

COMMITTEE REPORT
SENATE

FURTHER:

3/6/84

Date 4/11/84

Mr. President

The Committee on FINANCE considered SB 490

supplemental appropriation to the Alaska Court System for the operation of the Alaska Commission on Judicial Conduct; and.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 490 (Finance)
- new title
- same title and recommends Do Pass
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Original sponsor: Rules/Governor

Funding Information

General Fund	\$769,044
Other Funds	-0-
	<u>\$769,044</u>

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 CS FOR SENATE BILL NO. 490 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making supplemental appropriations; and
7 providing for an effective date."

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

9 * Section 1. The sum of \$50,744 is appropriated from the general fund
10 to the Alaska Court System for the operation of the Alaska Commission on
11 Judicial Conduct (Alaska Const., art. IV, sec. 10; AS 22.30) for the fiscal
12 year ending June 30, 1984.

13 * Sec. 2. The sum of \$718,300 is appropriated from the general fund to
14 the Department of Fish and Game, division of fisheries rehabilitation,
15 enhancement and development, for the cost of full-year operations of state
16 hatchery facilities at Klawock, Beaver Falls, Cannery Creek, and Main Bay
17 for the fiscal year ending June 30, 1984.

18 * Sec. 3. The unexpended and unobligated portions of the appropriations
19 made by secs. 1 and 2 of this Act lapse into the general fund June 30,
20 1984.

21 * Sec. 4. This Act takes effect immediately in accordance with AS 01.-
22 10.070(c).



Official Business

Alaska State Legislature


Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: Members of the Senate Finance Committee

FROM: Max Gifford 
Administrative Assistant
to Senator John Sackett

DATE: April 10, 1983

SUBJECT: Proposed CS for SB490

Under separate cover you have backup on the original SB490 making a supplemental appropriation of \$50,744 to the Commission on Judicial Conduct.

The proposed CS adds a supplemental appropriation of \$718,300 to the FRED division of the Department of Fish and Game for the operation of state hatcheries at Klawock, Beaver Falls, Cannery Creek and Main Bay.

The legislature funded these hatcheries at the 50% level last year to encourage the transfer of these facilities to private non-profit aquaculture associations. The legislature further expressed its intent to have the hatcheries continue in operation should the transfer not take place and to have the department request a supplemental appropriation for the remainder of the funding. The intent language is attached.

In July, 1983 the Governor vetoed CSSB156 (R1s) which would have granted the department the power to "sell, lease or grant" hatcheries. No such sale, lease or grant transpired therefore but the department continued to operate these hatcheries as per the "intent" language and has accordingly requested a supplemental appropriation to pay for that continued operation.

According to the department 110 permanent and seasonal employees must be laid off if the supplemental is not granted. Of this total, 38 are permanent and are from Juneau (15), Anchorage (12), Soldotna (4), Ketchikan (3), Homer (2), Kodiak (1), and Cordova (1). Furthermore, spring hatchery production activities will be affected resulting in higher fish mortality and less production.

Further backup materials are attached.

* * * * * C. C. ANALYSIS * * * * *

OBJECT GROUP	VARIATION		DESCRIPTION:	C. C. (\$8,968.5) VERSUS GOV.AMD. (\$10,352.9)
01 PERS. SERV.	-431.5	-7.0%	ALLOCATE GOV REDUCTION <66.5>, DELETE CIP TRANSFERS-COOK INLET STREAM CLEARANCE <34.3>, LAKE FERTILIZATION <350.7>.	
02 TRAVEL	-44.1	-17.1%	ALLOCATE GOV REDUCTION <20.1>, DELETE CIP TRANSFERS-COOK INLET STREAM CLEARANCE <2.0>, LAKE FERTILIZATION <22.0>.	
03 CONTRACTUAL	-262.1	-14.7%	ALLOCATE GOV REDUCTION <19.6>, DELETE CIP TRANSFERS-COOK INLET STREAM CLEARANCE <6.1>, LAKE FERTILIZATION <235.0>, DELETE DP <1.4>.	
04 COMMODITIES	-243.4	-14.4%	ALLOCATE GOV REDUCTION <33.9>, DELETE CIP TRANSFERS-COOK INLET STREAM CLEARANCE <4.5>, LAKE FERTILIZATION <205.0>.	
05 EQUIPMENT	-55.0	-37.4%	DELETE CIP TRANSFERS-COOK INLET STREAM CLEARANCE <5.0>, LAKE FERTILIZATION <50.0>.	
08 MISC.	-328.3	100.0%	REDUCED FOUR HATCHERIES 50%-KLAOCK <212.9>, BEAVER FALLS <125.0>, CANNERY CREEK <210.1>, MAIN BAY <170.3>, ADDED-150.0 FOR RUSSEL CREEK HATCHERY, AND 240.0 FOR COOPER RIVER LAKE STUDIES.	
** TOTALS	-1384.4	-13.4%		

