

**HOUSE CS FOR CS FOR SENATE BILL NO. 101 (FINANCE)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**SEVENTEENTH LEGISLATURE - SECOND SESSION**

**BY THE HOUSE FINANCE COMMITTEE**

**Offered: 5/9/92**

**Referred: Rules**

**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 the state is a defendant.

14 The supreme court shall prescribe the procedural rules and standard forms to assure simplicity  
15 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].