



LAWS OF ALASKA

1967

Source

Chapter No.

CSHB 141 am

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AN ACT

Relating to compensation and retirement of judicial officers; increasing the number of justices and judges in the supreme and superior courts; and providing for an effective date.

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

- * Section 1. AS 22.05.020 is amended to read:

Sec. 22.05.020. COMPOSITION AND GENERAL POWERS. The supreme court is a court of record and consists of three justices including the chief justice. On December 1, 1968, the total number of justices shall be increased to five. The supreme court is vested with all power and authority necessary to carry into complete execution all its judgments, decrees and determinations in all matters within its jurisdiction, according to the constitution, the laws of the state, and the common law. It may prescribe by rule the fees to be charged by all courts for judicial services.

- * Sec. 2. AS 22.05.140(a) is amended to read:

(a) The chief justice shall receive \$27,000 annually, and each associate justice shall receive \$26,000 annually as compensation. The compensation is payable monthly in 12 equal installments. Compensation of the chief justice or of an associate justice shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

- * Sec. 3. AS 22.10.120 is amended to read:

Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of eleven judges, two of whom shall be judges in the first judicial district, one of whom shall be judge in the second judicial district, six of whom shall be judges in the third judicial district, and two of whom shall be judges in the fourth judicial district. At the time of submitting the names of nominees to the governor to fill a

vacancy on the superior court bench, the judicial council shall also designate the district in which the appointee is to reside and serve.

* Sec. 4. AS 22.10.190(a) is amended to read:

(a) Each superior court judge shall receive \$23,000 annually, as compensation, payable monthly in 12 equal installments. The compensation of a judge shall not be diminished during his term of office, unless by general law applying to all salaried officers of the state.

* Sec. 5. AS 22.15.220(a) is amended to read:

(a) Each district judge shall receive annual compensation to be determined by the supreme court, but, in any event, not less than \$15,500 or more than \$17,500. Compensation shall be payable annually in 12 equal monthly installments.

* Sec. 6. AS 22.25.010(a) is amended to read:

(a) A justice or judge shall be retired on the date that he reaches the age of 70. He is eligible for retirement pay if he has had five or more years of service at the time of retirement as a justice or judge.

* Sec. 7. AS 22.25.010(b) is amended to read:

(b) A justice or judge may be retired for incapacity as provided by law. He is eligible for retirement pay if he has had two or more years of service at the time of retirement for incapacity. The effective date of retirement under this subsection is the first day of the month coinciding with or after the date upon which the governor with respect to a justice, or the supreme court with respect to a judge files with the commissioner of administration a written declaration to the effect that a designated justice or judge was retired for incapacity. A duplicate copy of the declaration shall be filed with the Judicial Council.

* Sec. 8. AS 22.25.010(d) is repealed and re-enacted to read:

(d) A justice or judge may voluntarily retire at any time and shall have a vested right to his accrued retirement pay if he has served five or more years. Retirement pay shall not commence until he has reached age 65; except that an actuarially equivalent retirement pay may be commenced after he has reached age 60 or upon his serving 20 years as a justice or judge. The provisions of (b) of this section are an exception to this rule. A justice or judge desiring to retire under this subsection shall file with the governor a notice of his desire, together with a sworn statement of the facts establishing his eligibility to retire. The governor shall certify those facts to the commissioner of administration and declare, in writing, the eligibility or ineligibility for retirement of the justice or judge. If a justice or judge is eligible to receive retirement pay at the time of his retirement, his retirement pay shall commence on the first day of the month coinciding with or after the date the written declaration of the governor is filed with the commissioner of administration. If a justice or judge is not eligible to receive retirement pay at the time

of his retirement, his retirement pay shall commence on the first day of the month he reaches age 65 or the month he becomes eligible for an actuarial equivalent if he has applied for this option.

- * Sec. 9. AS 22.25.010(f) is amended to read:

(f) In the computation of service for retirement under secs. 10 - 70 of this chapter, the time served by a justice or judge of any court is added to the time served by him, if any, on any other court. All service rendered by a justice or judge before the effective date of secs. 10 - 70 of this chapter shall be included in the computation.

- * Sec. 10. AS 22.25.010 is amended by adding a new subsection to read:

(g) The word "justice" means a supreme court justice, and the word "judge", unless the context clearly indicates otherwise, means a superior court or district court judge.

- * Sec. 11. AS 22.25.020 is repealed and re-enacted to read:

Sec. 22.25.020. RETIREMENT PAY. A retired justice or judge eligible for retirement pay shall receive from the date of his eligibility until his death monthly compensation equal to five per cent per year of service, to a maximum of 75 per cent, of the monthly salary authorized for justices and judges, respectively, at the time each retirement payment is made.

- * Sec. 12. AS 22.25.030 is repealed and re-enacted to read:

Sec. 22.25.030. DEATH BENEFITS. Upon the death of a justice or judge who is retired or whose right to his retirement pay has vested, his widow is entitled to receive during the remainder of her life or as long as she remains unmarried monthly compensation equal to one-half of the actuarial equivalent of the retirement pay the justice or judge was or would have been entitled to receive. In computing the justice's or judge's retirement pay if he was not actually drawing it, the amount shall be the actuarial equivalent of his vested interest at his death. However, in order to receive the compensation, his widow must have been his wife continuously for at least five years immediately before his death.

- * Sec. 13. AS 22.25 is amended by adding a new section to read:

Sec. 22.25.045. APPROPRIATIONS. An estimated amount sufficient to pay all benefits anticipated to be paid under this chapter in each fiscal year shall be included in the annual appropriation for the state court system. If the actual authorized benefits necessary to be paid in any fiscal year exceed the sum appropriated, the benefits due shall nevertheless be paid from general funds of the state not otherwise appropriated.

- * Sec. 14. AS 39.35.680(5)(C)(v) is amended to read:

(v) justices and judges of the supreme, superior and district courts of Alaska; for pur-

poses of this subsection a state legislator is considered to be a full-time elected official.

* Sec. 15. Within 90 days after the effective date of this Act, all amounts contributed by a justice or judge toward retirement under AS 22.25 or AS 39.35 shall be refunded. Amounts credited to retirement accounts of justices and judges by reason of employer contributions under AS 22.25 or AS 39.35 shall be restored to the general fund.

* Sec. 16. The following laws are repealed: AS 22.25.010(e); and AS 22.25.040 - 22.25.070.

* Sec. 17. This Act takes effect July 1, 1967.