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279

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

I. REQUEST

Bill/Resolution No.: HB 279
 Title: An Act Amending JRS & PERS
 Sponsor: Bussell
 Requestor: _____
 Date of Request: _____

II. FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
<u>OPERATING</u>						
100 PERSONAL SERVICES	508.9	549.6	593.5	641.0	692.3	747.7
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
<u>TOTAL OPERATING</u>	<u>508.9</u>	<u>549.6</u>	<u>593.5</u>	<u>641.0</u>	<u>692.3</u>	<u>747.7</u>
<u>CAPITAL</u>						
<u>REVENUE</u>						

FUNDING: (Thousands of Dollars)

GENERAL FUND	508.9	549.6	593.5	641.0	692.3	747.7
FEDERAL FUNDS						
OTHER (Specify Source)						
<u>TOTAL</u>						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						
<u>TOTAL</u>						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys, Director Phone: 465-4460
 Division: Retirement & Benefits Date: 11-9-83

Approved by Commissioner: Lisa Rudd Date: _____
 Department: Administration

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

9/14/83

State of Alaska

Fiscal Note

HB 279

IV Analysis: This is a revised fiscal note for HB 279.

- o This bill would effect PERS by reducing PERS cost to the court systems by 13.18% of magistrates covered payroll of \$966,690 (\$21,015 average X 46 magistrates) for FY 84.
- o This bill would effect JRS by increasing JRS cost to the court systems by 65.82% of the magistrates covered payroll of \$966,690 for FY 84.
- o The net effect of this bill would be an increase in cost to the state of 52.64% (65.82% - 13.18%) of the magistrates covered payroll or \$508,900 (\$966,690 X 52.64%) for FY 84.
- o This revision is a result of new salary data provided by the Alaska Court System.

Position Paper

HB 279

The Department strongly opposes this bill. This bill would transfer the magistrates from the PERS to the Judicial Retirement System. It would serve no apparent, useful public purpose to offset the much higher costs to the State. The rationale which has been advanced for the extraordinary benefits provided judges and justices--that they are necessary to attract and retain first-rate attorneys who would earn more money in private practice--does not appear to apply in the case of Magistrates. Magistrates are presently provided adequate coverage under the PERS.

J.K. Humphreys
J.K. Humphreys, Director, Division of Retirement & Benefits

5/4/83
Date

Lisa R. Rudd
Lisa Rudd, Commissioner of Administration

5/5/83
Date

STATE OF ALASKA
FISCAL NOTE

Revision Date May 4, 1983

I. REQUEST

Bill/Resolution No.: HB 279
 Title: An Act Amending JRS & PERS
 Sponsor: Bussell
 Requestor:

II. FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected:
 BRU, Program of Subprogram(s) Affected:

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL		508.9	549.6	593.5	641.0	692.3
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		508.9	549.6	593.5	641.0	692.3
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		508.9	549.6	593.5	641.0	692.3
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys Director Phone: 465-4460
 Division: Retirement & Benefits Date: 5-4-83
 Approved by Commissioner: Lisa Rudd, Commissioner Date: 5-4-83
 Department: Administration

Distribution:

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3/8/83

State of Alaska

Fiscal Note

HB 279

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- o This bill would effect PERS by reducing PERS cost to the court systems by 13.18% of magistrates covered payroll of \$966,690 (\$21,015 average X 46 magistrates) for FY 84.
- o This bill would effect JRS by increasing JRS cost to the court systems by 65.82% of the magistrates covered payroll of \$966,690 for FY 84.
- o The net effect of this bill would be an increase in cost to the state of 52.64% (65.82% - 13.18%) of the magistrates covered payroll or \$508,900 (\$966,690 X 52.64%) for FY 84.
- o This revision is a result of new salary data provided by the Alaska Court System.

FROM THE DESK OF IRIS A. LATHROP

Judiciary Referral

P.O. BOX 187, TOK, ALASKA 99780
907-883-5172



The Honorable Charlie Bussell
Alaska State Legislature
Pouch V, Mail Stop 3100
Juneau, Alaska 99811

Dear Representative Bussell:

Re: House Bill #279
Magistrate's Retirement

I wish to thank you for introducing the subject bill on behalf of the Alaska Association of Magistrates. It is a good feeling to know that the magistrates have your support.

