

HB

384

COMMITTEE REPORT

HOUSE

4/7/75

Mr. Speaker:

Date _____

The Committee on JUDICIARY has had HB 384

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>Jerry Gardiner</u>	_____	_____
<u>[Signature]</u>	_____	_____
<u>[Signature]</u>	_____	_____
_____	_____	_____

Members NOT concurring in the Majority report:

<u>[Signature]</u>	recommends: <u>do not</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

Jerry Gardiner Chairman

AMENDMENT

#3

OFFERED IN THE HOUSE:

By: ELIASON

To: _____ HOUSE BILL No. HB 384

SENATE BILL No. _____

PAGE: 2

LINE: 8

line 8 delete [if]

line 7 between "and" and "made"

insert TO BE

AMENDMENT

#4

OFFERED IN THE HOUSE:

By: WICKBURY

To: _____ HOUSE BILL No. 336

SENATE BILL No. _____

PAGE: 6

LINE: 347

SCOTT "SINCE THE REFORMATION I HAVE BEEN
REMARKED UPON FOR MY
PURITY"

AMENDMENT #1

~~not well prepared~~

OFFERED IN THE HOUSE:

By: Spokane

To: _____

HOUSE BILL No. 384

SENATE BILL No. _____

PAGE: 1

LINE: 134, 23, 24

change "may" to "shall"

P 2, lines 5 & 6

change "may" to "shall"

PROPOSED JUDICIARY

HB 384

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

2 *Section 1. AS 22.05.100 is amended to read:

3 Sec. 22.05.100 APPROVAL OR REJECTION. Each supreme court
 4 justice is subject to approval or rejection as provided in the Alaska
 5 Election Code (AS 15.05 - 15.60). The judicial council shall conduct an
 6 evaluation of each justice before his retention election and shall provide
 7 to the public information about that justice and may provide a recommendation
 8 regarding his retention or rejection. Such information and any
 9 recommendation shall be made public at least 30 days before the
 10 retention election. The judicial council shall also provide such
 11 information and any recommendation to the office of the lieutenant
 12 governor in time for publication in the election pamphlet pursuant to
 13 AS 15.57.025. If a majority of those voting on the question rejects
 14 his candidacy, he shall not be appointed to fill any vacancy in the
 15 supreme or superior courts of the state for a period of four years
 16 thereafter.

17 * Sec. 2. AS 22.10.150 is amended to read:

18 Sec. 22.10.150. APPROVAL OR REJECTION. Each superior court judge
 19 is subject to approval or rejection as provided in the Alaska Election
 20 Code (AS 15.05 - 15.60). The judicial council shall conduct an evaluation
 21 of each judge before his retention election and shall provide to the
 22 public information about the judge and may provide a recommendation
 23 regarding his retention or rejection. Such information and any
 24 recommendation shall be made public at least 30 days before the election.
 25 The judicial council shall also provide such information and any
 26 recommendation to the office of the lieutenant governor in time
 27 for publication in the election pamphlet pursuant to AS 15.57.025.

* Sec. 4. AS 15.57.010 is amended to read:

1 Sec. 15.57.010. Contents of Pamphlet. The lieutenant governor
2 shall mail to all voters of the state before each state general
3 election a candidate pamphlet containing photographs and campaign
4 statements of eligible nominees who desire to participate in the
5 pamphlet, and information and any recommendations regarding the
6 retention of judicial officers supplied by the judicial council.
7 The pamphlet shall also contain, for each ballot proposition,
8 (1) a neutral summary of the proposition prepared by the Legislative
9 Affairs Agency, and (2) a statement by persons or organizations
10 supporting the proposition, and (3) a statement by persons or organi-
11 zations opposing the proposition.

12 * Sec. 5. AS 15.57 is amended by adding a new section to read:
13 Information and recommendations on judicial officers.
14 Sec. 15.57.025. / No later than 60 days before the applicable
15 state election, the Judicial Council shall file with the lieutenant
16 governor a statement including information about each Supreme
17 Court Justice, Superior Court Judge, and District Court Judge who
18 will be subject to a retention election, following the evaluation
19 of each such justice or judge conducted by the judicial council
20 according to law. Each such statement may not exceed 300 words.

