

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

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY THE HOUSE JUDICIARY COMMITTEE

Offered: 5/7/01

Referred: Rules

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; 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.** The uncodified law of the State of Alaska is amended by adding a new section
6 to read:

7 INTENT. It is the intent of the legislature that the Alaska Supreme Court adopt rules
8 sufficient to require the judicial officers of the state to conduct their business promptly, with
9 the goal that virtually all trial court matters under advisement be decided within six months;
10 that a majority of appellate cases be decided within six months following the oral argument of
11 the case or, if there is no oral argument, within six months following the date that the case is
12 taken under advisement; that virtually all appellate cases be decided within one year following
13 the oral argument of the case or, if there is no oral argument, within one year following the
14 date that the case is taken under advisement; and that no appellate case takes longer than two

1 years following the oral argument of the case or, if there is no oral argument, following the
2 date that the case is taken under advisement.

3 * **Sec. 2.** AS 15.58.020 is amended to read:

4 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

5 (1) photographs and campaign statements submitted by eligible
6 candidates for elective office in the region **and the following explanation concerning**
7 **AS 15.58.050(2) for each judicial officer who has not been issued a salary**
8 **warrant:**

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

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

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

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

17 (5) an absentee ballot application;

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

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

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

24 (C) a neutral summary of the proposition prepared by the
25 Legislative Affairs Agency;

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

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

30 (8) a maximum of two pages of material submitted by each political
31 party;

1 (9) additional information on voting procedures that the lieutenant
2 governor considers necessary;

3 (10) for the question whether a constitutional convention shall be
4 called,

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

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

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

11 * **Sec. 3.** AS 15.58.050 is amended to read:

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

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

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

22 **(2) administrative director of the Alaska Court System shall file**
23 **with the lieutenant governor information about the timeliness of opinions or**
24 **decisions in matters referred to each supreme court justice, court of appeals**
25 **judge, superior court judge, and district court judge who will be subject to a**
26 **retention election and the number of times each justice or judge has not been**
27 **issued a salary warrant due to the operation of AS 22.05.140(b), AS 22.07.090(b),**
28 **AS 22.10.190(b), or AS 22.15.220(c).**

29 * **Sec. 4.** AS 22.05.140(b) is amended to read:

30 (b) A salary warrant may not be issued to a justice of the supreme court until
31 the justice has filed with the state officer designated to issue salary warrants an

1 affidavit that **(1)** no matter referred to the justice for opinion or decision has been
 2 uncompleted or undecided by the justice for a period of more than six months
 3 **following the oral argument of the matter or, if there is no oral argument, for a**
 4 **period of more than six months following the date the matter is taken under**
 5 **advisement. The affidavit must be submitted under oath, must be in a form**
 6 **approved by the Department of Administration, and must contain a statement**
 7 **that the affiant is aware that making a false statement in the affidavit is**
 8 **punishable as perjury under AS 11.56.200.**

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

10 (b) A salary warrant may not be issued to a judge of the court of appeals until
 11 the judge has filed with the state officer designated to issue salary warrants an
 12 affidavit that **(1)** no matter referred to the judge for opinion or decision has been
 13 uncompleted or undecided by the judge for a period of more than six months
 14 **following the oral argument of the matter or, if there is no oral argument, for a**
 15 **period of more than six months following the date the matter is taken under**
 16 **advisement. The affidavit must be submitted under oath, must be in a form**
 17 **approved by the Department of Administration, and must contain a statement**
 18 **that the affiant is aware that making a false statement in the affidavit is**
 19 **punishable as perjury under AS 11.56.200.**

20 * **Sec. 6.** AS 22.10.190(b) is amended to read:

21 (b) A salary warrant may not be issued to a superior court judge until the
 22 judge has filed with the state officer designated to issue salary warrants an affidavit
 23 that no matter referred to the judge for opinion or decision has been uncompleted or
 24 undecided by the judge for a period of more than six months **following the trial,**
 25 **hearing, or oral argument of the matter or, if there is no trial, hearing, or oral**
 26 **argument, for a period of more than six months following the date the matter is**
 27 **taken under advisement. The affidavit must be submitted under oath, must be in**
 28 **a form approved by the Department of Administration, and must contain a**
 29 **statement that the affiant is aware that making a false statement in the affidavit**
 30 **is punishable as perjury under AS 11.56.200.**

31 * **Sec. 7.** AS 22.15.220(c) is amended to read:

1 (c) A salary warrant may not be issued to a district judge or magistrate until
 2 the judge or magistrate has filed with the state officer designated to issue salary
 3 warrants [,] an affidavit that no matter referred to the judge or magistrate for opinion
 4 or decision has been uncompleted or undecided by the judge or magistrate for a period
 5 of more than six months **following the trial, hearing, or oral argument of the**
 6 **matter or, if there is no trial, hearing, or oral argument, for a period of more**
 7 **than six months following the date the matter is taken under advisement. The**
 8 **affidavit must be submitted under oath, must be in a form approved the**
 9 **Department of Administration, and must contain a statement that the affiant is**
 10 **aware that making a false statement in the affidavit is punishable as perjury**
 11 **under AS 11.56.200.**

12 * **Sec. 8.** AS 22.20.300 is amended by adding a new subsection to read:

13 (b) Annually not later than January 31, the administrative director of the
 14 Alaska court system shall report to the legislature on the number of matters in all the
 15 courts of the state that have been (1) referred to a judicial officer for opinion or
 16 decision and that have been uncompleted or undecided for a period of more than six
 17 months following the oral argument of the matter or, if there is no oral argument, for a
 18 period of more than six months following the date the matter is taken under
 19 advisement, and (2) undecided for a period of more than one year following the oral
 20 argument of the matter or, if there is no oral argument, for a period of one year
 21 following the date the matter is taken under advisement. The administrative director
 22 shall also provide a list of appellate cases decided during the preceding calendar year
 23 that were undecided for a period of more than one year following the oral argument of
 24 the case or, if there was no oral argument, for a period of more than one year
 25 following the date the case was taken under advisement. This list shall include case
 26 names, case numbers, and relevant and appropriate statistical information for each
 27 case.

28 * **Sec. 9.** AS 39.25.080(b) is amended to read:

29 (b) The following information is available for public inspection, subject to
 30 reasonable regulations on the time and manner of inspection:

31 (1) the names and position titles of all state employees;

- 1 (2) the position held by a state employee;
- 2 (3) prior positions held by a state employee;
- 3 (4) whether a state employee is in the classified, partially exempt, or
- 4 exempt service;
- 5 (5) the dates of appointment and separation of a state employee;

6 [AND]

- 7 (6) the compensation authorized for a state employee; **and**
- 8 **(7) whether a salary warrant has been withheld from a justice,**
- 9 **judge, or magistrate under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b), or**
- 10 **AS 22.15.220(c).**

11 * **Sec. 10.** This Act takes effect January 1, 2002.