If you wish information from me as to why I feel magistrates should be included in the judicial retirement system, I would be more than happy to send copies of letters I have sent to individual legislators this year as well as in the past. I am hesitant to burden you with more reading material than time will permit.

Again, my appreciation for your support of this bill.

Sincerely,

Iris A. Lathrop

Iris A. Lathrop

HB-279

Association of Alaska Magistrates
Box 735
Wrangell, Alaska 99929
March 15, 1983

To: Sen. Bill Ray
Sen. Joe Josephson
Sen. Richard Eliason
Sen. Robert Ziegler, Sr.
Sen. Fritz Pettyjohn
Sen. Don Bennett
Sen. John Sackett
Sen. Frank Ferguson
Sen. Jan Faiks
Sen. Vic Fischer
Sen. Bob Mulcahy
Sen. Pappy Moss
Rep. Charlie Bussell
Rep. John Liska
Rep. Joe Hayes
Rep. Ramona Barnes

Rep. Hugh Malone
Rep. Donald Clocksin
Rep. Ron Wendte
Rep. Al Adams
Rep. Robert Bettisworth
Rep. Vern Hurlbert
Rep. Sam Pestinger
Rep. Ben Grussenbore
Rep. Terry Martin
Rep. Jerry Ward
Rep. Joe Flood
Rep. John Lindauer
Rep. Jim Duncan
Rep. Fred Zharoff
Rep. Jack McBride



Enclosed are copies of materials and correspondence relating to Senate Bill 20. Senator Ziegler sponsored this bill and it is now co-sponsored by Senator Moss. A companion bill will be filed in the House within the next few days.

On behalf of the magistrates in the State of Alaska I ask your support of this bill. If you have any questions, please contact me at 874-2311 or 874-3989; a board member of the Association (listing attached); or your local magistrate.

Thank you for your interest and assistance.

Sincerely,

Linda Hartshorn
Secretary/Treasurer

ASSOCIATION OF ALASKA MAGISTRATES

BOARD MEMBERS

First District

Linda Hartshorn, Secretary/Treasurer
Box 869
Wrangell, Alaska 99929

874-2311 or 874-3989

Marilyn Hanson
P.O. Box 910
Sitka, Alaska 99835

747-6271

Second District

Marie Beans
Box 211
Mt. Village, Alaska 99632

591-2149

Lowell Anagick
Box 185
Unalakleet, Alaska 99684

624-3015

Third District

Jess Nicholas
Pouch I
Kenai, Alaska 99611

283-3110

Sheldon Sprecker, President
Box 86
Glennallen, Alaska 99588

822-3405 or 822-3726

Brian Johnson
Box 860
Palmer, Alaska 99645

745-4284

Fourth District

Alice Lathrop
Box 187
Tok, Alaska 99780

883-5171

Barbara Macfarlane
Box 41
Healy, Alaska 99743

683-2213 or 683-2589



Trial Courts

State of Alaska

FIRST JUDICIAL DISTRICT
P. O. BOX 869
WRANGELL, ALASKA
99929

March 10, 1983

Senator Robert H. Ziegler, Sr.
pouch: V
Juneau, Alaska 99811

Dear Senator Ziegler:

Enclosed are copies of a letter and Senate Bill 20 which were sent to each magistrate in the state. I am also enclosing copies of the information received from Alaska Court System fiscal officer Bob Fisher and Supreme Court Order No. 544 relating to magistrate salaries.

It seems the lack of enthusiasm for this bill is based on the thought that magistrates are not judges, per se, and an aversion to the administrative paperwork which would inevitably follow passage of the bill. We feel we are judges and would hazard a guess that most persons who have come before us would be of the same opinion. In support of our stand we offer the following:

Buckalew v Holloway 604 P2d 240 (1979)

Alaska Supreme Court determination that magistrates are "judges" within the meaning of Article IV, Section 4 of the Alaska Constitution.