LEGISLATIVE INTENT:

THE SUM OF \$150,000 IS ALLOCATED TO THE DEPARTMENT OF FISH AND GAME, SUPPLEMENTAL PRODUCTIONS FOR INCREASED PRODUCTION AT THE RUSSELL CREEK HATCHERY.

LEGISLATIVE INTENT:

THE SUM OF \$240,000 IS ALLOCATED TO THE DEPARTMENT OF FISH AND GAME, SUPPLEMENTAL PRODUCTIONS FOR COPPER RIVER LAKE STUDIES-COOPERATIVE PROGRAM.

LEGISLATIVE INTENT:

IT IS THE INTENT OF THE LEGISLATURE THAT WITHIN THE FY 84 APPROPRIATION SET FORTH, THE DEPARTMENT WILL CONTINUE TO OPERATE THE RUSSEL CREEK HATCHERY AT A SUFFICIENT CONTINUATION LEVEL.

IT IS INTENDED THAT THE KLAOCK HATCHERY, BEAVER FALLS HATCHERY, CANNERY CREEK HATCHERY AND THE MAIN BAY HATCHERY BE FUNDED AT 50% TO ALLOW FOR OPERATIONS THROUGH DECEMBER 31, 1983 AT WHICH TIME IT IS INTENDED THAT THESE HATCHERIES BE TRANSFERRED TO PRIVATE NON-PROFIT ACQUACULTURE ASSOCIATIONS. IN THE EVENT THAT THE DEPARTMENT IS UNABLE TO TRANSFER THESE HATCHERIES DUE TO 1) NON PASSAGE OF LEGISLATION AUTHORIZING TRANSFER OF HATCHERIES, OR 2) A NON-PROFIT ACQUACULTURE ASSOCIATION'S REFUSAL TO ASSUME THE OPERATION OF A HATCHERY.

IT IS THEN INTENDED BY THE LEGISLATURE THAT THE FOUR HATCHERIES NOT BE SHUT DOWN WITHOUT FURTHER REVIEW BY THE LEGISLATURE. IF THIS OCCURS THE DEPARTMENT SHALL UTILIZE EXISTING FUNDS AND SUBMIT TO THE LEGISLATURE BY JANUARY 31, 1984 A REQUEST FOR A SUPPLEMENTAL APPROPRIATION TOGETHER WITH A REPORT EXPLAINING WHY THE DEPARTMENT WAS NOT ABLE TO IMPLEMENT THIS LEGISLATIVE INTENT.

Handwritten signature

2. FY 84 Supplemental

- * Governor's budget funded the operation of all hatcheries in FY 84
- * Legislature passed hatchery transfer legislation, SB 156
- * Legislature names four hatcheries for transfer and reduced FY 84 funding for them by 50% (\$718.3)
- * Legislative intent instructed department to request supplemental funding if legislation failed or a hatchery could not be transferred
- * Intent was not to stop hatchery operations
- * Governor vetoed SB 156
- * Four hatcheries funded at 50% are being operated at full capacity
- * Funding has been restored to FY 85 base.
- * Recommend requesting supplemental FY 84 of \$718.3

2. ISSUE: FY 84 SUPPLEMENTAL

BACKGROUND:

