

**COMMITTEE REPORT**  
**SENATE**

FURTHER:

1/25/85

Date \_\_\_\_\_

Mr. President

The Committee on FINANCE considered SB 77

small claims jurisdictional limitation and the duties of magistrates;  
efd.

and (a majority of the committee) (the committee) reports it back with  
the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

1/22/85

Date January 24, 1985

Mr. President

The Committee on JUDICIARY considered SB 77

small claims jurisdictional limitation and the duties of magistrates; efd.

and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
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MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

*James Fair*  
*Rich Halpern*  
*Zick*  
*Tom Kelly*  
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*Michael J. Foley*  
 Chairman  
DO PASS  
 Chairman recommendation

Introduced: 1/22/85  
Referred: Judiciary and  
Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 77

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the small claims jurisdictional  
7 limitation and the duties of magistrates; and  
8 providing for an 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. When a claim for relief does not  
12 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,  
13 and request is so made, the district judge or magistrate shall hear  
14 the action as a small claim unless important or unusual points of law  
15 are involved. The supreme court shall prescribe the procedural rules  
16 and standard forms to assure simplicity and the expeditious handling  
17 of small claims.

18 \* Sec. 2. AS 22.15.120 is amended to read:

19 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY  
20 HEAR. A magistrate shall preside only in cases and proceedings under  
21 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

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

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

28 (3) for the recovery of a penalty or forfeiture, whether  
29 given by statute or arising out of contract, not exceeding \$5,000

1           [\$1,000];

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

5                   (5) to give judgment of conviction upon a plea of guilty by  
6 the defendant in a criminal proceeding within the jurisdiction of the  
7 district court;

8                   (6) to hear, try, and enter judgments in all cases  
9 involving misdemeanors, if the defendant consents in writing that the  
10 magistrate may try the case;

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

14                   (8) REPEALED]

15           \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
16 10.070(c).

ALASKA STATE LEGISLATURE

14th... Legislature .FIRST. Session

SENATE BILL..... NO. 77...

By THE JUDICIARY COMMITTEE.....

"An Act relating to the small jurisdictional limitation and the duties of magistrates; and providing for an effective date.."

Introduced in the Senate ...1/22, 19...85

HISTORY IN THE SENATE

19 85

Read first time and referred to Committee on

1 22 Judiciary and Finance

*Jan 25* Reported back with *Judiciary* recommendation that *5 do pass*  
*J. Linn*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: \_\_\_\_\_

REQUEST

Bill/Resolution No.: SB 77  
 Title: Small Claims Jurisdiction  
al Lmt. and Duties of Magistrates  
 Sponsor: Senate Judiciary  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		94.8	100.5	106.5	112.9	119.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		9.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>105.8</b>	<b>102.6</b>	<b>108.7</b>	<b>115.2</b>	<b>122.1</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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FUNDING: (Thousands of Dollars)

GENERAL FUND		105.8	102.6	108.7	115.2	122.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>105.8</b>	<b>102.6</b>	<b>108.7</b>	<b>115.2</b>	<b>122.1</b>

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

Prepared By: Roger Lewis  
 Division: Senate Judiciary Committee

Phone: 465-3717  
 Date: 1/22/85

Approved by Commissioner: [Signature]  
 Agency: Alaska Court System

Date: 1/22/85

Distribution (by Agency preparing fiscal note):  
 Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

7/1/84

## ALASKA COURT SYSTEM

### SB77 - SMALL CLAIMS JURISDICTIONAL LIMITATION AND DUTIES OF MAGISTRATES

#### FISCAL IMPACT

It is anticipated that the increase in small claims jurisdiction from \$2,000 to \$5,000 will have a significant impact on court operations.

The Civil Division of the Anchorage Clerk's Office, which is the court location with the greatest number of small claims filings, anticipates that a jurisdictional increase would result in a 15-20% increase in small claims filings. Some of these cases would be matters previously handled in District Court. Others would be new to the system, representing legal problems with a relatively low dollar amount involved for which persons are reluctant to incur the costs entailed for an attorney, but which they wish to handle themselves in small claims court.

Additionally, some litigants would be willing to waive the amount of their claim over \$5,000 and proceed in small claims court, balancing the waiver of the claim amount against the savings in attorney fees in small claims.

Judicial resources should not be impacted by the increase since most of these types of cases are already in the system. However, additional clerical help will be required. The small claims procedures involve an extensive amount of clerical assistance, including mailing notices for litigants and substantial time expended in advising the public. General District Court matters require only simple filing and journaling of documents. This impact could be handled by the addition of three and one-half (3½) positions with costs calculated on the following page. One and one-half of these positions would be located in Anchorage. Fairbanks and Juneau would each receive one position.

ALASKA COURT SYSTEM  
FISCAL NOTE ANALYSIS

SB77 - SMALL CLAIMS JURISDICTIONAL LIMIT  
AND DUTIES OF MAGISTRATES

PERSONNEL:	SALARY	BENEFITS	TOTAL COST
1½ COURT CLERK I (Anchorage - 8B)	\$28,926	\$10,418	\$39,344
1 COURT CLERK I (Fairbanks - 8B)	21,744	7,496	29,240
1 COURT CLERK I (Juneau - 8B)	19,284	6,945	26,229
			-----
	Total Personnel Costs		94,813
SUPPLIES			2,000
EQUIPMENT (one-time items)			8,996
			-----
TOTAL FY 86 COST			\$105,809
			=====

Subsequent fiscal years adjusted to reflect 6% inflation.

Introduced: 1/22/85  
Referred: Judiciary and  
Finance

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BY THE JUDICIARY COMMITTEE

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SENATE BILL NO. 77

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IN THE LEGISLATURE OF THE STATE OF ALASKA

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FOURTEENTH LEGISLATURE - FIRST SESSION

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MEMBERS SIGNING  
DO PASS

Jan Fairbairn  
Rich Halford  
Zick  
Tom Kelly

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Mark Jolley  
Chairman  
DO PASS  
Chairman recommendation