

43

139

(11)

Date referred: 3/11/87

FURTHER REFERRALS:

DATE: 3/26/87

The Finance Committee has considered HB 139

"An Act relating to the jurisdiction of the superior and district courts, judicial disqualification and impeachment, the procedure for judicial retirement due to incapacity or disability, and proceedings before magistrates."

RECOMMENDS:

- replace with CS HB 139 (Jud)  the same title
- attached amendment(s)  a new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- additional referral to the \_\_\_\_\_ Committee

ADOPTS:  \_\_\_\_\_ letter of intent

ATTACHES NEW FISCAL NOTE(S):

- fiscal impact  same as previous fiscal note published 3/11/87
- zero fiscal note  same as previous zero fiscal note published \_\_\_\_\_
- zero with analysis

SIGNING DO PASS:

ADAMS Al Adams

POURCHOT Pat Pourchot

BOYER Mark Boyer

WALLIS F. Key Wallis

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

SIGNING OTHER RECOMMENDATIONS:

LARSON Ronald Larson No Rec

SWACK-HAMMER Clay Swack-Hammer No Rec

RIEBER Ellen Rieber No Recommendation

FRANK Donna Frank No Rec.

BROWN Fay Brown No Rec.

DAVIS Mike Davis No Rec

GOLL Steve Goll No Rec

Al Adams

REQUEST: \_\_\_\_\_

Bill Version: CSHB 139(Jud)

Publish Date: HOUSE 3/11/87

Revision Date:  
Title: Jurisdiction of superior and district courts, qualifications...  
Sponsor: Gruenberg, Sund, Pettyjohn...  
Requestor: House Judiciary Committee

Agency Affected: Alaska Court System  
BRU: Trial Courts

Components:

EXPENDITURES/REVENUES: (Thousands of Dollars)						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
OPERATING						
Personal Services	••••	••••	••••	••••	••••	••••
Travel	••••	••••	••••	••••	••••	••••
Contractual	••••	••••	••••	••••	••••	••••
Supplies	••••	••••	••••	••••	••••	••••
Equipment	••••	••••	••••	••••	••••	••••
Land & Structures	••••	••••	••••	••••	••••	••••
Grants & Claims	••••	••••	••••	••••	••••	••••
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0
CAPITAL	••••	••••	••••	••••	••••	••••
REVENUE	••••	••••	••••	••••	••••	••••

FUNDING: (Thousands of Dollars)						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	••••	••••	••••	••••	••••	••••
Other	••••	••••	••••	••••	••••	••••
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:						
	FY 87	FY 88	FY 89	FY 90	FY 91	FY 92
Full-time	••••	••••	••••	••••	••••	••••
Part-time	••••	••••	••••	••••	••••	••••
Temporary	••••	••••	••••	••••	••••	••••

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Karla Forsythe, General Counsel  
Division: Alaska Court System

Phone: 264-8228  
Date: 2-19-87

Approved by: *Stephanie J. Cole*  
Stephanie J. Cole, Deputy Director  
Agency: Alaska Court System

Date: 2-19-87

Distribution (by preparer):  
Legislative Finance  
Legislative Sponsor  
Requestor  
Office of Management & Budget  
Impacted Agency(ies)  
Senate Secretary

Original sponsors: Gruenberg, Sund,  
Pettyjohn, et al.

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 139 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the superior  
7 and district courts; judicial disqualification,  
8 disciplinary actions, and impeachment; the procedure  
9 for judicial retirement due to incapacity or disabil-  
10 ity; proceedings before magistrates; and amending  
11 Rule 16(a), Alaska District Court Rules of Civil  
12 Procedure."

