

Introduced: 4/15/80
Referred: Judiciary

1 IN THE HOUSE

BY MCKINNON

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 762

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 ELEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the powers of the district court
7 and to judicial arbitration; and providing for an
8 effective date."

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

10 * Section 1. AS 22.15.040 is amended to read:

11 Sec. 22.15.040. SMALL CLAIMS. (a) When a claim for relief does
12 not exceed \$5,000 (\$2,000) exclusive of costs, interest and attorney
13 fees, and request is so made, the district judge or magistrate shall
14 hear the action as a small claim unless important or unusual points of
15 law are involved. The supreme court shall prescribe the procedural
16 rules and standard forms to assure simplicity and the expeditious han-
17 dling of small claims.

18 (b) The supreme court may increase the limit on the amount of the
19 claim for relief established in (a) of this section to reflect annual
20 increases in the Anchorage consumer price index published by the United
21 States Department of Labor, Bureau of Labor Statistics.

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

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

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

27 (2) an action for false imprisonment, libel, slander, mali-
28 cious prosecution, criminal conversation, seduction upon a promise to
29 marry, [ACTIONS OF AN EQUITABLE NATURE (EXCEPT AS PROVIDED IN AS 22.15.-

1 030(a)(9)),] or actions in which the state is a defendant.

2 * Sec. 3. AS 09.43.190 is amended to read:

3 Sec. 09.43.190. ARBITRATION UNDER COURT RULES. (a) The supreme
4 court may provide by rule for compulsory arbitration of a cause of
5 action filed in a superior or district court, demanding only a money
6 judgment, when it appears that the demand on the cause of action does
7 not exceed the amount provided in AS 22.15.030(a)(1) [IS FOR \$3,000 OR
8 LESS], exclusive of costs, or when it appears to the trial court as a
9 result of a pretrial conference that the amount which will be recovered
10 on the cause of action is not likely to exceed the amount provided in
11 AS 22.15.030(a)(1), exclusive of costs [\$3,000].

12 (b) A rule adopted under (a) of this section may not require
13 compulsory arbitration of a cause of action filed as a small claim under
14 AS 22.15.040.

15 * Sec. 4. AS 09.43 is amended by adding a new section to read:

16 Sec. 09.43.225. SANCTION FOR REFUSAL TO ACCEPT AWARD. The supreme
17 court may adopt a rule which assesses costs and attorney fees to a party
18 refusing to accept the award of an arbitrator under AS 09.43.190 -
19 09.43.220.

20 * Sec. 5. This Act takes effect July 1, 1980.

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