AS 22.15.020

Number of district court judges and magistrates listed for the district court of each judicial district.

AS 22.15.100 and 22.15.110

Lists functions, powers and additional duties of district court judges and magistrates.

AS 22.15.120

Limitations on proceedings which a magistrate may hear.

AS 22.15.220(c)

Requirement that district judges and magistrates must file an affidavit monthly to receive salary.

AS 22.15.240

Appeals from magistrate judgments are handled the same as those from a district court judge judgment.

Senator Robert H. Ziegler, Sr.
March 10, 1983
Page Two

AS 22.20.010

Judicial officer defined. "The term 'judicial officer' means a supreme court justice, including the chief justice, a judge of the court of appeals, a judge of the superior court, a district court judge and a magistrate."

Criminal Rule 56(b)

Definitions. "Magistrate" includes magistrates, district court judges, superior court judges and any other judicial officer authorized by law to conduct a preliminary examination of a person accused of a crime.

Administrative Rule 21(b)

Requirement of magistrate to wear black judicial robe as do all other judges.

Administrative Rule 24(f)

Assignment of Judicial Officer. "In this rule, 'judicial officer' means a superior court judge, district court judge or magistrate."

Administrative Rule 28(b)

Judicial vacations and leave outlined for district court judges and magistrates.

AS 22.25.010(g)

Magistrates not included as "judges" under the judicial retirement system.

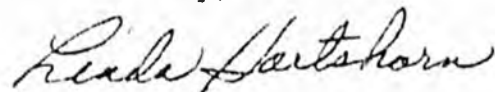
The last citation is the only one which excludes magistrates as judges. We feel the duties we perform are those of a district court judge with some jurisdictional limitations. We are on 24-hour call, as required by statute and rule, to perform "judicial" functions. Many of us sit as masters in superior court matters and are standing masters in children's cases.

I have copied those sections of the statutes and rules pertaining to jurisdiction, duties, etc., and would make these available to you if you so desire.

Mr. Van Doran has agreed to supply me with a copy of the fiscal note on this bill as soon as your office receives it. I spoke with Bob Fisher yesterday and he said the fiscal note should be in Juneau by tomorrow.

Thank you for your continued support of the magistrates.

Sincerely,



Linda Hartshorn
Magistrate

THE SUPREME COURT OF THE STATE OF ALASKA
ORDER NO. 544

Relating to Magistrate
Salaries.

IT IS ORDERED:

Supreme Court Order No. 451 is rescinded and the following is adopted as the magistrate salary schedule:

1. There are established six salary levels for magistrate posts. The base annual salary for each level is as follows:

Magistrate I	\$10,161
Magistrate II	\$14,335
Magistrate III	\$20,430
Magistrate IV	\$31,291
Magistrate V	\$39,832
Magistrate VI	\$46,476

Geographic cost of living adjustments shall be provided in accordance with applicable statutes.

2. Each magistrate location has been assigned to a salary level based on the number of hours which the court system expects the magistrate at that location to work in order to accomplish the estimated court workload at that location. The minimum number of hours of work required of the magistrates in each salary level are as follows:

<u>Salary Level</u>	<u>Hours Per Week (annual average)</u>
Magistrate I	15
Magistrate II	20
Magistrate III	27.5
Magistrate IV	37.5
Magistrate V	37.5
Magistrate VI	37.5

This is an annual average of the weekly work hours. Seasonal variations in workload at certain locations will require the magistrates at those locations to work longer hours during some parts of the year and shorter hours during other parts of the year.

The salaries listed in section 1. above are for the number of hours per week listed in section 2. plus 24-hour on-call availability for emergencies. These salaries also include compensation for full-time attendance at all required training courses.