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

14 \* Section 1. AS 09.30.200 is amended to read:

15 Sec. 09.30.200. FILING AND STATUS OF FOREIGN JUDGMENTS. A copy  
16 of a foreign judgment authenticated in accordance with the Act of  
17 Congress or the laws of this state may be filed in the office of the  
18 clerk of the [SUPERIOR] court with jurisdiction in [OF] this state.  
19 The clerk shall treat the foreign judgment in the same manner as a  
20 domestic judgment [OF THE SUPERIOR COURT]. A judgment so filed has  
21 the same effect and is subject to the same procedures, defenses, and  
22 proceedings for reopening, vacating, or staying as a domestic judgment  
23 [OF THE SUPERIOR COURT] and may be enforced or satisfied in like  
24 manner.

25 \* Sec. 2. AS 09.30.220 is amended to read:

26 Sec. 09.30.220. STAY. (a) If the judgment debtor shows the  
27 [SUPERIOR] court that an appeal from the foreign judgment is pending  
28 or will be taken, or that a stay of execution has been granted, the  
29 court shall stay enforcement of the foreign judgment until the appeal

1 is concluded, the time for appeal expires, or the stay of execution  
2 expires or is vacated, upon proof that the judgment debtor has fur-  
3 nished the security for the satisfaction of the judgment required by  
4 the state in which it was rendered.

5 (b) If the judgment debtor shows the [SUPERIOR] court any ground  
6 upon which enforcement of a judgment of the [SUPERIOR] court of this  
7 state would be stayed, the court shall stay enforcement of the foreign  
8 judgment for an appropriate period, upon requiring the same security  
9 for satisfaction of the judgment that [WHICH] is required in this  
10 state.

11 \* Sec. 3. AS 09.30.230 is amended to read:

12 Sec. 09.30.230. FEES. A person filing a foreign judgment shall  
13 pay to the clerk of court the fee prescribed for the filing of an  
14 action. Fees for docketing, transcription, or other enforcement  
15 proceedings shall be as provided for domestic judgments [OF THE SUPE-  
16 RIOR COURT OF THIS STATE].

17 \* Sec. 4. AS 09.43.170 is amended to read:

18 Sec. 09.43.170. COURT, JURISDICTION. In AS 09.43.010 - 09.43.-  
19 180, the term "court" means the [SUPERIOR] court with jurisdiction in  
20 [OF] this state. The making of an agreement described in AS 09.43.010  
21 providing for arbitration in this state confers jurisdiction on the  
22 [SUPERIOR] court to enforce the agreement under AS 09.43.010 - 09.43.-  
23 180 and to enter judgment on an award under the agreement.

24 \* Sec. 5. AS 15.58.050 is amended to read:

25 Sec. 15.58.050. INFORMATION AND RECOMMENDATIONS ON JUDICIAL  
26 OFFICERS. No later than August 7 of the year in which the state  
27 general election will be held, the judicial council shall file with  
28 the lieutenant governor a statement including information about each  
29 supreme court justice, court of appeals judge, superior court judge,

1 and district court judge who will be subject to a retention election.  
2 The statement shall reflect the evaluation of each justice or judge  
3 conducted by the judicial council according to law and shall contain a  
4 brief statement describing each public reprimand, public censure, or  
5 suspension received by the judge under AS 22.30.011(d)(3) or (4)  
6 during the period covered in the evaluation. A statement may not  
7 exceed 600 words.

8 \* Sec. 6. AS 22.07 is amended by adding a new section to read:

9 Sec. 22.07.075. IMPEACHMENT. A judge of the court of appeals is  
10 subject to impeachment by the legislature for malfeasance or mis-  
11 feasance in the performance of official duties. Impeachment must  
12 originate in the senate and must be approved by two-thirds vote of its  
13 members. The motion for impeachment must list fully the basis for the  
14 proceeding. Trial on impeachment shall be conducted by the house of  
15 representatives. A supreme court justice designated by the court  
16 shall preside at the trial. Concurrence of two-thirds of the members  
17 of the house is required for a judgment of impeachment. The judgment  
18 may not extend beyond removal from office, but does not prevent pro-  
19 ceedings in a court on the same or related charges.

