

**ALASKA STATE LEGISLATURE  
HOUSE RULES STANDING COMMITTEE**

April 2, 2019  
11:30 a.m.

**MEMBERS PRESENT**

Representative Chuck Kopp, Chair  
Representative Jennifer Johnston, Vice Chair  
Representative Bryce Edgmon  
Representative Louise Stutes  
Representative Steve Thompson  
Representative Lance Pruitt  
Representative David Eastman

**MEMBERS ABSENT**

All members present

**COMMITTEE CALENDAR**

SENATE BILL NO. 41

"An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

- MOVED SB 41 OUT OF COMMITTEE

**PREVIOUS COMMITTEE ACTION**

BILL: SB 41

SHORT TITLE: NUMBER OF SUPERIOR COURT JUDGES

SPONSOR(s): RULES BY REQUEST

01/30/19	(S)	READ THE FIRST TIME - REFERRALS
01/30/19	(S)	JUD, FIN
02/11/19	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/11/19	(S)	Heard & Held
02/11/19	(S)	MINUTE(JUD)
02/15/19	(S)	JUD AT 1:30 PM BELTZ 105 (TSBldg)
02/15/19	(S)	Moved SB 41 Out of Committee
02/15/19	(S)	MINUTE(JUD)
02/18/19	(S)	JUD RPT 3DP
02/18/19	(S)	DP: HUGHES, REINBOLD, MICCICHE
03/08/19	(S)	FIN AT 9:00 AM SENATE FINANCE 532
03/08/19	(S)	Heard & Held
03/08/19	(S)	MINUTE(FIN)
03/20/19	(S)	FIN RPT 9DP

03/20/19 (S) DP: VON IMHOF, STEDMAN, MICCICHE,  
HOFFMAN, SHOWER, WIELECHOWSKI, OLSON,  
WILSON,  
03/20/19 (S) BISHOP  
03/20/19 (S) FIN AT 9:00 AM SENATE FINANCE 532  
03/20/19 (S) Moved SB 41 Out of Committee  
03/20/19 (S) MINUTE(FIN)  
03/28/19 (H) FIN AT 9:00 AM ADAMS ROOM 519  
03/28/19 (H) Scheduled but Not Heard  
03/29/19 (S) TRANSMITTED TO (H)  
03/29/19 (S) VERSION: SB 41  
04/01/19 (H) READ THE FIRST TIME - REFERRALS  
04/01/19 (H) RLS  
04/02/19 (H) RLS AT 11:30 AM BUTROVICH 205

**WITNESS REGISTER**

NANCY MEADE, General Counsel  
Administrative Staff  
Office of the Administrative Director  
Alaska Court System  
Anchorage, Alaska  
**POSITION STATEMENT:** Presented SB 41.

**ACTION NARRATIVE**

[11:30:41 AM](#)

**CHAIR CHUCK KOPP** called the House Rules Standing Committee meeting to order at 11:30 a.m. Representatives Johnston, Edgmon, Stutes, Thompson, Pruitt, Eastman, and Kopp were present at the call to order.

**SB 41-NUMBER OF SUPERIOR COURT JUDGES**

[11:31:30 AM](#)

CHAIR KOPP announced that the only order of business would be SENATE BILL NO. 41, "An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

CHAIR KOPP noted that SB 41 is the same bill as HB 77, which is presently in Rules.

[11:32:46 AM](#)

NANCY MEADE, General Counsel, Administrative Staff, Office of the Administrative Director, Alaska Court System, presented SB 41. She stated that the proposed legislation would authorize the addition of two judges to the number of Alaska Superior Court judges authorized in statute; the two judges would be seated in the Third Judicial District. She elaborated that under SB 41, the Alaska Court System would be able to convert two existing district court judgeships - one in Homer and one in Valdez - to superior court trials sites. Ms. Meade explained that the reason this request has been made is that both Homer and Valdez are the last remaining single-judge locations not served by a superior court judge.

MS. MEADE reviewed that a superior court judge has original jurisdiction over any trial matter that arises in the state while a district court judge has only limited jurisdiction. She listed that which a superior court judge can handle: felonies; domestic relations cases, such as child custody and divorce; probate issues, such as mental commitments; and child in need of aid cases. In contrast, a district court judge can handle only misdemeanors and preliminary, emergency situations related to child in need of aid cases; he/she cannot handle mental commitments, divorce cases, and custody matters. She stated that by staffing Homer and Valdez with a superior court judge, those courts would be able to handle all cases that "walk through the door."

MS. MEADE stated that the timing is perfect, because the Homer district court judge has announced her retirement at the end of the current fiscal year, and the district court judge seat in Valdez is currently vacant, the judge there having recently been appointed to the Juneau Superior Court. If SB 41 passes, the Judicial Council will advertise these two openings as superior court seats, rather than district court seats, which she said would give the court system the flexibility it needs.

[11:35:17 AM](#)

MS. MEADE relayed that in Homer, the district court judge handles all district court matters that are filed; however, any superior court matters filed are handled by traveling judges from Kenai, who travel to Homer for one week a month. She said a video conferencing system was installed between the two courts to cut down on the amount of travel necessary; however, there are lots of hearings dealing with criminal matters and child in need of aid where a judge needs to meet face-to-face in the

court room, and that affects the court schedules of the Kenai judges and is not a sustainable way to handle cases.