In March, 1983, the Department discussed the funding of the fisheries rehabilitation and enhancement program (FRED) with the Governor and the L/BRC. The program received an additional \$800.0 as a result. This amount, coupled with a reprogramed \$300.0, was sufficient to operate all the State's hatcheries during FY 84. The Legislature passed SB 156 (Attachment 1), which authorized the Commissioner of Fish and Game to transfer hatcheries to the private sector. Four hatcheries were specifically named, and the operational funding for those four facilities was cut in half to "encourage the Commissioner to dispose of them expeditiously." Intent language was added to the FRED Division budget (Attachment 2) by the Legislature. This language instructed the Department, in the event the legislation did not pass, or a willing recipient could not be found for transfer of the hatcheries, to seek supplemental funding for FY 84. The Governor vetoed the legislation in July (Attachment 3), accordingly, the bill did not survive the legislative process.

A briefing was held with the L/BRC in August to select a strategy for continued operation and/or transfer of hatcheries. It was decided that the four facilities should continue their normal operations and the request for supplemental funding was taken under advisement. The shortfall is \$718.3. The Office of Management and Budget also instructed the Department to restore this amount of funding to the FY 85 base which has been done.

It is not known if any of the hatcheries could have been transferred even

if the legislation had passed. The Department reviewed permitting procedures and determined that the final application process, which includes public hearings, can be adapted to accommodate leasing of public hatcheries to the private sector. Preliminary discussions have been held with the Department of Administration, Department of Commerce and the Department of Law. The four departments will develop procedures to coordinate their activities, should transfer legislation be passed this coming session. Testimony during the legislative session revealed that two of the regional aquaculture associations were interested. The Southern Southeast Regional Aquaculture Association, of Ketchikan, expressed interest in the Beaver Falls Hatchery (1976 vintage). The Prince William Sound Aquaculture Association expressed an interest in receiving the Main Bay Hatchery (1982 vintage) and Cannery Creek Hatchery (1980 vintage), both located in Prince William Sound. None of the Regional Aquaculture Associations expressed an interest in the fourth facility, the Klawock Hatchery (1979 vintage). However, there was an individual entrepreneur that expressed an interest. During testimony, the Regional Associations stated that they did not feel that they could operate the hatcheries at lower operating cost or more efficiently than the State. They indicated that it would be necessary for them to borrow the funds from the State to operate the hatcheries for some period of time.

There is no indication of wide support for the transfer. Testimony by the processing industry opposed the transfer. Fishermen's groups have requested public hearings on the issue. The legislation was advanced as a "necessary mechanism" that needed to be in place should it be necessary to move fast. It was stated that the Commissioner would have the control

and could prevent a transfer from occurring if it were not biologically sound. It was also stated that with revenues declining, it might be necessary to transfer the hatcheries as an alternative to closing them if they were not funded by the State.

Some legislators anticipated problems with the transfer legislation, as well as the possibility that there may be no recipients for the hatcheries, i.e., the reason the intent language was added (Attachment 2).

If the Legislature does not approve the supplemental funding that has been requested by the Governor, then they must assume the responsibility for the adverse impacts on the program. The Governor's position is clear; he added money to his FY 84 request to adequately fund the program, i.e., run all hatcheries. It was the Legislature that removed the funding in order to encourage transfer and instructed the Department to seek a supplemental if the transfer failed.

Contingency alternatives are few. It is incredibly difficult to walk away from a several million dollar investment. It has been our experience that to close a hatchery it takes a minimum of 12 months to and/or surplus the property. The cost of accomplishing this is approximately 50% of one year's funding. Also, as we approach closure, the biological inventory is reduced. All of the four hatcheries in question have entered FY 84 at normal operating levels, i.e., they are full of fish. Public reaction would be extremely adverse should we attempt to dispose of the fish in the winter with the attendant fish mortality. If the Division

had to internally adjust for the \$718.3 deficit, beginning on January 1, it would have a devastating effect on the entire program.

Because of the extremely high mortality of fish which would be experienced with a midwinter release, closing the hatcheries is not considered a viable option. Instead, we would reduce the work force to the extent that the shortfall could be absorbed. The payroll for the FRED Division, excluding hatchery and managerial personnel, is about \$250.0 each month. Essentially we would lay off nearly enough employees for three months to make up the deficit. It is assumed that, since the funding has been restored to the FY 85 base for the Division, the work force would be rehired on July 1, 1984.

