

Introduced: 4/3/73
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 HOUSE BILL NO. 412

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the postponement of civil proceed-
7 ings when a party, attorney or witness is a member of
8 the legislature; and changing Rule 40(f) of the Alaska
9 Rules of Civil Procedure."

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

11 * Section 1. AS 24.40 is amended by adding a new section to read:

12 Sec. 24.40.031. POSTPONEMENT OF CIVIL PROCEEDINGS WHEN A PARTY,
13 ATTORNEY OR WITNESS IS A MEMBER OF THE LEGISLATURE. The trial of a
14 civil action, or proceeding in a court, or of any administrative pro-
15 ceeding before a state agency or officer, irrespective of the date of
16 filing or when it became at issue, or the hearing of any motion or other
17 proceeding shall be postponed when it appears to the court, agency, or
18 officer before which the action or proceeding is pending that either a
19 party, or an attorney of record (whether he became an attorney of record
20 before or after the commencement of a legislative session or before or
21 after his appointment to a legislative committee) or a principal witness
22 is a member of the legislature of this state and that the legislature is
23 in session or in recess (not exceeding a recess of 35 days) or that a
24 legislative interim committee of which he is a member is meeting, or is
25 to meet within a period which the court finds does not exceed the time
26 reasonably necessary to enable the member to reach the committee meeting
27 by the ordinary mode of travel. When the legislature is in session or
28 in recess the action or proceeding shall not, without the consent of the
29 attorney of record, be brought on for trial or hearing before the

1 expiration of 30 days following final adjournment of the legislature or
2 the commencement of a recess of more than 35 days. If a date is avail-
3 able during recess, continuance shall be given if possible to the
4 earlier date. When a legislative committee is meeting, or is to meet
5 within a period which the court finds does not exceed the time reason-
6 ably necessary to enable the member to reach the committee meeting by the
7 ordinary mode of travel, the action or proceeding shall not, without
8 the consent of the attorney of record, be brought on for trial or
9 hearing before the expiration of the period necessary following the
10 adjournment or recess of the committee meeting as the court finds is
11 reasonably necessary to enable the member to reach the place of trial or
12 hearing by the ordinary mode of travel from the place of the committee
13 meeting, unless at the expiration of that period the legislature is to be
14 in session; and in that case the action or proceeding shall not, without
15 his consent, be brought on for trial or hearing before the expiration of
16 30 days next following final adjournment or the commencement of a recess
17 of more than 35 days. If a date is available during the recess, con-
18 tinuance shall be given to the earlier date.

19 * Sec. 2. In sec. 1 of this Act, AS 24.40.031 has the effect of changing
20 Rule 40(f) of the Alaska Rules of Civil Procedure, by providing for the
21 continuance of a trial of a civil action or other court proceeding when a
22 party, attorney or principal witness is a member of the legislature.
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