

SENATE BILL NO. 193

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-FIRST LEGISLATURE - SECOND SESSION

BY SENATOR PEARCE

Introduced: 1/14/00

Referred: Labor and Commerce, Finance

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(d) is amended to read:

25 (d) If an employer violates (b) of this section by failing to pay within three
26 working days of termination, the employer **shall** [MAY BE REQUIRED TO] pay the
27 employee a penalty in the amount of the employee's regular wage, salary, or other
28 compensation from the time of demand to the time of payment, or for 90 working
29 days, whichever is the lesser amount.

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.