RECOMMENDATION:

Prepare a FY 84 supplemental request for \$718.3.



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU

Attache
3

July 19, 1983

The Honorable Jalmar Kerttula
President of the Senate
Alaska State Legislature
Pouch V
Juneau, AK 99811

Re: CS SB 156 (Rls) --
Relating to the sale,
lease, or grant of
state hatchery
facilities.

Dear Mr. President:

Under the authority granted in art. II, sec. 15, of the Alaska Constitution, I have vetoed Committee Substitute for Senate Bill No. 156 (Rls).

The sale, lease, or granting of publicly financed hatchery facilities to the private sector, some of which have been constructed with publicly endorsed bond monies, represents a major public policy issue having significant long term institutional implications. This Administration may conclude after thorough review of the subject that it is in the public interest to provide for such transfers. However, that policy determination has yet to be developed.

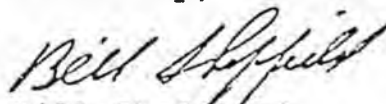
I asked my Fisheries Task Force to review the state's hatchery program and recommend to me long term goals and objectives for this important activity. The Task Force did review the program, but made a determination that the issue was complicated and of such importance that they ultimately recommended I establish a special Aquaculture Policy Study Group to perform the necessary, indepth analysis of the present program, goals and problems of the state's salmon aquaculture program.

The Governor is elected by the citizens and is directly accountable to the citizens. This bill fragments that line of accountability by requiring the regional quasi-private, non-profit associations to approve of transfer to non-association, private, non-profit operators, thus giving a group in the private sector very unusual authorities over executive actions.

The Attorney General has also advised me that there is a possible constitutional problem with the bill in its provision that the commissioner may grant hatcheries to aquaculture associations or non-profit hatchery corporations. If "grant" means without payment, as it presumably does, the transaction might be in violation of the requirements of Article IX, Section 6 of the State Constitution, which prohibits the expenditure of public money or transfer of public property for other than public purposes. Similar problems might arise if a hatchery was sold for less than its fair market value.

Until these several issues are clarified and until the Legislature and I have had an opportunity to establish the state's Aquaculture Policy I have determined that it is not in the public's interest to approve this legislation and perhaps to allow the transfer of a facility prior to making these determinations.

Sincerely,


Bill Sheffield
Governor

Offered: 6/10/83

Attachment

Original sponsor: Eliason

1 IN THE SENATE BY THE RULES COMMITTEE
2 CS FOR SENATE BILL NO. 156 (Rules)
3 IN THE LEGISLATURE OF THE STATE OF ALASKA
4 THIRTEENTH LEGISLATURE - FIRST SESSION
5 A BILL
6 For an Act entitled: "An Act relating to the sale, lease, or grant of
7 state hatchery facilities."
8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:
9 * Section 1. AS 16.05.050 is amended by adding a new paragraph to
10 read:
11 (13) sell, lease, or grant a state hatchery facility to a
12 qualified regional aquaculture association formed under AS 16.10.380
13 or to a local nonprofit hatchery corporation if the sale, lease, or
14 grant is approved by the regional aquaculture association for the
15 region in which the hatchery facility is located.

- 1) March 30 -- 110 permanent and seasonal employees will be laid off -- not re-hired for 3 months.
- 2) May 30 - June 30 -- 38 permanent employees will be laid off:
 - 15 - Juneau
 - 3 - Ketchikan
 - 12 - Anchorage
 - 4 - Soldotna
 - 1 - Kodiak
 - 2 - Homer
 - 1 - Cordova
- 3) The permanent employee positions are:
 - 17 biologist
 - 17 biometrician/programmers
 - 4 engineering/maintenance
 - 10 clerical
- 4) Seasonal employees are:
 - 12 biologists
 - 65 fish culturists
 - 2 microbiologists
 - 25 F & G technicians
 - 1 research analyst
 - 1 clerical
 - 4 non - permanent
- 5) Impacts:
 - a) on spring hatchery production activities: rearing, feeding, stocking, market -- will result in higher mortality/less production.
 - b) lake fertilization projects will be delayed one year.
 - c) Research/evaluation projects will be halted during a critical time resulting in a loss of one year of data.
 - d) generally, there will be 1) loss of morale (employees laid off this year but there is money for FY85 budget for their hire next year) 2) loss of fish and 3) program destruction.



