

HB

91

HOUSE COMMITTEE REPORT

(7)

Date Referred: February 1, 1991

FURTHER REFERRALS:

Judiciary
Finance

Date of Committee Action: 4-12-91

The STATE AFFAIRS Committee considered:

HB 91

HOUSE BILL NO. 91

JURISDICTION OF DISTRICT COURT

"An Act relating to the jurisdiction of the district court."

RECOMMENDATIONS:

be replaced with _____ [] the same title

[] have attached amendments(s) [] a new title

[x] do pass

[] do not pass

[] no recommendations

[] individual recommendations

[] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept)

APPROVES PREVIOUS: (Dept/Date)

[] fiscal impact _____

[] fiscal note(s) _____

(2) [x] zero fiscal notes Alaska Court System
Dept. of Law

[] zero fiscal note(s) _____

SIGNING DO PASS:

SIGNING OTHER RECOMMENDATIONS:

	Check appropriate column:	Do Not Pass	No Rec	Amend
<i>Gene Kubina</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				
<i>[Signature]</i>				

Gene Kubina
Chairman's Signature

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

Bill No. HB 91

Revision Date: _____ Department Affected: Alaska Court System
 Title: An Act relating to the jurisdiction of BRU: Trial Courts
the District Court Components: _____
 Sponsor: Judiciary
 Requestor: Judiciary Committee COMPONENT SERIAL NO. 000 | 000 | 000 | 788

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	0.0	0.0	0.0	0.0	0.0	0.0
FEDERAL FUNDS						
OTHER						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)
 No fiscal impact.

Prepared by: C. S. Christensen III, Staff Counsel Phone: 264-8228
 Division: Alaska Court System Date: 02/08/91

Approved by: Arthur H. Snowden, II, Administrative Director Date: 02/08/91
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1991 LEGISLATIVE SESSION

BILL NO. HB 91

Revision Date: _____ Department Affected: Department of Law
 Title: "An Act relating to the jurisdiction of the district court." BRU: Legal Services
 Component: Operations
 Sponsor: House Judiciary by Request
 Requestor: House State Affairs COMPONENT SERIAL NO.

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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 92	FY 93	FY 94	FY 95	FY 96	FY 97
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
---------	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL						

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Richard I. Pegues

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Date: April 11, 1991
 Approved by Commissioner: Richard I. Pegues / FOR /
Charles D. Cole, Attorney General
 Agency: Department of Law Date: April 11, 1991

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 91

This bill amends AS 09.50.250 and AS 22.15.050, to provide that persons having claims against the state may bring an action in district court. Heretofore, actions against the state have been required to be filed in superior court. The Department of Law believes that the bill, in its present form, has the potential of encouraging unnecessary litigation, which could have a substantial fiscal impact on the department and the Division of Risk Management because it would make the relaxed small claim rules available for these claims.

The department therefore recommends that the bill be amended to deny access to small claims when the state is a defendant, by amending AS 22.15.040(a). This recommended change is shown below for your consideration.

AS 22.15.040(a) is amended to read:

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



Alaska Court System
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III
Staff Counsel

303 K Street
Anchorage, AK 99501
(907) 264-8228

February 8, 1991

The Honorable Gene Kubina
Chairman, House State Affairs Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Kubina:

I am writing to request that the State Affairs Committee schedule a hearing on House Bill 91, relating to the jurisdiction of the district court, at its earliest convenience. This bill was introduced at the request of the Alaska Court System.

Current law provides that the superior court has jurisdiction in civil cases exceeding \$50,000 in value; the district court has jurisdiction over claims not exceeding that amount. However, current law also requires that all actions against the state be brought in superior court, regardless of the size of the claim. This has resulted in situations like one which took place recently in Fairbanks, when the superior court was used to try a \$2000 claim against the state. Not only is \$2000 significantly less than the maximum amount of the district court's jurisdiction, it is significantly less than the maximum amount of a small claims case (\$5,000).

This restriction on district court jurisdiction was enacted at the time of statehood, when district court judges were not required to be attorneys. The prevailing view was that cases in which the state was a defendant should not be decided by a court presided over by a person who was not learned in the law. Today, however, this distinction is an anachronism, since a district court judge must be licensed to practice law in Alaska, and is subject to the same appointive and retention election processes as are judges of the superior court.

The Honorable Gene Kubina
February 8, 1991
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HB 91 proposes to treat the state like any other litigant, by making it subject to the jurisdiction of the district court when the matter in controversy does not exceed \$50,000.

As drafted, HB 91 would make the following changes to existing law:

Section 1. Amends AS 09.50.250, relating to sovereign immunity. The existing statute requires that a contract, quasi-contract or tort claim against the state be brought in superior court. This section deletes that requirement.

Section 2. Amends AS 22.15.050, relating to the jurisdiction of the district court. The existing statute provides that the jurisdiction of that court does not extend to cases in which the state is a defendant. This section deletes that restriction on jurisdiction.

Please feel free to contact me if you have any questions or comments.

Very truly yours,



C. S. Christensen III
Staff Counsel

CSC:bh

Encl.



House State Affairs Committee

Representative Gene Kubina, Chair

DATE: April 10, 1991

PLACE: Capitol, Room 102

SUBJECT OF MEETING:
 *HB 91 - Relating to Jurisdiction of District Court
 *HB 234 - Relating to Assignment of Right to PF Dividends
 SCR 20 - Relating to Kodiak Island as a Bicentennial City

NAME	REPRESENTING	BUSINESS/PERSONAL MAILING ADDRESS	ZIP	(H) PHONE	(W) PHONE	DO YOU WANT TO TESTIFY?	WHAT SUBJECT/WHICH BILL?
Tom Williams	Dept. of Revenue	P.O. Box S-0464 Juneau AK	99511		465-2323	(Y) N	HB 234
C.S. CHRISTENSEN	MUSKA COURT 575122	303 K ST. ANCH	99501		463-4970 264-8228	(Y) N	HB 91
TOM PANAMAROFF	Sen Zharoff	P.O. Box V JUNEAU AK	99801		465-3473	(Y) N	SCR 20
JEFF BUSH	Dept. of Law	P.O. Box K, Juneau	99801		465-3600	(Y) N	HB 234
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	
						Y N	