

**CS FOR SENATE BILL NO. 101 (JUDICIARY)**  
**IN THE LEGISLATURE OF THE STATE OF ALASKA**  
**SEVENTEENTH LEGISLATURE - FIRST SESSION**

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 3/29/91**  
**Referred: Finance**

**Sponsor(s): SENATE JUDICIARY COMMITTEE BY REQUEST**

**A BILL**

**FOR AN ACT ENTITLED**

**1 "An Act relating to the jurisdiction of the district court and to the district court's ability**  
**2 to hear actions as small claims."**

**3 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

**4 \* Section 1. AS 09.50.250 is amended to read:**

**5 Sec. 09.50.250. ACTIONABLE CLAIMS AGAINST THE STATE. A person or**  
**6 corporation having a contract, quasi-contract, or tort claim against the state may bring an action**  
**7 against the state [IN THE SUPERIOR COURT]. A person who may present the claim under**  
**8 AS 44.77 may not bring an action under this section except as set out in AS 44.77.040(c). A**  
**9 person who may bring an action under AS 36.30.560 - 36.30.695 may not bring an action under**  
**10 this section except as set out in AS 36.30.685. However, an action may not be brought under**  
**11 this section if the claim**

**12 (1) is an action for tort, and is based upon an act or omission of an employee of**  
**13 the state, exercising due care, in the execution of a statute or regulation, whether or not the**  
**14 statute or regulation is valid; or is an action for tort, and based upon the exercise or performance**

1 or the failure to exercise or perform a discretionary function or duty on the part of a state agency  
2 or an employee of the state, whether or not the discretion involved is abused;

3 (2) is for damages caused by the imposition or establishment of a quarantine by  
4 the state;

5 (3) arises out of assault, battery, false imprisonment, false arrest, malicious  
6 prosecution, abuse of process, libel, slander, misrepresentation, deceit, or interference with  
7 contract rights; or

8 (4) arises out of the use of an ignition interlock device certified under  
9 AS 33.05.020(c).

10 \* Sec. 2. AS 22.15.040(a) is amended to read:

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

16 \* Sec. 3. AS 22.15.050 is amended to read:

17 Sec. 22.15.050. ACTIONS NOT WITHIN CIVIL JURISDICTION. The jurisdiction of  
18 the district courts does not extend to

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

20 (2) an action for false imprisonment, libel, slander, malicious prosecution, or  
21 actions of an equitable nature, ~~{(} except as otherwise provided by law {)}~~, OR ACTIONS IN  
22 WHICH THE STATE IS A DEFENDANT].