3. Magistrate positions are allocated to the salary levels as follows:

<u>Magistrate VI</u>		
Konai	Kodiak	Palmer
<u>Magistrate V</u>		
Glennallen	Seward	Sitka

Magistrate IV

Barrow	Haines	Tok
Bethel	Kotzebue	Unalaska
Cordova	Nenana/Healy	Wrangell
Craig	Nome	
Dillingham	Petersburg	

Magistrate III

Cold Bay	Hoonah
Ft. Yukon	Naknek
Galena	Yakutat

Magistrate II

Aniak	Selawik	Skagway
Delta Jct.	Seldovia	

Magistrate I

Angoon	Kiana	Pt. Hope	Shungnak
Emmonak	McGrath	Sand Point	Tununak
Gambell	Mekoryuk	Savoonga	Unalakleet
Hooper Ldy	Mt. Village	St. Mary	Whittier
Keke	Noorvik	St. Paul Island	

4. Step increases.

A. Frequency and amount.

All magistrates are eligible for step increases of 3.5% annually for the first five years of their service. The procedure for granting step increases shall be patterned after that which applies to classified employees except that part-time magistrates will not be required to work 1,950 hours before being eligible to receive an annual raise. There will be a total of five steps of annual increases followed by longevity steps after the seventh, ninth, fourteenth and eighteenth years of continuous employment at one salary level.

If a magistrate's salary level is raised, the magistrate's salary step within the higher level will be determined by the same method used for classified employees (see Personnel Rule 6.02.03).

B. Criteria for receiving step increases.

1. Tenure - one year.
2. Written approval by presiding judge stating that the magistrate is performing adequately.
3. Passing scores on all correspondence courses required for that level in that region of the state (required by either the presiding judge or the administrative director).

4. For Magistrates I through V: written verification by the presiding judge that the following are being adequately maintained:
 - a. dockets
 - b. indexes
 - c. library books (that is, that the Statutes, Administrative Code and Rules are kept up to date)
 - d. case files and the case numbering system
 - e. tape recordings of formal hearings and the binder for duplicate copies of all log notes
 - f. accounting records (receipts, revenue deposits, trust deposits, trust checks and proper recording of all accounting data on the case dockets)

C. Implementation.

All magistrates who are in office on January 1, 1981 will start at Step A of their designated salary level. The anniversary date for all such magistrates will be January 16. The anniversary date of all magistrates hired or promoted after January 1, 1981 will be the 16th of the month following their date of hire or promotion.

5. Review of Classification.

All magistrate positions shall be reviewed annually by the director of personnel to assure correct classification. These reviews shall be based on statistical evaluation of duties accomplished by each magistrate. The magistrate salary at every location must be re-evaluated by the director of personnel whenever a vacancy occurs. Vacancies may not be advertised until the salary for that position has been re-evaluated and any recommended changes for reclassification of the position have been approved by the chief justice.

6. Change in Classification.

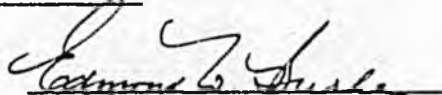
The director of personnel shall recommend to the chief justice salary increases based upon reclassification of magistrate positions after first conferring with the area court administrator and the presiding judge of the judicial district in which the magistrate is located. The director of personnel shall recommend to the chief justice that a magistrate position be refilled at a lower level upon the position becoming vacant, after first conferring with the area court administrator and presiding judge for that judicial district.

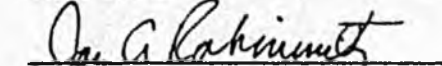
7. Compensation for part-time magistrates asked to do extra work.

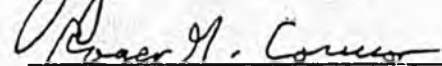
If a part-time magistrate (Levels I, II and III) is asked to serve in another court location to replace another magistrate or a district court judge for a period of time, the part-time magistrate must receive compensation for the additional hours worked.

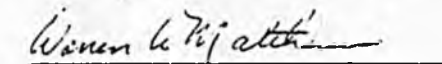
DATED: September 24, 1982

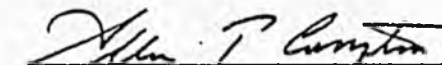
EFFECTIVE DATE: March 16, 1982


Chief Justice


Justice


Justice


Justice


Justice

March 9, 1983

Dear Fellow Magistrates:

As most of you know, the Association of Alaska Magistrates has had a bill in the legislature the past several years to include magistrates in the Judicial Retirement System. Senator Robert Ziegler has introduced Senate Bill 20 in the thirteenth legislature on our behalf. A copy of that bill is enclosed for your information.