20 \* Sec. 7. AS 22.15.030(a) is amended to read:

21 (a) The district court has jurisdiction of civil cases, includ-  
22 ing foreign judgments filed under AS 09.30.200 and arbitration pro-  
23 ceedings under AS 09.43.170, as follows:

24 (1) for the recovery of money or damages when the amount  
25 claimed exclusive of costs, interest, and attorney fees does not  
26 exceed \$35,000 [\$25,000];

27 (2) for the recovery of specific personal property, when  
28 the value of the property claimed and the damages for the detention do  
29 not exceed \$35,000 [\$25,000];

1 (3) for the recovery of a penalty or forfeiture, whether  
2 given by statute or arising out of contract, not exceeding \$35,000  
3 [\$25,000];

4 (4) to give judgment without action upon the confession of  
5 the defendant for any of the cases specified in this section, except  
6 for a penalty or forfeiture imposed by statute;

7 (5) for establishing the fact of death of any person in the  
8 manner prescribed in AS 09.55.020 - 09.55.060;

9 (6) for the recovery of the possession of premises in the  
10 manner provided under AS 09.45.070 - 09.45.160 when the value [OF THE  
11 PROPERTY OR] of the arrears and damage to the property does not exceed  
12 \$35,000 [\$25,000];

13 (7) for the foreclosure of a lien when the amount in con-  
14 troversy does not exceed \$35,000 [\$25,000];

15 (8) for the recovery of money or damages in motor vehicle  
16 tort cases when the amount claimed exclusive of costs, interest and  
17 attorney fees does not exceed \$35,000 [\$25,000];

18 (9) over civil actions for taking utility service and for  
19 damages to or interference with a utility line filed under AS 42.20.-  
20 030;

21 (10) over cases involving injunctive relief for domestic  
22 violence under AS 25.35.010 and 25.35.020.

23 \* Sec. 8. AS 22.15.120 is amended to read:

24 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY  
25 HEAR. A magistrate shall preside only in cases and proceedings under  
26 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

27 (1) for the recovery of money or damages only when the  
28 amount claimed, exclusive of costs, interest, and attorney fees, does  
29 not exceed \$5,000;

1 (2) for the recovery of specific personal property when the  
2 value of the property claimed and the damages for the detention do not  
3 exceed \$5,000;

4 (3) for the recovery of a penalty or forfeiture, whether  
5 given by statute or arising out of contract, not exceeding \$5,000;

6 (4) to give judgment without action upon the confession of  
7 the defendant for any of the cases specified in this section, except  
8 for a penalty or forfeiture imposed by statute;

9 (5) to give judgment of conviction upon a plea of guilty by  
10 the defendant in a criminal proceeding within the jurisdiction of the  
11 district court;

12 (6) to hear, try, and enter judgments in all cases involv-  
13 ing misdemeanors, if the defendant consents in writing that the magis-  
14 trate may try the case;

15 (7) to hear, try and enter judgments in all cases involving  
16 infractions under AS 28, violations under AS 11, and violations of  
17 ordinances of political subdivisions;

18 (8) for the extradition of fugitives as authorized under  
19 AS 12.70.

20 \* Sec. 9. AS 22.15 is amended by adding a new section to read:

21 Sec. 22.15.205. IMPEACHMENT. A district judge is subject to  
22 impeachment by the legislature for malfeasance or misfeasance in the  
23 performance of official duties. Impeachment must originate in the  
24 senate and must be approved by two-thirds vote of its members. The  
25 motion for impeachment must list fully the basis for the proceeding.  
26 Trial on impeachment shall be conducted by the house of representa-  
27 tives. A supreme court justice designated by the court shall preside  
28 at the trial. Concurrence of two-thirds of the members of the house  
29 is required for a judgment of impeachment. The judgment may not

1 extend beyond removal from office, but does not prevent proceedings in  
2 the courts on the same or related charges.

