

**CS FOR SENATE BILL NO. 161(JUD)**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

**BY THE SENATE JUDICIARY COMMITTEE**

**Offered: 4/23/01**  
**Referred: Finance**

**Sponsor(s): SENATE JUDICIARY COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the withholding of salary of justices, judges, and magistrates;**  
2 **relating to prompt decisions by justices, judges, and magistrates; and relating to judicial**  
3 **retention elections for judicial officers; and providing for an effective date."**

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

5 **\* Section 1.** AS 15.58.020 is amended to read:

6 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain  
7 (1) photographs and campaign statements submitted by eligible  
8 candidates for elective office in the region **and the following explanation concerning**  
9 **AS 15.58.050(2) for each judicial officer who has not been issued a salary**  
10 **warrant:**

11 **This judicial officer was not issued one or more salary warrants. In order**  
12 **for each judicial officer to receive a salary, state law requires the judicial officer**  
13 **to file an affidavit that no case or matter has been uncompleted or undecided by**  
14 **the judicial officer for a period of more than six months and, if applicable, by the**

1 **appellate court of which the judicial officer is a member for a period of not more**  
 2 **than an additional six months;**

3 (2) information and recommendations filed under AS 15.58.050 on  
 4 judicial officers subject to a retention election in the region;

5 (3) a map of the house district or districts of the region;

6 (4) sample ballots for house districts of the region;

7 (5) an absentee ballot application;

8 (6) for each ballot proposition submitted to the voters by initiative or  
 9 referendum petition or by the legislature,

10 (A) the full text of the proposition specifying constitutional or  
 11 statutory provisions proposed to be affected;

12 (B) the ballot title and the summary of the proposition prepared  
 13 by the director or by the lieutenant governor;

14 (C) a neutral summary of the proposition prepared by the  
 15 Legislative Affairs Agency;

16 (D) statements submitted that advocate voter approval or  
 17 rejection of the proposition not to exceed 500 words;

18 (7) for each bond question, a statement of the scope of each project as  
 19 it appears in the bond authorization;

20 (8) a maximum of two pages of material submitted by each political  
 21 party;

22 (9) additional information on voting procedures that the lieutenant  
 23 governor considers necessary;

24 (10) for the question whether a constitutional convention shall be  
 25 called,

26 (A) a full statement of the question placed on the ballot;

27 (B) statements not to exceed 500 words that advocate voter  
 28 approval or rejection of the question;

29 (11) under AS 37.13.170, the Alaska permanent fund annual income  
 30 statement and balance sheet for the two fiscal years preceding the publication of the  
 31 election pamphlet.

1 \* **Sec. 2.** AS 15.58.050 is amended to read:

2 **Sec. 15.58.050. Information and recommendations on judicial officers.**

3 No later than August 7 of the year in which the state general election will be held, the

4 **(1)** judicial council shall file with the lieutenant governor a statement  
5 including information about each supreme court justice, court of appeals judge,  
6 superior court judge, and district court judge who will be subject to a retention  
7 election; **the** [. THE] statement **must** [SHALL] reflect the evaluation of each justice  
8 or judge conducted by the judicial council according to law and **must** [SHALL]  
9 contain a brief statement describing each public reprimand, public censure, or  
10 suspension received by the judge under AS 22.30.011(d) during the period covered in  
11 the evaluation; **each** [. A] statement may not exceed 600 words;

12 **(2) administrative director of the Alaska Court System shall file**  
13 **with the lieutenant governor information about the timeliness of opinions or**  
14 **decisions in matters referred to each supreme court justice, court of appeals**  
15 **judge, superior court judge, and district court judge who will be subject to a**  
16 **retention election and the number of times each justice or judge has not been**  
17 **issued a salary warrant due to the operation of AS 22.05.140(b), AS 22.07.090(b),**  
18 **AS 22.10.190(b), or AS 22.15.220(c); the information concerning timeliness of**  
19 **opinions or decisions must specify the number of opinions or decisions rendered**  
20 **within four months, five through seven months, eight through 12 months, and**  
21 **over 12 months following the trial, hearing, or oral argument of the matter, or, if**  
22 **there is no trial, hearing, or oral argument, within four months, five through**  
23 **seven months, eight through 12 months, and over 12 months following the last**  
24 **responsive document concerning the matter permitted under court rules.**

25 \* **Sec. 3.** AS 22.05.140(b) is amended to read:

