

COMMITTEE REPORT

HOUSE

(11)

FURTHER:

2/24/82

Date: 3-16-82

Mr. Speaker: (Taken from Rules 2/24/82)

The Committee on FINANCE has had HB 624

"An Act relating to judicial retention elections; and providing for an effective date."

~~under consideration and (a majority of the committee) (the committee)~~ reports it back with the following recommendations:

- do pass do not pass
- do pass with attached amendments(s)
- replace with CS for _____ same title
 new title
- and recommends _____
- AND attaches a "Letter of Intent" New Fiscal Note 2.3-82
60.0
- reports it back without ~~recommendation~~ recommendation
- referred to the _____ Committee

**MEMBERS SIGNING
DO PASS**

W. B. Stewart

**MEMBERS HAVING
OTHER RECOMMENDATIONS:**

Copy of Report - No Rec

John P. ...

John ...

Chairman

CHAIRMAN

Introduced: 1/11/82
Referred: Judiciary

1 IN THE HOUSE

BY GRUSSENDORF

2 HOUSE BILL NO. 624

3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial retention elections; and
7 providing for an effective date."

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

9 * Section 1. AS 22 is amended by adding a new chapter to read:

10 CHAPTER 18. RETENTION ELECTIONS.

11 Sec. 22.18.010. APPROVAL OR REJECTION OF SUPREME COURT JUSTICES.

12 Each supreme court justice is subject to approval or rejection as pro-
13 vided in the Alaska Election Code (AS 15). The judicial council shall
14 conduct an evaluation of each justice before his retention election and
15 shall provide to the public information about that justice and may
16 provide a recommendation regarding his retention or rejection. The
17 information and any recommendation shall be made public at least 60 days
18 before the retention election. The judicial council shall also provide
19 the information and any recommendation to the office of the lieutenant
20 governor in time for publication in the election pamphlet under AS 15.-
21 58.050. If a majority of those voting on the question rejects his
22 candidacy, the former justice may not be appointed to fill a vacancy in
23 the supreme court, court of appeals, superior court, or district courts
24 of the state for a period of four years after the rejection.

25 Sec. 22.18.020. APPROVAL OR REJECTION OF COURT OF APPEALS JUDGES.

26 Each judge of the court of appeals is subject to approval or rejection
27 as provided in the Alaska Election Code (AS 15). The judicial council
28 shall conduct an evaluation of each judge before his retention election
29 and shall provide to the public information about the judge and may

1 provide a recommendation regarding his retention or rejection. The
2 information and any recommendation shall be made public at least 60 days
3 before the retention election. The judicial council shall also provide
4 the information and any recommendation to the office of the lieutenant
5 governor in time for publication in the election pamphlet under AS 15.-
6 58.050. If a majority of those voting on the question rejects his
7 candidacy, the former judge may not for a period of four years after the
8 rejection be appointed to fill a vacancy in the supreme court, court of
9 appeals, superior court, or district courts of the state.

10 Sec. 22.18.030. APPROVAL OR REJECTION OF SUPERIOR COURT JUDGES.
11 Each superior court judge is subject to approval or rejection as pro-
12 vided in AS 22.18.050 and the Alaska Election Code (AS 15). The judi-
13 cial council shall conduct an evaluation of each judge before his
14 retention election and shall provide to the public information about the
15 judge and may provide a recommendation regarding his retention or rejec-
16 tion. The information and any recommendation shall be made public at
17 least 60 days before the retention election. The judicial council shall
18 also provide the information and any recommendation to the office of the
19 lieutenant governor in time for publication in the election pamphlet
20 under AS 15.58.050. If a majority of those voting on the question
21 rejects his candidacy, the former judge may not for a period of four
22 years after the rejection be appointed to fill a vacancy in the supreme
23 court, court of appeals, superior court, or district courts of the
24 state.