Official Business

Alaska State Legislature

Senate

Committee on Finance

Pouch V
State Capitol
Juneau, Alaska 99811

Wednesday, March 28, 1984

M E M O R A N D U M

TO: Members, Senate Finance Committee

FROM: Max Gifford, A.A. *WHR*
Senator John Sackett

Subj. SB-490, Supplemental appropriation to the Alaska Court System for operation of the Alaska Commission on Judicial Conduct. (\$50,744)

On March 21, 1984, the Senate Finance Committee was scheduled to hear SB-490. However, due to insufficient back-up materials, the bill was not heard. Since then additional materials have been provided to the members of the finance committee. These materials are attached for your consideration.



Commission on Judicial
Conduct

303 K STREET
ANCHORAGE, ALASKA 99501
264-0528

MEMORANDUM

TO: SENATE FINANCE COMMITTEE
RE: SB 490
DATE: March 26, 1984

I enclose a copy of an itemized accounting of expenses associated with the conduct of formal proceedings in ACJC Formal Complaint 83-002 and 83-003, as well as a projection for new Formal Complaint 83-004.

Further amounts required are the result of a budget analysis by Carolyn Martin and the Court System Accounting department, who based their projections on spending by the Commission when the bill submitted by attorney Arden Page of Burr, Pease & Kurtz for the prosecution of F.C. 83-002 and 83-003 was discounted. Based on seven months of operation in FY1984, \$35,700 had been spent. This gave a spending rate of approximately \$5,100 per month. This figure is due in part to the fact that the Legislature authorized a figure for FY1984 which was the same amount spent in FY1983, and the fact that due to public service announcement, a poster and brochures, the public throughout the state was more aware of the existence and function of the Alaska Commission on Judicial Conduct. This has resulted in a great increase in caseload for the Commission, specifically of jurisdictional complaints (See 1983 Annual Report, page 8, enclosed). This has required more staff time in investigation and preparation for meetings, and has as well required more time by the Commission at its meetings in disposing of complaints. As noted in the Annual Report, the Commission did not meet during calendar year 1983 until June 10, 1983, when a backlog of complaints from the prior year began to be processed (this was due to the fact that the number of Commission members did not until that date constitute a quorum).

Senate Finance Committee
March 26, 1984
Page two

I hope that this information is helpful to you. Should you require further information, please do not hesitate to call. I am staffing the office from 9-12 Monday, Wednesday and Friday, and am available at the office phone at those times. Mr. Holmes, the chairperson of the Commission, is available in Juneau at 586-2210. While he may not have the financial details of the Commission at his fingertips, he may be helpful with knowledge of the Commission's history and function.

Sincerely,

Jane S. Rosenquist

Jane S. Rosenquist
Legal Assistant

ALASKA COMMISSION ON JUDICIAL CONDUCT

Chairman: Mr. Michael Holmes, Juneau
Vice-Chairman: Honorable S.J. Buckalew, Anchorage

JUDGE MEMBERS:

S.J. BUCKALEW Superior Court 303 K Street Anchorage, Alaska 99501 PH: 264-0408	MILTON SOUTER Superior Court 303 K Street Anchorage, Alaska 99501 PH: 264-0412	ELAINE ANDREWS District Court 303 K Street Anchorage, Alaska PH: 264-0664
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ATTORNEY MEMBERS:

BRUCE BOOKMAN 420 L Street Suite 301 Anchorage, AK 99501 PH: 279-8561	MARCUS CLAPP 3550 Airport Way Suite 265 Fairbanks, AK 99701 PH: 479-3161	MICHAEL HOLMES POB 1150 801 W. 10th ST. #300 Juneau, AK 99802-1150 PH: 586-2210
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PUBLIC MEMBERS:

BARBARA DALE 1003 B Street Juneau, AK 99801 PH: 586-4347	GEORGIANNA LINCOLN 2509 Alston Rd. Fairbanks, AK 99701 PH: 479-6716	VACANT
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STAFF:

STAFF ASSISTANT- Frank Flavin
303 K Street
Anchorage, Alaska 99501

LEGAL ASSISTANT- Jane S. Rosenquist
303 K Street
Anchorage, Alaska 99501

ACJC FORMAL COMPLAINT 83-002:

Investigation by Mr. Flavin, May 25-27, 1983 (Juneau):
Travel & per diem \$ 564.00
Contractual svcs. 1350.00
\$1914.00 \$1914.00

Contractual svcs., staff assistant only (legal assistant's hours are not accounted for by case number-- often absorbed in usual staffing duties):

From 5/17/83 through 12/3/83, 114.7 hours at
\$75/hour: \$8602.50
\$10,516.50

Formal disciplinary hearing, November 3-4, 1983,
Juneau:

Travel & per diem, Commissioners \$3,488.00
Travel & per diem, Staff 1,112.00
Contract svcs.
Arden Page- Burr, Pease & Kurtz 7,744.81
Staff 2,742.50
Public notice 2,003.42
transcripts of court proceedings 328.80
\$17,419.53
\$27,936.03

Further deliberations, December 3, 1983, Anchorage
Travel & car fare, Commissioners \$869.60

Total costs paid related to ACJC Formal Complaint
83-002: \$28,825.63

ACJC FORMAL COMPLAINT 83-004:

Authorized by the Commission on Judicial Conduct
at its annual meeting for investigation/conduct of formal
proceedings in ACJC Formal Complaint 83-004:

\$15,000.00 \$43,825.63

Court system accounting used a budget analyst in arriving at the following figure for the amount required to run the ACJC office for the remainder of FY1984 at approximately \$5100/month. (This figure was arrived at by deducting the bill for the prosecution of ACJC Formal Complaint 83-002 from the expenses of the Commission for the first seven months of FY1984 and applying that expense rate to the remaining five months of FY1984. This would be a total figure of \$25,500.00.

\$69,325.63

Detailed Breakdown of Transportation and per diem costs,
meeting in Juneau, 11/3/83:

Bookman, Bruce, Attorney Member			
TR#447880	\$336.00		
Per diem	220.00	\$556.00	
Andrews, Elaine, Judge Member			
TR#447879	\$336.00		
Per diem	220.00		
Taxi fare	15.00	571.00	
Buckalew, S.J., Judge Member			
TR#447877	\$336.00		
mileage	5.00		
Per diem	220.00	561.00	
Souter, Milton, Judge Member			
TR#447878	\$336.00		
Per diem	220.00	556.00	
Lincoln, Georgianna, Public Member			
TR#448262	\$402.00		
Per diem	220.00	622.00	
Clapp, Randy, Attorney Member			
TR#448261	\$402.00		
Per diem	220.00	<u>622.00</u>	
TOTAL TRAVEL & PER DIEM- COMMISSION MEMBERS			<u>\$3,488.00</u>
Flavin, Frank, Staff Assistant			
Plane fare	\$336.00		
Per diem	220.00	556.00	
Rosenquist, Jane, Legal Assistant			
Plane fare	\$336.00		
Per diem	220.00	<u>556.00</u>	
			<u>\$1,112.00</u>
			<u>\$4,600.00</u>

Detailed breakdown of Arden Page's bill is attached.