MS. MEADE said that in Valdez the situation has been "similar thought slightly different." She explained that the district court judge [who had been there until recently] has served for a long time and has been willing to handle some superior court matters. By rule, the court can temporarily - "pro temp" - allow a district court judge to handle superior court matters, and the [erstwhile] judge of the Valdez District Court, along with the one before him, has the qualifications to handle those matters; therefore, there has not been as much travel necessary. If that seat were filled with a new district court judge, then the judges would have to be sent from Palmer to Valdez to attend to superior court cases. She clarified, "So, though the problem hasn't been as acute there because of the individual seated, it would become acute with a new individual in that slot."

[11:37:08 AM](#)

MS. MEADE noted that the Supreme Court tries to be conservative in what it asks from the legislature, and it has thought of alternatives. She reiterated that as a means of minimizing travel, video conferencing equipment had been installed in Homer, and in Valdez there is video conferencing equipment that connects that district court with Cordova and Glen Allen. She restated that there are certain [cases] that require travel. She said, "So, we think that right now, having those two seats as superior court judges would help the local communities there, but also provide flexibility really in the whole Third Judicial District." For example, if a Palmer judge is busy with a long criminal trial, a superior court judge in Valdez could, perhaps, handle the child in need of aid cases for 4-6 weeks. She added, "That person could help in Kodiak and other places, as well, and we think that that is probably what's going to happen."

[11:38:20 AM](#)

MS. MEADE directed attention to the fiscal note in the committee packet. She said a brand new superior court judge can cost about half a million dollars, which includes the judge's salary and staff, and the court, being conservative, would not ask for that. However, with the proposed conversion of a superior court judgeship, the new superior court judge can use the existing chairs, computers, courtrooms, and staff that already exist in Valdez and Homer; thus, the fiscal impact is less. She added that the travel cost would be obviated, as well.

[11:39:34 AM](#)

REPRESENTATIVE EASTMAN, regarding staffing, asked about the difference between a district court judge and superior court judge.

MS. MEADE answered that typically superior court judges receive a dedicated law clerk while district court judges share a law clerk in Anchorage. She continued:

Other than that, tough, they need an in-court clerk ... to do all that work that's involved during that preceding, and they ... each have a judicial assistant to do administrative tasks and help them keep on schedule and on task.

REPRESENTATIVE EASTMAN asked, "Are these going to be, then, the only two superior court judges that don't have those dedicated staff, or is that solved some other way?"

MS. MEADE answered, "They will not be the only superior court judges without a law clerk, which is the only difference in staffing. In the Juneau Superior Court, we have two law clerks for three superior court judges, so, they share resources there, and what we expect for ... these individuals, both in Homer and Valdez, is that they would share existing law clerk resources from other judges." She explained that is because after looking at the state's fiscal picture, the court is considering how to be more conservative with the resources. She said, "So, the Valdez judge, when he or she needs a law clerk, could contact ... the judges in Palmer and say, 'Hey, can one of your clerks help me with this project?' and similarly for Kenai." She added, "We do think that that will work and bring about the appropriate result."

[11:41:32 AM](#)

REPRESENTATIVE THOMPSON offered his understanding that superior court judges receive more in retirement than do district court judges, and he questioned whether that would mean "our retirement costs" will be increasing "through the out years."

MS. MEADE offered her understanding that Representative Thompson was asking what would happen in 20 years when the superior court judge retires. She confirmed that a judge who received a larger salary during his/her career would receive a larger benefit in

retirement, and superior court judges do make more than district court judges.

REPRESENTATIVE THOMPSON concluded that "it would be more expensive for that retirement."

MS. MEADE responded that's correct.

REPRESENTATIVE THOMPSON asked if a superior court judge's retirement is based on a higher percentage of salary than is a district court judge's retirement.

MS. MEADE answered no; all judges' retirements are based on the number of years they served.

[11:44:05 AM](#)

CHAIR KOPP said nurses for sexual assault cases were located in South Peninsula Hospital, and he traveled many times to that hospital with the prosecutor. He said sometimes the prosecutor anticipated addressing only misdemeanor arraignments but arrived to discover there were felony arraignments to address but no superior court judge present. That required the prosecutor to drive back up the road and make a second trip back down the peninsula with the superior court judge. Having a judge in Homer and Valdez that can handle those felony cases would prevent prosecutors from having to make those multiple trips, which he said he foresaw as a savings to the state.

[11:45:10 AM](#)

CHAIR KOPP opened public testimony on SB 41. After ascertaining that there was no one who wished to testify, he closed public testimony on SB 41.

[11:45:44 AM](#)

REPRESENTATIVE JOHNSTON moved to report SB 41 out of committee with individual recommendations and the accompanying fiscal notes. There being no objection, SB 41 was reported out of the House Rules Standing Committee.

[11:46:13 AM](#)

**ADJOURNMENT**

There being no further business before the committee, the House Rules Standing Committee meeting was adjourned at 11:46 a.m.