21 * Sec. 6. AS 15.57.030 is amended to read:

22 Sec. 15.57.030. Publication. The statements and photographs
23 of nominees and of judicial officers subject to retention elections,
24 as well as statements and recommendations of the judicial council,
25 as set out in §§ 10, 20 and 25 of this chapter, shall be published
26 by the lieutenant governor as a candidate pamphlet.

27 * Sec. 7. AS 15.57.040 (a) is amended by adding a new subparagraph
28 to read:

29 (5) no charge for statements and recommendations submitted
by the judicial council concerning judicial retention elections.

1 If a majority of those voting on the question rejects his candidacy,
2 he shall not for a period of four years thereafter be appointed to
3 fill any vacancy in the supreme or superior courts of the state.

4 * Sec. 3. AS 22.15 is amended by adding a new section to read:

5 Sec. 22.15.195. APPROVAL OR REJECTION. Each district court
6 judge is subject to approval or rejection as provided in the Alaska
7 Election Code (AS 15.05 - 15.60). The judicial council shall conduct
8 an evaluation of each judge before his retention election and shall
9 provide to the public both information about the judge and may
10 provide a recommendation regarding his retention or rejection. Such
11 information and the recommendation shall be made public at least 30
12 days before the election. The judicial council shall also provide such
13 information and any recommendation to the office of the lieutenant
14 governor in time for publication in the election pamphlet pursuant
15 to AS 15.57.025. If a majority of those voting on the question
16 rejects his candidacy, he shall not for a period of four years
17 thereafter be appointed to fill any vacancy in the supreme, superior
18 or district courts of the state.
19
20
21
22
23
24
25
26
27
28
29

A M E N D M E N T

TO: HOUSE BILL NO. 384

The Jud. Com.
BY ~~BROWN~~

- Page 1, line 13: After "and" delete "may" and insert "shall"
- Page 1, line 14: After "public" delete "both" and after "and" insert "may provide"
- Page 1, line 15: Delete "if the information and the" and insert ". Such information and any"
- Page 1, line 16: Before "made" delete "are" and insert "shall be"
- Page 1, line 17: After the period insert: "The judicial council shall also provide such information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.57.025."
- Page 1, line 23: After "council" delete "may" and insert "shall"
- Page 1, line 24: After "and" delete "may" and insert "shall"
- Page 1, line 25: After "public" delete "both" and after "and" insert "may provide"
- Page 1, line 26: Delete "if the information and the" and insert ". Such information and any"
- Page 1, line 27: Delete "are" and insert "shall be" and after the period insert: "The judicial council shall also provide such information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.57.025."
- Page 2, line 5: After "council" delete "may" and insert "shall"
- Page 2, line 6: After "and" delete "may" and insert "shall"
- Page 2, line 7: After "public" delete "both" and after "and" insert "may provide"
- Page 2, line 8: Delete "if the" and insert ". Such"
- Page 2, line 9: Delete "are" and insert "shall be" and after the period insert: "The judicial council shall also provide such information and any recommendation to the office of the lieutenant governor in time for publication in the election pamphlet under AS 15.57.025."

A M E N D M E N T

TO: HOUSE BILL NO. 384 -- continued

Page 2, line 13: insert the following new matter:

" * Sec. 4. AS 15.57.010 is amended to read:

Sec. 15.57.010. CONTENTS OF PAMPHLET. The lieutenant governor shall mail to all voters of the state before each state general election a candidate pamphlet containing photographs and campaign statements of eligible nominees who desire to participate in the pamphlet, and information and any recommendations regarding the retention of judicial officers supplied by the judicial council.

The pamphlet shall also contain, for each ballot proposition, (1) a neutral summary of the proposition prepared by the Legislative Affairs Agency, and (2) a statement by persons or organizations supporting the proposition, and (3) a statement by persons or organizations opposing the proposition.

* Sec. 5. AS 15.57 is amended by adding a new section to read:

Sec. 15.57.025. INFORMATION AND RECOMMENDATIONS ON JUDICIAL OFFICERS. No later than 60 days before the applicable state election, the judicial council shall file with the lieutenant governor a statement including information about each supreme court justice, superior court judge, and district court judge who will be subject to a retention election, following the evaluation of each such justice or judge conducted by the judicial council according to law. Each such statement may not exceed 300 words.

