

Original sponsors: E. Miller and Huber

Offered: 5/5/72  
Referred: Rules

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 670

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SEVENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the retirement of justices and  
7 judges; and providing for an effective date."

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

9 \* Section 1. AS 22.25.010(d) is amended 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 60 [65]; except that an actuarially equivalent  
14 retirement pay may be commenced after he has reached age 55 [60] or  
15 upon his serving 20 years as a justice or judge. The provisions of  
16 (b) of this section are an exception to this rule. A justice or judge  
17 desiring to retire under this subsection shall file with the governor  
18 a notice of his desire, together with a sworn statement of the facts  
19 establishing his eligibility to retire. The governor shall certify  
20 those facts to the commissioner of administration and declare, in  
21 writing, the eligibility or ineligibility for retirement of the justice  
22 or judge. If a justice or judge is eligible to receive retirement pay  
23 at the time of his retirement, his retirement pay shall commence on  
24 the first day of the month coinciding with or after the date the  
25 written declaration of the governor is filed with the commissioner of  
26 administration. If a justice or judge is not eligible to receive  
27 retirement pay at the time of his retirement, his retirement pay shall  
28 commence on the first day of the month he reaches age 60 [65] or the  
29 month he becomes eligible for an actuarial equivalent if he has applied

1 for this option.

2 \* Sec. 2. AS 22.25.030 is repealed and re-enacted to read:

3 Sec. 22.25.030. SURVIVORS' BENEFITS. (a) Upon the death of a  
4 justice or judge who has served for at least two years, the surviving  
5 spouse is entitled to receive monthly compensation equal to one-half  
6 of the monthly retirement pay the justice or judge would thereafter  
7 have been entitled to receive if retired at the time of death. If at  
8 death the justice or judge was not yet entitled to retirement pay, or  
9 was or would have been entitled to less than 60 per cent of the monthly  
10 salary authorized for his office, the surviving spouse is entitled to  
11 monthly compensation equal to 30 per cent of the salary authorized for  
12 justices or judges, respectively, at the time each monthly payment is  
13 made.

14 (b) To be eligible for the survivors' benefits, the surviving  
15 spouse must have been married to the justice or judge for at least two  
16 years immediately preceding the death of the justice or judge. The  
17 benefits continue until the remarriage or death of the surviving spouse.

18 (c) If there is no surviving spouse, or if the surviving spouse  
19 does not meet the requirements of (b) of this section, or upon the  
20 remarriage or death of the surviving spouse, the surviving dependent  
21 child or children of the justice or judge are entitled to receive in  
22 equal shares 50 per cent of the amount of the survivors' benefits  
23 specified under (a) of this section.

24 (d) The surviving child or children are entitled to the survivors'  
25 benefits under (c) of this section during the period of their dependency.  
26 Dependency exists with respect to any child of a justice or judge who is  
27 either (1) a minor under the laws of Alaska, (2) under the age of 23  
28 and is a student attending on a full-time basis an accredited educational  
29 or technical institution recognized by the state Department of Education,

1 or (3) so mentally or physically incapacitated as to be unable to  
2 provide for self care.

3 (e) If there are both an eligible surviving spouse and surviving  
4 dependent children, but who reside in separate households, the surviving  
5 spouse and dependent children will share equally in the benefits payable  
6 under (a) of this section.

7 \* Sec. 3. AS 22.15.170(b) is amended to read:

8 (b) The presiding judge of the superior court in each judicial  
9 district may appoint acting district judges as needed to serve at his  
10 pleasure for a term of no longer than 12 months or until succeeded by  
11 an appointment made under (a) of this section, whichever first occurs.  
12 An acting district judge shall be a citizen of the United States and  
13 of the state, at least 21 years of age, but need not be licensed to  
14 practice law in any of the United States and need not have established  
15 Alaska residence before his appointment. Service as an acting district  
16 judge is not considered a judicial service for the purposes of ch. 25  
17 of this title unless the judge is subsequently appointed under (a) of  
18 of this section.

19 \* Sec. 4. AS 22.25 is amended by adding a new section to read:

20 Sec. 22.25.080. TAX EXEMPTION. Benefits paid under this chapter  
21 are exempt from state and municipal income taxes.

22 \* Sec. 5. This Act takes effect July 1, 1972.  
23  
24  
25  
26  
27  
28  
29