

Original sponsors: Brown, Gardiner
and Miller

Offered: 5/5/78
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 43

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to a grant of jurisdiction to the
7 district courts over claims against the state brought
8 under the small claims procedural rules; and amending
9 District Court Civil Rules 11(c) and 13(a)."

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

11 * Section 1. AS 22.15.050 is amended to read:

12 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The juris-
13 diction of the district courts does not extend to

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

16 (2) an action for false imprisonment, libel, slander, mali-
17 cious prosecution, criminal conversation, seduction upon a promise to
18 marry, actions of an equitable nature (except as provided in sec. 30(a)-
19 (9) of this chapter), or actions other than actions brought as small
20 claims in which the state is a defendant.

21 * Sec. 2. AS 09.50.250 is amended by adding a new subsection to read:

22 (b) A person having a small claim, as defined by AS 22.15.040,
23 against the state may bring an action against the state in the district
24 court under the procedural rules prescribed for small claims by the
25 supreme court.

26 * Sec. 3. District Court Civil Rule 11(c) is amended to read:

27 (c) The summons and complaint may be served within the state by
28 registered or certified mail except service against the state, which
29 shall be in accordance with Civil Rule 4(d)(7) and (8). Copies of the

1 summons and complaint shall be mailed by the district judge, magistrate
2 or clerk for delivery only to the party to whom the summons is directed.
3 A delivery receipt returnable to the district court shall be required
4 and must be signed by the party to whom the summons is directed. All
5 returned delivery receipts shall be attached to the copy of the summons
6 retained by the court.

7 * Sec. 4. District Court Civil Rule 13(a) is amended to read:

8 (a) A defendant shall file or state his answer within 20 days
9 after service of the summons and complaint upon him except that the
10 state or an officer or agency of the state shall serve an answer to the
11 complaint or cross claim within 40 days after service. A counterclaim
12 shall be deemed denied by the plaintiff.