

**SENATE BILL NO. 161**

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

**BY THE SENATE JUDICIARY COMMITTEE**

**Introduced: 3/23/01**  
**Referred: Judiciary**

**A BILL**

**FOR AN ACT ENTITLED**

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

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 four months and, if applicable, by**

1 **the appellate court of which the judicial officer is a member for a period of not**  
 2 **more than an additional four 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 and the number of times**  
16 **each justice or judge has not been issued a salary warrant due to the operation of**  
17 **AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b), or AS 22.15.220(c); the**  
18 **information concerning timeliness of opinions or decisions must specify the**  
19 **number of opinions or decisions rendered within four months, five through seven**  
20 **months, eight through 12 months, and over 12 months following the trial,**  
21 **hearing, or oral argument of the matter, or, if there is no trial, hearing, or oral**  
22 **argument, within four months, five through seven months, eight through 12**  
23 **months, and over 12 months following the last responsive document concerning**  
24 **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 **four** [SIX] months  
30 **following the oral argument of the matter or, if there is no oral argument, for a**  
31 **period of more than four 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 eight months following the oral argument of  
 4 the matter or, if there is no oral argument, for a period of more than eight  
 5 months 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 22.07.090(b) is amended to read:

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

26 \* Sec. 5. AS 22.10.190(b) is amended to read:

27 (b) A salary warrant may not be issued to a superior court judge until the  
 28 judge has filed with the state officer designated to issue salary warrants an affidavit  
 29 that no matter referred to the judge for opinion or decision has been uncompleted or  
 30 undecided by the judge for a period of more than **four** [SIX] months following the  
 31 trial, hearing, or oral argument of the matter or, if there is no trial, hearing, or

1        **oral argument, for a period of more than four months following the filing of the**  
2        **last responsive document concerning the matter permitted under the court rules.**  
3        **The affidavit must be submitted under oath, must be in a form approved by the**  
4        **Department of Administration, and must contain a statement that the affiant is**  
5        **aware that making a false statement in the affidavit is punishable as perjury**  
6        **under AS 11.56.200.**

7        \* **Sec. 6.** AS 22.15.220(c) is amended to read:

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