* Sec. 6. AS 15.57.030 is amended to read:

Sec. 15.57.030. PUBLICATION. The statements and photographs of nominees and of judicial officers subject to retention elections, as well as statements and recommendations of the judicial council, as set out in secs. 10, [AND] 20 and 25 of this chapter, shall be published by the lieutenant governor as a candidate pamphlet.

* Sec. 7. AS 15.57.040(a) is amended by adding a new paragraph to read:

(5) no charge for statements and recommendations submitted by the judicial council concerning judicial retention elections."

AMENDMENT #2

OFFERED IN THE HOUSE:

By: _____

To: _____ HOUSE BILL No. _____

SENATE BILL No. _____

PAGE: _____

LINE: 16 27

"made public": add:
after" and included in the Alaska
Election ^{candidate} ~~Campaign~~ pamphlet with
a photograph"

from the desk of...

Representative Hugh Malone

Terry

Re: [illegible]

[Faint handwritten notes, possibly including the word "PI-TURE"]

Compliments of Alaska Legislative Report
four fifteen "E" Street Anchorage, Alaska 99501 (907) 279-4531

Introduced: 4/7/75
Referred: Judiciary

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE
BY REQUEST

2 HOUSE BILL NO. 384

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to evaluations of judges before
7 retention elections."

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

9 * Section 1. AS 22.05.100 is amended to read:

10 Sec. 22.05.100. APPROVAL OR REJECTION. Each supreme court
11 justice is subject to approval or rejection as provided in the Alaska
12 Election Code (AS 15.05 - 15.60). The judicial council shall conduct an
13 evaluation of each justice before his retention election and ^{shall} provide
14 to the public both information about that justice and a recommendation
15 regarding his retention or rejection, if the information and the recom-
16 mendation are made public at least 30 days before the retention elec-
17 tion. If a majority of those voting on the question rejects his candi-
18 dacy, he shall not be appointed to fill any vacancy in the supreme or
19 superior courts of the state for a period of four years thereafter.

20 * Sec. 2. AS 22.10.150 is amended to read:

21 Sec. 22.10.150. APPROVAL OR REJECTION. Each superior court judge
22 is subject to approval or rejection as provided in the Alaska Election
23 Code (AS 15.05 - 15.60). The judicial council may conduct an evaluation
24 of each judge before his retention election and may provide to the
25 public both information about the judge and a recommendation regarding
26 his retention or rejection, if the information and the recommendation
27 are made public at least 30 days before the election. If a majority of
28 those voting on the question rejects his candidacy, he shall not for a
29 period of four years thereafter be appointed to fill any vacancy in the

L
A
A

*remember back page
and
distribute to members*

PROPOSED JUDICIARY CS

HB 384

1 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA

2 *Section 1. AS 22.05.100 is amended to read:

3 Sec. 22.05.100 APPROVAL OR REJECTION. Each supreme court
 4 justice is subject to approval or rejection as provided in the Alaska
 5 Election Code (AS 15.05 - 15.60). The judicial council shall conduct an
 6 evaluation of each justice before his retention election and shall provide
 7 to the public information about that justice and may provide a recommendation
 8 regarding his retention or rejection. Such information and any
 9 recommendation shall be made public at least 30 days before the
 10 retention election. The judicial council shall also provide such
 11 information and any recommendation to the office of the lieutenant
 12 governor in time for publication in the election pamphlet pursuant to
 13 AS 15.57.025. If a majority of those voting on the question rejects
 14 his candidacy, he shall not be appointed to fill any vacancy in the
 15 supreme or superior courts of the state for a period of four years
 16 thereafter.

17 * Sec. 2. AS 22.10.150 is amended to read:

18 Sec. 22.10.150. APPROVAL OR REJECTION. Each superior court judge
 19 is subject to approval or rejection as provided in the Alaska Election
 20 Code (AS 15.05 - 15.60). The judicial council shall conduct an evaluation
 21 of each judge before his retention election and shall provide to the
 22 public information about the judge and may provide a recommendation
 23 regarding his retention or rejection. Such information and any
 24 recommendation shall be made public at least 30 days before the election.
 25 The judicial council shall also provide such information and any
 26 recommendation to the office of the lieutenant governor in time
 27 for publication in the election pamphlet pursuant to AS 15.57.025.

28
29

1 If a majority of those voting on the question rejects his candidacy,
2 he shall not for a period of four years thereafter be appointed to
3 fill any vacancy in the supreme or superior courts of the state.