26 (b) A salary warrant may not be issued to a justice of the supreme court until  
27 the justice has filed with the state officer designated to issue salary warrants an  
28 affidavit that **(1)** no matter referred to the justice for opinion or decision has been  
29 uncompleted or undecided by the justice for a period of more than six months  
30 **following the oral argument of the matter or, if there is no oral argument, for a**  
31 **period of more than six months following the filing of the last responsive**

1 document concerning the matter permitted under the court rules, and (2) no  
 2 matter referred to the court for opinion or decision has been uncompleted or  
 3 undecided for a period of more than 12 months following the oral argument of  
 4 the matter or, if there is no oral argument, for a period of more than 12 months  
 5 following the filing of the last responsive document concerning the matter  
 6 permitted under the court rules. The affidavit must be submitted under oath,  
 7 must be in a form approved by the Department of Administration, and must  
 8 contain a statement that the affiant is aware that making a false statement in the  
 9 affidavit is punishable as perjury under AS 11.56.200.

10 \* Sec. 4. AS 22.05.140 is amended by adding a new subsection to read:

11 (e) Notwithstanding (b)(2) of this section, during the first six months a justice  
 12 serves on the court, the 12-month time period for completion or decision referred to in  
 13 that paragraph shall be 14 months.

14 \* Sec. 5. AS 22.07.090(b) is amended to read:

15 (b) A salary warrant may not be issued to a judge of the court of appeals until  
 16 the judge has filed with the state officer designated to issue salary warrants an  
 17 affidavit that **(1)** no matter referred to the judge for opinion or decision has been  
 18 uncompleted or undecided by the judge for a period of more than six months  
 19 following the oral argument of the matter or, if there is no oral argument, for a  
 20 period of more than six months following the filing of the last responsive  
 21 document concerning the matter permitted under the court rules, and (2) no  
 22 matter referred to the court for opinion or decision has been uncompleted or  
 23 undecided by the court for a period of more than 12 months following the oral  
 24 argument of the matter or, if there is no oral argument, for a period of more than  
 25 12 months following the filing of the last responsive document concerning the  
 26 matter permitted under the court rules. The affidavit must be submitted under  
 27 oath, must be in a form approved by the Department of Administration, and  
 28 must contain a statement that the affiant is aware that making a false statement  
 29 in the affidavit is punishable as perjury under AS 11.56.200.

30 \* Sec. 6. AS 22.07.090 is amended by adding a new subsection to read:

31 (d) Notwithstanding (b)(2) of this section, during the first six months a justice

1 serves on the court, the 12-month time period for completion or decision referred to in  
2 that paragraph shall be 14 months.

3 \* **Sec. 7.** AS 22.10.190(b) is amended to read:

4 (b) A salary warrant may not be issued to a superior court judge until the  
5 judge has filed with the state officer designated to issue salary warrants an affidavit  
6 that no matter referred to the judge for opinion or decision has been uncompleted or  
7 undecided by the judge for a period of more than six months **following the trial,**  
8 **hearing, or oral argument of the matter or, if there is no trial, hearing, or oral**  
9 **argument, for a period of more than six months following the filing of the last**  
10 **responsive document concerning the matter permitted under the court rules.**  
11 **The affidavit must be submitted under oath, must be in a form approved by the**  
12 **Department of Administration, and must contain a statement that the affiant is**  
13 **aware that making a false statement in the affidavit is punishable as perjury**  
14 **under AS 11.56.200.**

15 \* **Sec. 8.** AS 22.15.220(c) is amended to read:

16 (c) A salary warrant may not be issued to a district judge or magistrate until  
17 the judge or magistrate has filed with the state officer designated to issue salary  
18 warrants [,] an affidavit that no matter referred to the judge or magistrate for opinion  
19 or decision has been uncompleted or undecided by the judge or magistrate for a period  
20 of more than six months **following the trial, hearing, or oral argument of the**  
21 **matter or, if there is no trial, hearing, or oral argument, for a period of more**  
22 **than six months following the filing of the last responsive document concerning**  
23 **the matter permitted under the court rules. The affidavit must be submitted**  
24 **under oath, must be in a form approved the Department of Administration, and**  
25 **must contain a statement that the affiant is aware that making a false statement**  
26 **in the affidavit is punishable as perjury under AS 11.56.200.**

27 \* **Sec. 9.** This Act takes effect January 1, 2004.