3 \* Sec. 10. AS 22.20.020(a) is repealed and reenacted to read:

4 (a) A judicial officer may not act in a matter in which

5 (1) the judicial officer is a party;

6 (2) the judicial officer is related to a party or a party's  
7 attorney by consanguinity or affinity within the third degree;

8 (3) the judicial officer is a material witness;

9 (4) the judicial officer or the spouse of the judicial  
10 officer, individually or as a fiduciary, or a child of the judicial  
11 officer has a direct financial interest in the matter;

12 (5) a party, except the state or a municipality of the  
13 state, has retained or been professionally counseled by the judicial  
14 officer as its attorney within two years preceding the assignment of  
15 the judicial officer to the matter;

16 (6) the judicial officer has represented a person as attor-  
17 ney for the person against a party, except the state or a municipality  
18 of the state, in a matter within two years preceding the assignment of  
19 the judicial officer to the matter;

20 (7) an attorney for a party has represented the judicial  
21 officer or a person against the judicial officer, either in the judi-  
22 cial officer's public or private capacity, in a matter within two  
23 years preceding the filing of the action;

24 (8) the law firm with which the judicial officer was asso-  
25 ciated in the practice of law within the two years preceding the  
26 filing of the action has been retained or has professionally counseled  
27 either party with respect to the matter;

28 (9) the judicial officer feels that, for any reason, a fair  
29 and impartial decision cannot be given.

1 \* Sec. 11. AS 22.20.020(b) is repealed and reenacted to read:

2 (b) The disqualifications specified in (a)(2), (a)(5), (a)(6),  
3 (a)(7), and (a)(8) of this section may be waived by the parties and  
4 are waived unless a party raises an objection.

5 \* Sec. 12. AS 22.25.010(b) is amended to read:

6 (b) A justice or judge may be retired for incapacity as provided  
7 in this section [BY LAW]. A justice or judge is eligible for retire-  
8 ment pay with two or more years of service at the time of retirement  
9 for incapacity. The effective date of retirement under this subsec-  
10 tion is the first day of the month coinciding with or after the date  
11 that [UPON WHICH] the governor [WITH RESPECT TO A JUSTICE, OR THE  
12 SUPREME COURT WITH RESPECT TO A JUDGE] files written notice with the  
13 commissioner of administration [A WRITTEN DECLARATION TO THE EFFECT]  
14 that a designated justice or judge was retired for incapacity. A  
15 duplicate copy of the notice [DECLARATION] shall be filed with the  
16 Judicial Council.

17 \* Sec. 13. AS 22.30.011 is amended by adding a new subsection to read:

18 (h) If a judge has been publicly reprimanded, suspended, or  
19 publicly censured under this section and the judge has filed a decla-  
20 ration of candidacy for retention in office, the commission shall  
21 report to the Judicial Council for inclusion in the statement filed by  
22 the judicial council under AS 15.58.050 each public reprimand, sus-  
23 pension, or public censure received by the judge

24 (1) since appointment; or

25 (2) if the judge has been retained by election, since the  
26 last retention election of the judge.

27 \* Sec. 14. AS 22.30.070(c) is amended to read:

28 (c) On recommendation of the commission or after an appeal under  
29 AS 22.30.011(e), the supreme court may (1) retire a judge for

1 disability that seriously interferes with the performance of duties  
2 and that is or may become permanent, and (2) publicly or privately  
3 censure or remove a judge for action occurring not more than six years  
4 before the commencement of the judge's current term which constitutes  
5 wilful misconduct in the office, wilful and persistent failure to  
6 perform duties, habitual intemperance, conduct prejudicial to the  
7 administration of justice, or conduct that brings the judicial office  
8 into disrepute. The effective date of retirement under (1) of this  
9 subsection is the first day of the month coinciding with or after the  
10 date that the supreme court files written notice with the commissioner  
11 of administration that the judge was retired for disability. A dupli-  
12 cate copy of the notice shall be filed with the Judicial Council.

13 \* Sec. 15. Rule 16(a) of the Alaska District Court Rules of Civil  
14 Procedure is amended to read:

15 (a) All small claims actions shall be tried by the court without  
16 a jury. A judge may [NOT] be peremptorily challenged either under  
17 Civil Rule 42(c) or AS 22.20.022.

