

Introduced: 2/6/84
Referred: Judiciary and Finance

1 IN THE HOUSE

BY BUSSELL

2 SPONSOR SUBSTITUTE FOR HOUSE BILL NO. 560
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

10 * Section 1. AS 22.15.030(a) is amended to read:

11 (a) The district court has jurisdiction of civil cases and
12 proceedings as follows:

13 (1) for the recovery of money or damages when the amount
14 claimed exclusive of costs, interest and attorney fees does not exceed
15 \$50,000 [\$10,000, EXCEPT AS PROVIDED IN (10) OF THIS SUBSECTION];

16 (2) for the recovery of specific personal property, when
17 the value of the property claimed and the damages for the detention do
18 not exceed \$50,000 [\$10,000];

19 (3) for the recovery of a penalty or forfeiture, whether
20 given by statute or arising out of contract, not exceeding \$50,000
21 [\$10,000];

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

25 (5) for establishing the fact of death of any person in the
26 manner prescribed in AS 09.55.020 - 09.55.060;

27 [(6) Repealed

28 (7) Repealed]

29 (6) [(8)] for the recovery of the possession of premises in

1 the manner provided under AS 09.45.070 - 09.45.160 when the value of
2 the property or of the arrears and damage to the property does not
3 exceed \$50,000 [\$10,000];

4 (7) [(9)] for the foreclosure of a lien when the amount in
5 controversy does not exceed \$50,000 [\$10,000];

6 (8) [(10)] for the recovery of money or damages in motor
7 vehicle tort cases when the amount claimed exclusive of costs, inter-
8 est and attorney fees does not exceed \$50,000 [\$15,000];

9 (9) [(11)] over civil actions for taking utility service
10 and for damages to or interference with a utility line filed under
11 AS 42.20.030.

12 * Sec. 2. AS 22.15.120 is amended to read:

13 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY
14 HEAR. 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,

16 (1) for the recovery of money or damages only when the
17 amount claimed, exclusive of costs, interest, and attorney fees, does
18 not exceed \$5,000 [\$1,000];

19 (2) for the recovery of specific personal property when the
20 value of the property claimed and the damages for the detention do not
21 exceed \$5,000 [\$1,000];

22 (3) for the recovery of a penalty or forfeiture, whether
23 given by statute or arising out of contract, not exceeding \$5,000
24 [\$1,000];

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

28 (5) to give judgment of conviction upon a plea of guilty by
29 the defendant in a criminal proceeding within the jurisdiction of the

1 district court;

2 (6) to hear, try, and enter judgments in all cases involv-
3 ing misdemeanors, if the defendant consents in writing that the magis-
4 trate may try the case;

5 (7) to hear, try and enter judgments in all cases involving
6 infractions under AS 28 and violations of ordinances of political
7 subdivisions. [;

8 (8) Repealed]

9 * Sec. 3. AS 34.35.005(a) is amended to read:

10 (a) When an action is required to enforce a lien provided for in
11 AS 34.35.005 - 34.35.425, the action shall be started in the superior
12 court in the judicial district in which the property upon which the
13 lien attaches is located. When an action is required to enforce a
14 lien provided for in AS 34.35.430 - 34.35.480, the action may be
15 started in the district court in the judicial district in which the
16 property upon which the lien attaches is located. The procedure,
17 except as otherwise provided in AS 34.35.005 - 34.35.045, is the same
18 as in the trial of an action to secure property to hold it for the
19 satisfaction of a lien against it.

20 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
21 10.070(c).