value of the
4 property claimed and the damages for the detention do not exceed \$7,500;

5 (3) for the recovery of a penalty or forfeiture, whether given by statute
6 or arising out of contract, not exceeding \$7,500;

7 (4) to give judgment without action upon the confession of the
8 defendant for any of the cases specified in this section, except for a penalty or
9 forfeiture imposed by statute;

10 (5) to give judgment of conviction upon a plea of guilty or no contest
11 by the defendant in a criminal proceeding within the jurisdiction of the district court;

12 (6) to hear, try, and enter judgments in all cases involving
13 misdemeanors that are not minor offenses if the defendant consents in writing that the
14 magistrate may try the case;

15 (7) to hear, try, and enter judgments in all cases involving minor
16 offenses and violations of ordinances of political subdivisions;

17 (8) for the extradition of fugitives as authorized under AS 12.70;

18 (9) to provide post-conviction relief under the Alaska Rules of Criminal
19 Procedure for any of the cases specified in (5), (6), or (7) of this subsection if the
20 conviction occurred in the district court; **or**

21 (10) **to hear, try, and enter judgments in actions for the payment**
22 **of wages brought by the Department of Labor and Workforce Development as**
23 **provided in AS 22.15.040(a) [REPEALED].**

24 * **Sec. 3.** AS 23.05.140 is amended by adding a new subsection to read:

25 (e) In an action brought by the department under this section, an employer
26 found liable for failing to pay wages within three working days of termination shall
27 be required to pay the penalty set out in (d) of this section. The amount of the penalty
28 shall be calculated based on the employee's straight time rate of pay for an eight-hour
29 day.

30 * **Sec. 4.** AS 23.05.220(c) is amended to read:

31 (c) The department may not accept an assignment of a claim in excess of the

1 amount set out in AS 22.15.040 as the maximum amount, exclusive of costs, interest,
2 and attorney fees, for the jurisdiction of the district court to hear an action **for the**
3 **payment of wages** as a small claim.