# State of Alaska

House Majority Leader

COMMITTEES

HOUSE HEALTH, EDUCATION  
AND SOCIAL SERVICES  
HOUSE JUDICIARY  
HOUSE RULES



*Lowman*

P.O. BOX V  
JUNEAU, ALASKA 99811  
(907) 465-3718  
465-4968/4986

914 CLAY COURT  
ANCHORAGE, ALASKA 99503  
(907) 276-6844

Representative Max F. Gruenberg, Jr.  
District 11  
Spenard, Upper Midtown Anchorage

## MEMORANDUM

DATE: March 6, 1987

TO: Representative Al Adams  
Chair  
House Finance Committee

FROM: Max F. Gruenberg, Jr. *MFG*

RE: HB 139, "An Act relating to jurisdiction of the superior and district courts, judicial disqualification and impeachment, the procedure for judicial retirement due to incapacity or disability and proceedings before magistrates."

I would appreciate it if you would schedule a hearing on HB 139 as soon as it is possible.

HB 139 has a zero fiscal note from the court system. I do not believe any other branches of state government would be financially impacted by this bill.

HB 139 is based on a bill that passed the House unanimously last session as HB 516, which provided a procedure for the impeachment of court of appeals judges and district court judges and the disqualification of judges for cause.

HB 139 incorporates HB 516, with some technical changes suggested by legal counsel. At the request of the judiciary, I have also added a number of other provisions, which increase the jurisdiction of district courts, give magistrates explicit authority to handle violations, and clarify the law regarding judicial retirement.

MEMORANDUM

DATE: March 18, 1987

TO: House Finance Committee

FROM: Max F. Gruenberg, Jr.

RE: Sectional analysis of the Judiciary Committee  
Substitute for the Impeachment of Judges Bill, C.S.  
for HB139 (Judiciary)

Secs. 1,2 and 3

AS 09.30.200, .220 and .230 Foreign judgments are now enforceable only in superior court. The bill allows foreign judgments up to \$35,000 to be enforceable in district court.

Sec. 4

AS 09.43.170 The Uniform Arbitration Act is now only enforceable in superior court. The bill allows arbitrations up to \$35,000 to be enforceable in district court.

Sec. 5

AS 15.58.050 Requires that the judicial council include all public reprimands, public censures and suspensions in its report on a judge or justice who is up for a retention election.

Sec. 6

AS 22.07.075 Provides for the impeachment of court of appeals judges. It uses the identical language of AS 22.05.120 and AS 22.10.170, which now provide for the impeachment of supreme court justices and superior court judges. This was part of HB 516, which passed the House last year.

Sec. 7

AS 22.15.030(a) Raises district court jurisdiction from \$25,000.00 to \$35,000.00 and clarifies the requirements for district court jurisdiction over evictions. The \$35,000 limit was passed as part of the tort reform bill, SB 377, which passed the House last year, but did not survive the conference committee.

Sec. 8

AS 22.15.120 Brings criminal violations within the jurisdiction of magistrate courts.

Sec. 9

As 22.15.205 Provides for the impeachment of district court judges. See section 6 above. This was part of the bill last year.

Secs. 10 & 11

AS 22.20.020(a) and (b) Revises and updates the statute for disqualifying a judge for cause. This was part of HB 516 last year.

Sec. 12

AS 22.25.010(b) and 22.30.070(c) Clarifies the procedure for judicial retirement for incapacity.

Sec. 13

AS 22.30.011 Provides that the Commission on Judicial Qualifications shall report public reprimands, public censures and suspensions to the judicial council so that the council can comply with AS 15.58.050, Sec. 5 above.

Sec. 14

AS 22.30.070(c) Clarifies the procedure for judicial retirement for disability.

Sec. 15

Alaska District Court Civil Rule 16(a). Allows a person in small claims court to change judges by filing one preemptory challenge against the assigned judge. All other litigants presently have this right.

