

LEGAL SERVICES

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MEMORANDUM

February 18, 2015

SUBJECT: Sectional Summary (CSHB 83()); Work Order No. 29-LS0414\H)

TO: Representative Gabrielle LeDoux
Attn: Clark Bickford

FROM: Megan A. Wallace *MAW*
Legislative Counsel

You have requested a sectional summary of the above-described bill, as well as its previous version, HB 83; Work Order No. 29-LS0414\W.

As a preliminary matter, note that a sectional summary of a bill should not be considered an authoritative interpretation of the bill and the bill itself is the best statement of its contents. If you would like an interpretation of the bill as it may apply to a particular set of circumstances, please advise.

CSHB 83(); Work Order No. 29-LS0414\H

Section 1. Repeals Rule 41(a)(3), Alaska Rules of Civil Procedure and Rules 511(c) and (e), Alaska Rules of Appellate Procedure.

Section 2. Repeals AS 09.68.130, relating to collection of settlement information by the Alaska Judicial Council.

Section 3. Provides that the Act will only take effect if sec. 1 of the Act receives the two-thirds majority vote required by the Constitution of the State of Alaska for a court rule change.

Section 4. Provides that the Act will take effect immediately if it receives the two-thirds majority vote under sec. 3 of the Act.

HB 83; Work Order No. 29-LS0414\W

Section 1. Repeals and reenacts AS 09.68.130. Provides that the Alaska Judicial Council shall periodically collect and evaluate settlement information. Provides that a party to a civil action, or the party's attorney, shall provide settlement information to the Alaska Judicial Council upon request. Provides an exemption to collection of settlement information in certain types of cases. Provides that information received by the Alaska Judicial Council is confidential, except that the council may disclose summaries and statistics that do not identify a particular litigation or party.

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Section 2. Repeals Rule 41(a)(3), Alaska Rules of Civil Procedure and Rules 511(c) and (e), Alaska Rules of Appellate Procedure.

Section 3. Provides that the Act will only take effect if sec. 2 of the Act receives the two-thirds majority vote required by the Constitution of the State of Alaska for a court rule change.

Section 4. Provides that the Act will take effect immediately if it receives the two-thirds majority vote under sec. 3 of the Act.

Explanation of Changes

CSHB 83(); Work Order No. 29-LS0414\H repeals AS 09.68.130, relating to collection of settlement information by the Alaska Judicial Council, while HB 83; Work Order No. 29-LS0414\W modifies the existing statute. Under CSHB 83(); Work Order No. 29-LS0414\H, the Alaska Judicial Council will no longer have any obligation to collect settlement information. Under CSHB 83(); Work Order No. 29-LS0414\H, the Alaska Judicial Council would be obligated to periodically collect and evaluate settlement information. Both bills contain identical provisions that seek to repeal Rules 41(a)(3), Alaska Rules of Civil Procedure and Rules 511(c) and (e), Alaska Rules of Appellate Procedure. Both bills also contain identical conditional effect and effective date provisions.

Please let me know if you have any questions or if I can be of further assistance.

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Enclosure