The contribution rate under the Judicial Retirement System (JRS) is 7% as compared to the 4.25% we currently pay under the Public Employees Retirement System (PERS). Under SB 20, to receive credit for service as a magistrate prior to July 1, 1983, the magistrate must:

- 1) withdraw from PERS
- 2) receive a refund of contributions under PERS
- 3) elect to receive credit for service prior to July 1, 1983, and
- 4) make retroactive contributions for service as a magistrate after January 3, 1959.

Retroactive contributions may be set up as a payroll deduction over a reasonable period of time.

Following is my understanding of the differences between PERS as outlined in AS 39.35 and JRS as outlined in AS 22.25:

PERS - Contribution rate is 4.25% of base salary

Benefits paid:

- 1) Age 55 with 5 years of service; or
- 2) 30 years of service; or
- 3) Early retirement at 50 years of age and 5 years of service with adjustment for early retirement

Computation of benefits:

2% of average monthly wage for 3 high years times years of service
PLUS COLA (if remain in Alaska) of \$50.00 or 10% of the benefit, whichever is greater
PLUS medical insurance coverage

JRS - Contribution rate is 7% of base salary

Benefits paid:

- 1) Mandatory retirement at 70 years of age
- 2) Age 60 with 5 years of service
- 3) Early retirement at 55 years of age or 20 years of service with adjustment for early retirement

Computation of benefits:

5% for each year of service (up to 15 years or 75%) times base monthly wage paid incumbents at the time of the benefit payment
PLUS medical insurance coverage

Please read the statutes cited above for further information on the two plans.

Examples of approximate monthly retirement benefits based on 5 years of service and current base monthly salaries are:

		PEPS	JRS
Magistrate I	(15 hours/week)	\$ 84.67	\$211.50
Magistrate II	(20 hours/week)	119.40	298.50
Magistrate III	(27.5 hours/week)	170.20	425.50
Magistrate IV	(37.5 hours/week)	260.70	651.75
Magistrate V	(37.5 hours/week)	331.90	829.75
Magistrate VI	(37.5 hours/week)	387.30	968.25

The information provided to me indicates that the average age of the magistrates is 42 years with an average length of service of 6.87 years. There are 49 positions authorized by Supreme Court Order No. 54 and they are distributed as follows:

Magistrate I	19
Magistrate II	5
Magistrate III	6
Magistrate IV	13
Magistrate V	3
Magistrate VI	3

The Senate Judiciary Committee has set up a teleconference with the magistrates at 11:30 A.M. on March 25, 1983 in Anchorage. They will hear testimony at that time from one or two magistrates but we ask that everyone attend, if possible. This was coordinated at our request and will determine if Senate Bill 20 goes from the Judiciary to the Finance Committee with a "do pass" recommendation.

We will have a meeting of the Association of Alaska Magistrates in the early part of the conference week and can discuss the issue further at that time. Please jot down any other issues you wish to discuss.

I look forward to seeing all of you at the conference. It promises to be a good experience with varied topics and beneficial discussion periods.