1 IN THE HOUSE

BY GRUENBERG, SUND, PETTYJOHN,  
DONLEY, NAVARRE, PHILLIPS,  
TAYLOR, ULMER AND MARTIN

2

HOUSE BILL NO. 139

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FIFTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the jurisdiction of the superior  
7 and district courts, judicial disqualification and  
8 impeachment, the procedure for judicial retirement  
9 due to incapacity or disability, and proceedings  
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11 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

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17 The clerk shall treat the foreign judgment in the same manner as a  
18 domestic judgment [OF THE SUPERIOR COURT]. A judgment so filed has  
19 the same effect and is subject to the same procedures, defenses, and  
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21 [OF THE SUPERIOR COURT] and may be enforced or satisfied in like  
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26 or will be taken, or that a stay of execution has been granted, the  
27 court shall stay enforcement of the foreign judgment until the appeal  
28 is concluded, the time for appeal expires, or the stay of execution  
29 expires or is vacated, upon proof that the judgment debtor has

1 furnished the security for the satisfaction of the judgment required  
2 by the state in which it was rendered.

3 (b) If the judgment debtor shows the [SUPERIOR] court any ground  
4 upon which enforcement of a judgment of the [SUPERIOR] court of this  
5 state would be stayed, the court shall stay enforcement of the foreign  
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14 RIOR COURT OF THIS STATE].

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16 Sec. 09.43.170. COURT, JURISDICTION. In AS 09.43.010 - 09.43.-  
17 180, the term "court" means the [SUPERIOR] court with jurisdiction in  
18 [OF] this state. The making of an agreement described in AS 09.43.010  
19 providing for arbitration in this state confers jurisdiction on the  
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25 feance in the performance of official duties. Impeachment must  
26 originate in the senate and must be approved by two-thirds vote of its  
27 members. The motion for impeachment must list fully the basis for the  
28 proceeding. Trial on impeachment shall be conducted by the house of  
29 representatives. A supreme court justice designated by the court

1 shall preside at the trial. Concurrence of two-thirds of the members  
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10 claimed exclusive of costs, interest, and attorney fees does not  
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13 the value of the property claimed and the damages for the detention do  
14 not exceed \$35,000 [\$25,000];

15 (3) for the recovery of a penalty or forfeiture, whether  
16 given by statute or arising out of contract, not exceeding \$35,000  
17 [\$25,000];

18 (4) to give judgment without action upon the confession of  
19 the defendant for any of the cases specified in this section, except  
20 for a penalty or forfeiture imposed by statute;

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22 manner prescribed in AS 09.55.020 - 09.55.060;

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24 manner provided under AS 09.45.070 - 09.45.160 when the value [OF THE  
25 PROPERTY OR] of the arrears and damage to the property does not exceed  
26 \$35,000 [\$25,000];

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28 troversy does not exceed \$35,000 [\$25,000];

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1 tort cases when the amount claimed exclusive of costs, interest and  
2 attorney fees does not exceed \$35,000 [\$25,000];

3 (9) over civil actions for taking utility service and for  
4 damages to or interference with a utility line filed under AS 42.20.-  
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9 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY  
10 HEAR. A magistrate shall preside only in cases and proceedings under  
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13 amount claimed, exclusive of costs, interest, and attorney fees, does  
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22 for a penalty or forfeiture imposed by statute;

23 (5) to give judgment of conviction upon a plea of guilty by  
24 the defendant in a criminal proceeding within the jurisdiction of the  
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26 (6) to hear, try, and enter judgments in all cases involv-  
27 ing misdemeanors, if the defendant consents in writing that the magis-  
28 trate may try the case;

29 (7) to hear, try and enter judgments in all cases involving

1        infractions under AS 28, violations under AS 11, and violations of  
2        ordinances of political subdivisions;

3                    (8) for the extradition of fugitives as authorized under  
4        AS 12.70.

