

Original sponsor: Rules
Committee by request of
the Governor

Offered: 3/8/67
Referred: Finance

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 CS FOR 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 retirement of
7 judicial officers; increasing the number of justices
8 and judges in the supreme and superior courts; and
9 providing for an effective date."

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

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

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

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

22 (a) The chief justice shall receive \$27,000 [\$25,500] annually,
23 and each associate justice shall receive \$26,000 [\$24,500] annually
24 as compensation. The compensation is payable monthly in 12
25 equal installments. Compensation of the chief justice or of
26 an associate justice shall not be diminished during his term of
27 office, unless by general law applying to all salaried officers
28 of the state.

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

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1 **Sec. 22.10.120. NUMBER OF JUDGES.** The superior court consists of
2 eleven [NINE] judges, two of whom shall be judges in the first judicial
3 district, one of whom shall be judge in the second judicial district,
4 six [FOUR] of whom shall be judges in the third judicial district, and
5 two of whom shall be judges in the fourth judicial district. At the
6 time of submitting the names of nominees to the governor to fill a
7 vacancy on the superior court bench, the judicial council shall also
8 designate the district in which the appointee is to [FIRST] reside
9 and serve.

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

11 (a) Each superior court judge shall receive \$23,000 [\$21,000]
12 annually, as compensation, payable monthly in 12 equal installments.
13 The compensation of a judge shall not be diminished during his term
14 of office, unless by general law applying to all salaried officers
15 of the state.

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

17 (a) Each district judge shall receive annual compensation to be
18 determined by the supreme court, but, in any event, not less than
19 \$15,500 [\$12,000] or more than \$17,500 [\$16,000]. Compensation shall
20 be payable annually in 12 equal monthly installments.

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

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

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

27 (b) A justice or judge may be retired for incapacity as provided
28 by law [IN AS 22.05.110 AND 22.10.160]. He is eligible for retirement
29 pay if he has had two or more years of service at the time of retirement

1 for incapacity. The effective date of retirement under this subsection
2 is the first day of the month coinciding with or after the date upon
3 which the governor with respect to a justice, or the supreme court
4 with respect to a judge files with the commissioner of administration
5 [DIRECTOR OF THE PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF ALASKA] a
6 written declaration to the effect that a designated justice or judge
7 was retired for incapacity. A duplicate copy of the declaration shall
8 be filed with the Judicial Council.

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

10 (d) A justice or judge may voluntarily retire at any time and
11 shall have a vested right to his accrued retirement pay if he has
12 served five or more years. Retirement pay shall not commence until
13 he has reached age 65; except that an actuarially equivalent retirement
14 pay may be commenced after he has reached age 60 or upon his serving
15 20 years as a justice or judge. Subsec. (b) of this section is an
16 exception to this rule. A justice or judge desiring to retire under
17 this subsection shall file with the governor a notice of his desire,
18 together with a sworn statement of the facts establishing his eligi-
19 bility to retire. The governor shall certify those facts to the
20 commissioner of administration and declare, in writing, the eligibility
21 or ineligibility for retirement of the justice or judge. If a justice
22 or judge is eligible to receive retirement pay at the time of his
23 retirement, his retirement pay shall commence on the first day of the
24 month coinciding with or after the date the written declaration of
25 the governor is filed with the commissioner of administration. If a
26 justice or judge is not eligible to receive retirement pay at the
27 time of his retirement, his retirement pay shall commence on the
28 first day of the month he reaches age 65 or the month he becomes
29 eligible for an actuarial equivalent if he has applied for this option.

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

2 (f) In the computation of service for retirement under secs. 10 -
3 70 of this chapter, the time served by a justice or judge of any [THE
4 SUPERIOR] court is added to the time served by him, if any, on any
5 other [THE SUPREME] court [, AND VICE VERSA]. All service rendered
6 by a justice or judge before the effective date of secs. 10 - 70 of
7 this chapter shall be included in the computation.

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

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

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

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

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

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

1 least five years immediately before his death.

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

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

10 * Sec. 14. AS 39.35.680(5)(0)(v) is amended to read:

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

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

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

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