

Introduced: 2/14/74
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 *SCS CS* HOUSE BILL NO. 635

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 EIGHTH LEGISLATURE - SECOND 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, unless it would cause unreasonable hard-
18 ship to another party, when it appears to the court, agency, or officer
19 before which the action or proceeding is pending that either a party, or
20 an attorney of record (whether he became an attorney of record before
21 or after the commencement of a legislative session or before or after
22 his appointment to a legislative committee) or a principal witness is
23 a member of the legislature of this state and that the legislature is
24 in session or in recess (not exceeding a recess of 35 days) or that a
25 legislative interim committee of which he is a member is meeting, or is
26 to meet within a period which the court finds does not exceed the time
27 reasonably necessary to enable the member to reach the committee meeting
28 by the ordinary mode of travel. When the legislature is in session or
29 in recess the action or proceeding shall not, without the consent of the

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

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