5        \* Sec. 8. AS 22.15 is amended by adding a new section to read:

6                    Sec. 22.15.205. IMPEACHMENT. A district judge is subject to  
7        impeachment by the legislature for malfeasance or misfeasance in the  
8        performance of official duties. Impeachment must originate in the  
9        senate and must be approved by two-thirds vote of its members. The  
10       motion for impeachment must list fully the basis for the proceeding.  
11       Trial on impeachment shall be conducted by the house of representa-  
12       tives. A supreme court justice designated by the court shall preside  
13       at the trial. Concurrence of two-thirds of the members of the house  
14       is required for a judgment of impeachment. The judgment may not  
15       extend beyond removal from office, but does not prevent proceedings in  
16       the courts on the same or related charges.

17       \* Sec. 9. AS 22.20.020(a) is repealed and reenacted to read:

18                    (a) A judicial officer may not act in a matter in which

19                    (1) the judicial officer is a party;

20                    (2) the judicial officer is related to a party or a party's  
21       attorney by consanguinity or affinity within the third degree;

22                    (3) the judicial officer is a material witness;

23                    (4) the judicial officer or the spouse of the judicial  
24       officer, individually or as a fiduciary, or a child of the judicial  
25       officer has a direct financial interest in the matter;

26                    (5) a party, except the state or a municipality of the  
27       state, has retained or been professionally counseled by the judicial  
28       officer as its attorney within two years preceding the assignment of  
29       the judicial officer to the matter;

1           (6) the judicial officer has represented a person as attorney  
2           for the person against a party, except the state or a municipality  
3           of the state, in a matter within two years preceding the assignment of  
4           the judicial officer to the matter;

5           (7) an attorney for a party has represented the judicial  
6           officer or a person against the judicial officer, either in the judicial  
7           officer's public or private capacity, in a matter within two  
8           years preceding the filing of the action;

9           (8) the law firm with which the judicial officer was associated  
10          in the practice of law within the two years preceding the  
11          filing of the action has been retained or has professionally counseled  
12          either party with respect to the matter;

13          (9) the judicial officer feels that, for any reason, a fair  
14          and impartial decision cannot be given.

15 \* Sec. 10. AS 22.20.020(b) is repealed and reenacted to read:

16          (b) The disqualifications specified in (a)(2), (a)(5), (a)(6),  
17          (a)(7), and (a)(8) of this section may be waived by the parties and  
18          are waived unless a party raises an objection.

19 \* Sec. 11. AS 22.25.010(b) is amended to read:

20          (b) A justice or judge may be retired for incapacity as provided  
21          in this section [BY LAW]. A justice or judge is eligible for retirement  
22          pay with two or more years of service at the time of retirement  
23          for incapacity. The effective date of retirement under this subsection  
24          is the first day of the month coinciding with or after the date  
25          that [UPON WHICH] the governor [WITH RESPECT TO A JUSTICE, OR THE  
26          SUPREME COURT WITH RESPECT TO A JUDGE] files written notice with the  
27          commissioner of administration [A WRITTEN DECLARATION TO THE EFFECT]  
28          that a designated justice or judge was retired for incapacity. A  
29          duplicate copy of the notice [DECLARATION] shall be filed with the

1       Judicial Council.

2       \* Sec. 12. AS 22.30.070(c) is amended to read:

3               (c) On recommendation of the commission or after an appeal under  
4 AS 22.30.011(e), the supreme court may (1) retire a judge for dis-  
5 ability that seriously interferes with the performance of duties and  
6 that is or may become permanent, and (2) publicly or privately censure  
7 or remove a judge for action occurring not more than six years before  
8 the commencement of the judge's current term which constitutes wilful  
9 misconduct in the office, wilful and persistent failure to perform  
10 duties, habitual intemperance, conduct prejudicial to the adminis-  
11 tration of justice, or conduct that brings the judicial office into  
12 disrepute. The effective date of retirement under (1) of this sub-  
13 section is the first day of the month coinciding with or after the  
14 date that the supreme court files written notice with the commissioner  
15 of administration that the judge was retired for disability. A dupli-  
16 cate copy of the notice shall be filed with the Judicial Council.