Sincerely,



Linda Hartshorn
Secretary/Treasurer
Association of Alaska Magistrates

PCN	CLASS	COURT	TITLE	INCUMBENT	RANGE/STEP	MONTHLY SALARY	ANNUAL SALARY	SERVICE
8109	X017	AKA	MAGISTRATE IV	HANSON		2,793	33,516	9.50
8111	X019	AKB	MAGISTRATE IV	HARTSHORN		2,793	33,516	10.00
8110	X017	AKA	MAGISTRATE IV	KEDEKER		2,793	33,516	5.70
8101	X010	AEA	MAGISTRATE III	DENNIS		1,762	21,144	4.50
8102	X019	CEB	MAGISTRATE IV	HEINMILLER		2,687	34,644	14.75
8103	X010	AWA	MAGISTRATE III	SAVLAND		1,885	22,620	11.50
8104	X016	AKR	MAGISTRATE I	CHENEY		907	10,884	9.50
8105	X016	ARK	MAGISTRATE I	VACANT		907	10,884	
8106	X017	CKA	MAGISTRATE II	WURLEY		1,322	15,864	3.10
8107	X017	CJA	MAGISTRATE II	GALLAGHER		1,322	15,864	4.30
8108	X016	ARD	MAGISTRATE I	HOWARD		907	10,884	2.30
82015	X017	HIA	MAGISTRATE IV	VACANT		3,105	37,260	
8201	X019	MEA	MAGISTRATE IV	KRUSS		3,429	41,148	5.50
8202	X019	KAA	MAGISTRATE IV	SINKEY		3,429	41,148	8.00
203	X016	JWB	MAGISTRATE I	VACANT		1,152	13,824	
204	X016	ENC	MAGISTRATE I	KAMERUFF		1,121	13,452	11.50
205	X016	HSA	MAGISTRATE I	APANGALOOK		1,152	13,824	15.10
206	X016	ESA	MAGISTRATE I	NAPOLLEON <i>Naney</i>		1,152	13,824	7.00
207	X016	KUD	MAGISTRATE I	HENRY		1,113	13,356	1.10
208	X016	KBC	MAGISTRATE I	HARVEY		1,113	13,356	2.40
209	X016	KYA	MAGISTRATE I	LISBOURNE		1,152	13,824	2.30
210	X016	EWG	MAGISTRATE I	ANDREWS		1,121	13,452	5.90
211	X016	HSD	MAGISTRATE I	GOLOGERGEN		1,152	13,824	4.00
212	X017	KDA	MAGISTRATE II	BALLOT		1,570	18,840	9.00
214	X016	HQA	MAGISTRATE I	ANAGICK		1,152	13,824	15.50
215	X016	LXA	MAGISTRATE I	VACANT <i>Arrest</i>		1,152	13,824	
217	X016	EDD	MAGISTRATE I	JEANS		1,121	13,452	11.20
218	X016	KCA	MAGISTRATE I	DOUGLAS		1,152	13,824	1.10
3018	X015	CAA	MAGISTRATE VI	MCKRIDE		4,289	51,468	1.90
302	X015	DWA	MAGISTRATE VI	NICHOLAS		4,289	51,468	21.80
303	X015	ECF	MAGISTRATE VI	JOHNSON		4,148	49,776	3.70
304	X020	USA	MAGISTRATE VI	PECK		3,676	44,112	7.50
309	X019	DAA	MAGISTRATE IV	ASHMAN		3,246	38,952	9.00
307	X010	BIA	MAGISTRATE III	HEIKER		2,171	26,052	10.50
308	X019	DWA	MAGISTRATE IV	WENTWORTH		3,070	36,840	7.00
310	X020	HCE	MAGISTRATE V	SPIRECKER		3,916	46,992	11.90
312	X010	CKA	MAGISTRATE III	SHAWBACK		2,193	26,316	2.40
313	X016	CEC	MAGISTRATE I	RUKUVISHNIKOFF		1,091	13,092	6.30
314	X015	HSD	MAGISTRATE IV	HAKALA		1,091	13,092	4.30
315	X016	CYA	MAGISTRATE I	KASHEVAROFF		1,332	15,984	2.20
317	X016	DSH	MAGISTRATE I	HARRIS <i>Vacant</i>		905	10,860	
319	X020	DBC	MAGISTRATE I	VACANT		1,091	13,092	
306	X016	BKA	MAGISTRATE I			1,152	13,824	