25 Sec. 22.18.040. APPROVAL OR REJECTION OF DISTRICT COURT JUDGES.
26 Each district court judge is subject to approval or rejection as pro-
27 vided in AS 22.18.050 and the Alaska Election Code (AS 15). The judi-
28 cial council shall conduct an evaluation of each judge before his
29 retention election and shall provide to the public information about the

1 judge and may provide a recommendation regarding his retention or rejec-
2 tion. The information and any recommendation shall be made public at
3 least 60 days before the retention election. The judicial council shall
4 also provide the information and any recommendation to the office of the
5 lieutenant governor in time for publication in the election pamphlet
6 under AS 15.58.050. If a majority of those voting on the question
7 rejects his candidacy, the former district judge may not for a period of
8 four years after the rejection be appointed to fill a vacancy in the
9 supreme court, court of appeals, superior court, or district courts of
10 the state.

11 Sec. 22.18.050. JUDICIAL RETENTION ELECTION DISTRICTS FOR THE
12 SUPERIOR AND DISTRICT COURTS. (a) Except as provided in (c) and (d) of
13 this section, if a judge of the superior or district court seeks reten-
14 tion in office, the judge shall be voted on by the voters in the judi-
15 cial retention election district in which the judge is a resident.

16 (b) For purposes of this section, the judicial retention election
17 districts of the state are the election districts as they are described
18 in art. XIV of the state constitution as it existed on March 19, 1959.

19 (c) If the judicial council certifies to the director of elections
20 that the judge seeking retention has routinely and frequently heard
21 cases that arise in a district outside of the district in which the
22 judge is resident, the judge will also be voted on for retention by the
23 voters in that district.

24 (d) If the judicial council certifies to the director of elections
25 that most of the cases heard by a judge seeking retention in office do
26 not arise in the district in which the judge is resident, then the judge
27 shall be voted on for retention only by the voters in the district or
28 districts in which he routinely and frequently hears cases.

29 * Sec. 2. AS 15.35.090 is amended to read:

1 Sec. 15.35.090. PLACING NAME OF SUPERIOR COURT JUDGE ON BALLOT.
2 The director shall place the name of a superior court judge who has
3 properly filed a declaration of candidacy for retention on the judicial
4 ballot in the [JUDICIAL] district or districts as provided under AS 22.-
5 18.050 [DESIGNATED IN HIS DECLARATION OF CANDIDACY FOR THE GENERAL
6 ELECTION AT WHICH APPROVAL IS SOUGHT].

7 * Sec. 3. AS 15.35.130 is amended to read:

8 Sec. 15.35.130. PLACING NAME OF DISTRICT JUDGE ON BALLOT. The
9 director shall place the name of a district judge who has properly filed
10 a declaration of candidacy for retention on the judicial ballot in the
11 [JUDICIAL] district or districts as provided under AS 22.18.050 [DESIG-
12 NATED IN HIS DECLARATION OF CANDIDACY FOR THE GENERAL ELECTION AT WHICH
13 APPROVAL IS SOUGHT].

14 * Sec. 4. AS 22.05.100, AS 22.07.060, AS 22.10.150, and AS 22.15.195 are
15 repealed.

16 * Sec. 5. This Act takes effect immediately in accordance with AS 01.10.-
17 070(c).

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 624

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House Bill No. 624 - "An Act relating
Title to judicial retention elections; and providing for an effective
Requested by House Judiciary Date 2/2/82 date."

II. FISCAL DETAIL
Agency Affected Office of the Governor
Program Category Affected Division of Elections
BRU, Program, Or Subprogram(s) Affected Division of Elections
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL		66.0		81.8		101.4
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	66.0	-0-	81.8	-0-	101.4

FUNDING (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
GENERAL FUND	-0-	66.0	-0-	81.8	-0-	101.4
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

No additional positions required.