4 * Sec. 3. AS 22.15 is amended by adding a new section to read:

5 Sec. 22.15.195. APPROVAL OR REJECTION. Each district court
6 judge is subject to approval or rejection as provided in the Alaska
7 Election Code (AS 15.05 - 15.60). The judicial council shall conduct
8 an evaluation of each judge before his retention election and shall
9 provide to the public both information about the judge and may
10 provide a recommendation regarding his retention or rejection. Such
11 information and the recommendation shall be made public at least 30
12 days before the election. The judicial council shall also provide such
13 information and any recommendation to the office of the lieutenant
14 governor in time for publication in the election pamphlet pursuant
15 to AS 15.57.025. If a majority of those voting on the question
16 rejects his candidacy, he shall not for a period of four years
17 thereafter be appointed to fill any vacancy in the supreme, superior
18 or district courts of the state.
19
20
21
22
23
24
25
26
27
28
29

60 days
30 days

L
A
A

additional sections for HB 384

* Sec. ~~4~~. AS 15.57.010 is amended to read:

1 Sec. 15.57.010. Contents of Pamphlet. The lieutenant governor
 2 shall mail to all voters of the state before each state general
 3 election a candidate pamphlet containing photographs and campaign
 4 statements of eligible nominees who desire to participate in the
 5 pamphlet, and information and any recommendations regarding the
 6 retention of judicial officers supplied by the judicial council.
 7 The pamphlet shall also contain, for each ballot proposition,
 8 (1) a neutral summary of the proposition prepared by the Legislative
 9 Affairs Agency, and (2) a statement by persons or organizations
 10 supporting the proposition, and (3) a statement by persons or organi-
 11 zations opposing the proposition.

12
 13 *title* * Sec. ~~5~~. AS 15.57 is amended by adding a new section to read:
 14 Information and recommendations on judicial officers.
 15 Sec. 15.57.025. No later than 60 days before the applicable
 16 state election, the Judicial Council shall file with the lieutenant
 17 governor a statement including information about each Supreme
 18 Court Justice, Superior Court Judge, and District Court Judge who
 19 will be subject to a retention election, following the evaluation
 20 of each such justice or judge conducted by the judicial council
 21 according to law. Each such statement may not exceed 300 words.

* Sec. ~~6~~. AS 15.57.030 is amended to read:

22 Sec. 15.57.030. Publication. The statements and photographs
 23 of nominees and of judicial officers subject to retention elections,
 24 as well as statements and recommendations of the judicial council,
 25 as set out in § § 10, 20 and 25 of this chapter, shall be published
 26 by the lieutenant governor as a candidate pamphlet.

* Sec. ~~7~~. AS 15.57.040 (a) is amended by adding a new subparagraph to read:

27
 28 (5) no charge for statements and recommendations submitted
 29 by the judicial council concerning judicial retention elections.

85
House Judiciary Committee
April 9, 1975
page 3

HB 384 Evaluation of Judges

Since the committee had previously heard testimony on this bill from the Judicial Council, HB 384 was passed out of committee, do pass.

HB 241 Fishing gear

Rep. Malone, sponsor of the bill, testified that this bill would correct the situation where the owner of a license was determined to be required to have his hand on the nets at all times when they were being used. A court interpretation of the bill required the licensee to personally participate in all work. This was not the legislative intent in passing the original bill, so HB 241 would give clear legislative intent.

Mr. Brown moved CS HB 241 (incorporating the Resources amendment) out of committee do pass. There being no objection, it was so ordered.

Am 4 - Sect 8 cont.
Sect 9

House Judiciary Committee
April 2, 1975

At 2 p.m. the committee met with the members of the Judicial Council for an exchange of information and suggestions. The Council has completed reports on Bail in Anchorage, Sentencing, Grand Jury and is working on reports on The District Court System, Plea Bargaining, Bush Justice, Evaluation of Judges.

The Council recommended the following:
The present time frame in which the Council must screen and nominate applicants sometimes does not leave enough time to the person selected to clean up his affairs before assuming the position. The Council would like to be able to send names to the Governor earlier so that the appointment could be made by the Governor earlier.

The Council does not have specific statutory authority to evaluate judges' qualifications and convey this information and recommendation to the public. They feel it is a legitimate function of the Council and would like specific authorization.

The Council, after public hearings, has recommended the proposal for seven judicial districts.