CLASS	COURT	TITLE	INCUMBENT	RANGE/ STEP	MONTHLY SALARY	ANNUAL SALARY	SERVICE
X016	HJI	MAGISTRATE IV	MACFARLANE		3,429	41,148	8.50
X019	HEB	MAGISTRATE IV	LATHROP		3,076	36,912	9.40
X016	KJA	MAGISTRATE III	SMYTH		2,317	27,804	3.50
X016	HYC	MAGISTRATE III	JACKSON		2,238	26,856	1.40
X017	JJB	MAGISTRATE II	HARDING		2,518	30,216	9.00
			MCMAHON		1,625	19,500	5.00
X017	EQB	MAGISTRATE II	VACANT		1,113	13,356	
X016	JKC	MAGISTRATE I	VACANT		1,113	13,356	5.80
X016	EZA	MAGISTRATE I	SMITH		1,121	13,452	
X016	UHB	MAGISTRATE I	VACANT		1,083	12,996	
X016	UJA	MAGISTRATE I	VACANT		1,113	13,356	11.20
X016	JKD	MAGISTRATE I	LINCOLN		1,121	13,452	
X016	UHU	MAGISTRATE I	VACANT		1,113	13,356	
X016	JKA	MAGISTRATE I					

* 1,215,424 6.83 year average

Average age - 42 years

STATE OF ALASKA
FISCAL NOTE

Revision Date 1983

I. REQUEST

Bill/Resolution No.: HB 279
 Title: An Act Amending JRS and PERS
 Sponsor: Bussell
 Requestor: _____

II. FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: _____
 BRU, Program of Subprogram(s) Affected: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES		625.2	675.2	729.2	787.5	850.5
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		625.2	675.2	729.2	787.5	850.5
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
GENERAL FUND		625.2	675.2	729.2	787.5	850.5
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
FULL-TIME						
PART-TIME						
TEMPORARY						

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: J.K. Humphreys, Director Phone: 465-4460
 Division: Retirement & Benefits Date: 4-8-83

Approved by Commissioner: Liss Rudd, Commissioner Date: 4-8-83
 Department: Administration

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

3/8/83

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 279Title An Act Authorizing Participation by Magistrates in the Judicial Retirement System

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Alaska Court System

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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		781.7	844.2	911.7	984.6	1,063.3
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE/TRS MATCHING						
TOTAL		781.7	844.2	911.7	984.6	1,063.3

FUNDING (Thousands of Dollars)

GENERAL FUND	781.7	844.2	911.7	984.6	1,063.3
FEDERAL FUNDS					
*OTHER FUNDS:					
PERS					
TRS					

* 4% Veterans; 12% Fish & Game; 26% Highway; 58% Airport

POSITIONS

FULL TIME					
PART TIME					
TEMPORARY					

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

- To fund this bill, the state cost would be 65.82% of the FY 84 covered payroll for magistrates.
- Estimate the FY 84 covered payroll of magistrates to be \$1,187,720.
- Estimate 46 magistrates with an average of 6.5 years service per member would be affected.

THE LEGISLATURE OF THE STATE OF ALASKA
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. HB 279

Title An Act Authorizing Participation by Magistrates in the Judicial Retirement System

Requested by _____ Date _____

II. FISCAL DETAIL

Agency Affected Alaska Court System

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 83	FY 84	FY 85	FY 86	FY 87	FY 88
100 PERSONAL SERVICES						
100 RETIREMENT BENEFITS		(156.5)	(169.0)	(182.5)	(197.1)	(212.9)
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
700 STATE TRS MATCHING						
TOTAL		(156.5)	(169.0)	(182.5)	(197.1)	(212.9)

FUNDING (Thousands of Dollars)

GENERAL FUND		(156.5)	(169.0)	(182.5)	(197.1)	(212.9)
FEDERAL FUNDS						
*OTHER FUNDS:						
PERS						
TRS						

* 4% Veterans; 12% Fish & Game; 6% Highway; 58% Airport

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

1. This bill would reduce the state cost to PERS by 13.18% of covered payroll for magistrates.
2. Estimate the FY 84 covered payroll of magistrates to be \$1,187,720.

TND 17

Tape 15 - Side 1

SENATE JUDICIARY COMMITTEE

Meeting Minutes
March 25, 1983

The meeting was called to order at 1:30 p.m. by Senator Ray, Chairman. All members were present except Senator Josephson, who was excused.

The first order of business was Senate Bill 20--An Act authorizing participation by magistrates in judicial retirement system--as to which Senator Ray acknowledged the presence of House Judiciary Committee Chairman Bussell and Representatives Liska and Malone, along with the staff of other members of the House Judiciary Committee.

