

Introduced: 2/8/67
Referred: Judiciary
and Finance

1 IN THE HOUSE

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

2 HOUSE BILL NO. 141

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to compensation and
7 retirement of judicial officers; increasing
8 the number of justices and judges in the
9 supreme and superior courts; and providing
10 for an effective date."

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

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

13 Sec. 22.05.020. COMPOSITION AND GENERAL POWERS. The
14 supreme court is a court of record and consists of three
15 justices including the chief justice. On November 1, 1968,
16 the total number of justices shall be increased to five.

17 The supreme court is vested with all power and authority
18 necessary to carry into complete execution all its judg-
19 ments, decrees and determinations in all matters within its
20 jurisdiction, according to the constitution, the laws of
21 the state, and the common law. It may prescribe by rule
22 the fees to be charged by all courts for judicial services.

23 * Sec. 2. AS 22.05.140(a) is repealed and re-enacted to read:

24 Sec. 22.05.140. COMPENSATION. (a) The chief justice
25 shall receive \$30,500, and each associate justice shall
26 receive \$29,500, as annual compensation for the period of
27 July 1, 1967 through June 30, 1968. Thereafter the chief
28 justice shall receive \$34,000 annually, and each associate
29 justice shall receive \$33,000 annually, as compensation.

1 The compensation is payable monthly in 12 equal install-
2 ments. Compensation of the chief justice or of an asso-
3 ciate justice shall not be diminished during his term of
4 office, unless by general law applying to all salaried
5 officers of the state.

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

7 Sec. 22.10.120. NUMBER OF JUDGES. The superior
8 court consists of eleven [NINE] judges, two of whom shall
9 be judges in the first judicial district, one of whom shall
10 be judge in the second judicial district, six [FOUR] of
11 whom shall be judges in the third judicial district, and
12 two of whom shall be judges in the fourth judicial dis-
13 trict. At the time of submitting the names of nominees
14 to the governor to fill a vacancy on the superior court
15 bench, the judicial council shall also designate the dis-
16 trict in which the appointee is to [FIRST] reside and
17 serve.

18 * Sec. 4. AS 22.10.190(a) is repealed and re-enacted to read:

19 (a) Each superior court judge shall receive \$26,000
20 as annual compensation for the period July 1, 1967, through
21 June 30, 1968. Thereafter each superior court judge shall
22 receive \$30,000 annually, as compensation, payable monthly
23 in 12 equal installments. The compensation of a judge shall
24 not be diminished during his term of office, unless by
25 general law applying to all salaried officers of the state.

26 * Sec. 5. AS 22.15.220(a) is repealed and re-enacted to read:

27 (a) Each district court judge shall receive \$21,000
28 as annual compensation for the period July 1, 1967, through
29 June 30, 1968. Thereafter each district judge shall receive

1 \$22,500 annually, as compensation, payable monthly in 12
2 equal installments. The compensation of a district judge
3 shall not be diminished during his term of office, unless
4 by general law applying to all salaried officers of the
5 state.

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

7 (a) A [SUPREME COURT] justice or [SUPERIOR COURT]
8 judge shall be retired on the date that he reaches the age
9 of 70. He is eligible for retirement pay if he has had
10 five or more years of service at the time of retirement as
11 a justice or judge.

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

13 (b) A justice or judge may be retired for incapacity
14 as provided by law [IN AS 22.05.110 AND 22.10.160]. He is
15 eligible for retirement pay if he has had two or more years
16 of service at the time of retirement. The effective date
17 of retirement under this subsection is the first day of the
18 month coinciding with or after the date upon which the
19 governor with respect to a justice, or the supreme court
20 with respect to a judge files with the commissioner of
21 administration [DIRECTOR OF THE PUBLIC EMPLOYERS' RETIREMENT
22 SYSTEM OF ALASKA] a written declaration to the effect that
23 a designated justice or judge was retired for incapacity.
24 A duplicate copy of the declaration shall be filed with the
25 Judicial Council.

26 * Sec. 8. AS 22.25.010(d) is amended to read:

27 (d) A justice or judge may voluntarily retire, and
28 is eligible for retirement pay when he has (1) reached the
29 age of 60 [65] years and has served for 10 years or more,

1 or (2) his age plus his years of service equal 75. [IN
2 THE LATTER CASE,) If the justice or judge has not reached
3 the normal retirement age of 65 years, he may elect either
4 to have his retirement pay begin when he reaches the age
5 of 65 years, or to have his retirement pay begin on an
6 actuarially equivalent basis as of the effective date of
7 his retirement. A justice or judge desiring to retire
8 under this subsection shall file with the governor a notice
9 of his desire, together with a sworn statement of the facts
10 establishing his eligibility to retire. The governor shall
11 certify those facts to the commissioner of administration
12 [DIRECTOR OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM] and
13 declare, in writing, the eligibility or ineligibility for
14 retirement of the justice or judge. If a justice or judge
15 is eligible for retirement under this subsection, his
16 retirement pay is effective on the first day of the month
17 coinciding with or after the date the written declaration
18 of the governor is filed with the commissioner of adminis-
19 tration [DIRECTOR]. A duplicate copy of the declaration
20 shall be filed by the governor with the Judicial Council.

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

22 (f) In the computation of service for retirement
23 under secs. 10 - 70 of this chapter, the time served by
24 a justice or judge of any [THE SUPERIOR] court is added to
25 the time served by him, if any, on any other [THE SUPREME]
26 court [, AND VICE VERSA]. All service rendered by a justice
27 or judge before the effective date of Secs. 10 - 70 of this
28 chapter shall be included in the computation.

29 * Sec. 10. AS 22.25.010 is amended by adding a new subsection

1 to read:

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

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

6 Sec. 22.25.020. RETIREMENT PAY. A retired justice or
7 judge eligible for retirement pay shall receive monthly,
8 while retired, from the date of retirement until his death,
9 compensation equal to the largest of (a) five per cent per
10 year of service, to a maximum of 100 per cent, (b) if the
11 justice or judge has reached the age of 65 years and has
12 served for 10 years or more, 100 per cent, or (c) if the
13 justice or judge has reached the age of 60 and has served
14 10 years or more, 75 per cent, of the monthly salary auth-
15 orized for justices and judges at the time each retirement
16 payment is made. In all cases payments beginning before age
17 65 for reasons other than incapacity shall be made on an
18 actuarially equivalent basis. A justice or judge may elect
19 any other actuarially equivalent optional form of benefit
20 with the approval of the commissioner of administration.
21 The method selected shall be fixed at the date of retirement
22 and shall not thereafter be changed unless additional
23 judicial service is performed.

24 * Sec. 12. AS 22.25 is amended by adding a new section to
25 read:

26 Sec. 22.25.045. APPROPRIATIONS. An estimated amount
27 sufficient to pay all benefits anticipated to be paid under
28 this chapter in each fiscal year shall be included in the
29 annual appropriation for the state court system. If the

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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. 13. AS 39.35.680(5)(C)(v) is amended to read:

(v) justices and judges of the supreme, [AND] superior and district courts of Alaska; for purposes of this subsection a state legislator is considered to be a full-time elected official.

* Sec. 14. Within ninety 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 with accrued interest. 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. 15. The following laws are repealed: AS 22.25.030(b) and (c); AS 22.25.040; and AS 22.25.050 - 22.25.070.

* Sec. 16. This Act takes effect July 1, 1967.