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)
ASSUME:

- The passage of this legislation will initially affect the 1982 Election ballots.
- There would be 24 election districts as were designated in 1959.
- Necessity of 24 separate ballots--one for each of the judicial election districts.
- Additional 12% inflation for each of the subsequent election years affected (x2 since the Division of Elections operates on a two-year budget cycle).

No additional funds are required beyond the Contractual Services area. Additional postage, printing and advertising costs will be required for the printing of 24 separate ballots, the printing of additional Official Election Pamphlet pages, advertising costs and additional postage for the Pamphlet.

IV. DATE 2/3/82 PREPARED BY Danith D. Arnoldt
AGENCY Division of Elections
PHONE 586-6181
Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 624

FISCAL NOTE

I. REQUEST
Bill/Resolution No. House Bill No. 624 - "An Act relating
Title to judicial retention elections; and providing for an effective
Requested by House Judiciary Date 2/2/82 date."

II. FISCAL DETAIL
Agency Affected Office of the Governor
Program Category Affected Division of Elections
BRU, Program, Or Subprogram(s) Affected Division of Elections
(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

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POSITIONS

No additional positions required.

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
FULL TIME						
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TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

ASSUME:

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No additional funds are required beyond the Contractual Services area. Additional postage, printing and advertising costs will be required for the printing of 24 separate ballots, the printing of additional Official Election Pamphlet pages, advertising costs and additional postage for the Pamphlet.

IV. DATE 2/3/82 PREPARED BY Danith D. Arnoldt
AGENCY Division of Elections
Original: Legislative Finance PHONE 586-6181
cc: Budget and Management
Prime Sponsor (First Legislator Named)
33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

HB 624

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB624

Title "An Act relating to judicial retention elections; and providing for
Requested by Rep. Barnes, House Judiciary Committee Date 2/2/82
an effective date."

II. FISCAL DETAIL

Agency Affected Department of Law

Program Category Affected _____

BRU, Program, Or Subprogram(s) Affected _____

(Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

EXPENDITURES (Thousands of Dollars)

	FY 82	FY 83	FY 84	FY 85	FY 86	FY 87
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL						

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

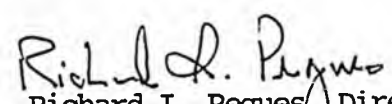
POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

The only agencies impacted by the provisions of this bill are the Alaska Court System and the Division of Elections.

IV. DATE February 3, 1982


 PREPARED BY Richard I. Pegues, Director, Admin. Svcs.
 AGENCY Department of Law

Original: Legislative Finance

PHONE 465-3672

cc: Budget and Management

Prime Sponsor (First Legislator Named)

33-001 (Rev. 12/81)

THE LEGISLATURE OF THE STATE OF ALASKA
TWELFTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. H.B. 624
 Title An act relating to judicial retention elections
 Requested by House Judiciary Date 2/3/82

II. FISCAL DETAIL

Agency Affected Alaska Court System/Judicial Council
 Program Category Affected _____
 BRU, Program, Or Subprogram(s) Affected _____
 (Note: If more than one budget component is affected, separate line-item amounts and funding for each component in the analysis section.)

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TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

FUNDING (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

III. ANALYSIS (See Fiscal Note Preparation Instruction, Section III)

H. B. 624 will have no fiscal impact on the Alaska Court System or on the Judicial Council.

IV. DATE 2/4/82 PREPARED BY Richard P. Barrier
 AGENCY Alaska Court System
 Original: Legislative Finance PHONE 264-0545
 cc: Budget and Management

Prime Sponsor (First Legislator Named)
 33-001 (Rev. 12/81)

Introduced: 1/11/82
Referred: Judiciary

1 IN THE HOUSE

BY GRUSSENDORF

2 HOUSE BILL NO. 624

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 TWELFTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial retention elections; and
7 providing for an effective date."

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

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19 the information and any recommendation to the office of the lieutenant
20 governor in time for publication in the election pamphlet under AS 15.-
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