Senator Ray turned the scheduled teleconference with Anchorage over to subcommittee chairman Ziegler.

By teleconference from Anchorage, Sheldon Sprecker, a magistrate in Glenallen and president of the Magistrates' Association, testified in favor of the bill and stated that about 30 magistrates and district court judges were present in Anchorage to listen to and participate in the teleconference. Mr. Sprecker also emphasized that magistrates are judges under a number of relevant criteria, including the recent Holmway decision.

By teleconference from Anchorage, Linda Hartshorn, a magistrate in Wrangell, testified in favor of the bill. Senator Ray asked Ms. Hartshorn some questions, to which she responded and discussion was had.

By teleconference from Anchorage, Steven Cline, a District Court Judge in Fairbanks, testified in favor of the bill pointing out that he has been a magistrate training judge for approximately five years and that the functions and duties of magistrates are essentially similar to those of judges and involve extreme hardships, such as having social activities restricted and being exposed to harsh, sometimes dangerous, working and living conditions. Senator Ray asked Judge Cline a question, to which the Judge responded and discussion was had, whereupon Representative Bussell asked the witness a question, to which the Judge responded and discussion was had. Judge Cline also stated that Fairbanks District Court Judge Cruchfield was present and was fully in favor of the bill.

From Juneau, Lee Paulson of the A.P.E.A., testified in opposition to the bill and stated that his organization's views were shared by a teachers' union, the N.E.A. As the main reasons for opposing it, Mr. Paulson emphasized the high cost of the bill in reference to the limited number of people benefiting therefrom; the fact that funds are desperately needed for cost of living adjustments to senior citizens' benefits; and that under existing law magistrates are not required to be attorneys or

have any other type of special training. Representative Bussell asked a question, to which Mr. Paulson responded and discussion was had, whereupon, by teleconference from Anchorage, Sheldon Sprecker responded to and pointed out several "inaccurate points" in Mr. Paulson's prior testimony. Furthermore, Magistrate Sprecker stated that he feels the fiscal note amount of approximately \$650,000.00 is a reasonable figure and, as an example of the terrible hardships magistrates have to endure, Magistrate Sprecker pointed out that he recently had to handle the identification and physical carrying of the bodies of the victims of the McCarthy killings.

Senator Ray asked a question about whether or not, and how much, Magistrate Sprecker was paid for carrying out his duties in McCarthy, to which a response was made.

From Juneau, Ken Humphreys, Director of the Division of Retirement and Benefits, testified in response to questions posed by Senator Ray. Mr. Humphreys verified and explained the accuracy of the fiscal note figures, whereupon Senator Eliason asked a question about magistrates receiving a retirement credit for military service, to which Mr. Humphreys stated that as PERS employees magistrates should receive such credit and any assertion to the contrary must be in error. Senator Eliason also asked whether the same reasons for enacting generous judiciary retirement benefits apply to retirement benefits for magistrates. Mr. Humphreys responded by stating that, from the employer's standpoint, the basic rationale of retaining qualified people doesn't seem to apply to magistrates.

Representative Malone asked a question about the current PERS cost figures in the fiscal note, to which Mr. Humphreys responded and discussion was had, whereupon Senator Ray asked a question regarding the same subject, to which Mr. Humphreys also responded and discussion was also had.

Senator Eliason asked Senator Ziegler about how other states handled this type of problem, and Senator Ziegler responded, whereupon the teleconference was terminated. Chairman Bussell and the other House Judiciary Committee members and staff then left the meeting.

The second order of business was new sub-committee assignments as follows:

SB 147	Relating to safeguarding self-identity and address of motor vehicle operators involved in accidents	Josephson
SB 208	Extending the termination date of the Alcoholic Beverage Control Board	Ray

The third order of business was the following announcements:

By Senator Ray: The Committee meeting on April 4, 1983
will start at 1:00 p.m.;

By Senator Pettyjohn: leave to take up SJR 19 at the Committee
hearing on April 8, 1983 was requested and
granted.

There being no further business the meeting adjourned at 2:14 p.m.