RECEIVED
JAN 09 1984

1305 State of Alaska
Commission on Judicial Conduct
Attn: Frank Flavin
393 K Street
Anchorage, AK 99501

December 19, 1983
Page 1
Inv. No. 21248
Alaska Commission
on Judicial Conduct

1 Judicial Misconduct

SERVICES

8-31-83	AEP	Conference with Frank Flavin	0.75
9- 2-83	AEP	Telephone call attorney for judge (Weeks); review of Commission's file	1.25
9- 7-83	AEP	Telephone call Frank Flavin; telephone call Justice Compton; review materials from Judicial Council	2.50
9- 7-83	COUR	Courier service	0.20
9-14-83	AEP	Review materials from Judicial Counsel	1.25
10- 7-83	AEP	Courier service	0.20
10- 7-83	AEP	Telephone call Jane at Commission; arrange for delivery of materials; review notice of hearing	0.50
10-11-83	AEP	Review decisions	2.25
10-13-83	AEP	Telephone call - [REDACTED] telephone call [REDACTED] research on decisions; hearing preparation	6.00
10-14-83	AEP	Research on substantive law re contempts, bail and discrimination	2.50
10-18-83	AEP	Telephone call for Larry Weeks; hearing preparation	2.75
10-19-83	AEP	Telephone call - Larry Weeks	0.20
10-21-83	AEP	Review motions by attorney for judge; telephone call Ms. Rosenquist; telephone call Juneau D.A.'s office; telephone call Clerk of Court; research on sanctions	3.75
10-24-83	AEP	Telephone call - Frank Flavin; telephone call - [REDACTED]	0.40
10-25-83	AEP	Work on case; telephone call Frank Flavin	1.75
10-26-83	AEP	Telephone calls Jane Rosenquist; [REDACTED] D.A.'s office; hearing preparation	4.75

1305 State of Alaska

December 19, 1983

Page 2

Inv. No. 21248

1 Judicial Misconduct

10-27-83	AEP	Telephone calls - [REDACTED], Frank Flavin, [REDACTED]; review tape of proceedings; hearing preparation	2.75	
10-28-83	AEP	Telephone calls - Larry Weeks, [REDACTED], office of [REDACTED]	0.60	
10-31-83	AEP	Telephone call Frank Flavin; conference with Frank Flavin; hearing preparation	1.75	
11- 1-83	AEP	Telephone call Larry Weeks; telephone call [REDACTED]; hearing preparation	3.00	
11- 1-83	COUR	Courier service	0.20	
11- 2-83	AEP	Travel to Juneau; interview witnesses; hearing preparation	8.00	
11- 3-83	AEP	Hearing; preparation for hearing	2.00	
11- 4-83	AEP	Hearing (continued), travel to Anchorage	8.00	
11- 8-83	AEP	Telephone call - Frank Flavin	0.20	
11-10-83	AEP	Telephone call - Larry Weeks re research materials	0.20	
11-17-83	AEP	Telephone call - Larry Weeks	0.20	
11-22-83	AEP	Telephone call - Frank Flavin	0.20	
12- 2-83	COUR	Courier service	0.20	
12- 2-83	RCA	Xeroxing cases at state court library	1.20	
12- 3-83	AEP	Appearance at Commission	4.00	
		Total Hours	69.50	
		Total Services		\$6,872.00

COSTS ADVANCED

9- 2-83	AEP	Long distance call - Juneau, AK	\$23.63
10-12-83	AEP	Long distance call - Juneau, AK	\$15.75
10-12-83	AEP	Long distance call - Juneau, AK	\$18.39
10-13-83	AEP	Long distance call - Juneau, AK	\$55.15
10-18-83	AEP	Long distance call - Juneau, AK	\$2.62
10-19-83	AEP	Long distance call - Juneau, AK	\$6.12
10-21-83	AEP	Long distance call - Juneau, AK	\$2.62
10-21-83	AEP	Long distance call - Juneau, AK	\$2.62
10-21-83	AEP	Long distance call - Juneau, AK	\$2.62
11- 2-83	AEP	Air fare to Juneau	\$336.00
11- 2-83	AEP	Witness fee and mileage	\$208.00
11- 2-83	AEP	Travel expense Juneau	\$199.37

Total Costs Advanced

\$872.31

VECR
.37-399

BURR, PEASE & KURTZ, INC.
810 N STREET
ANCHORAGE, ALASKA 99501

TELEPHONE
AREA CODE 907
276-6100
TELEX NO.
(090) 26-405

1305 State of Alaska

December 19, 1983

Page 3

Inv. No. 21243

1 Judicial Misconduct

Grand Total

57,744.81

PAY THIS AMOUNT

57,744.81



Commission on Judicial
Conduct

303 K STREET
ANCHORAGE, ALASKA 99501
264-0528

March 9, 1984

Senator John Sackett
Co-Chairman
Senate Finance Committee
Pouch V (Mail Stop 3100)
State Capitol
Juneau, Alaska 99811

Dear Chairman Sackett:

The Commission on Judicial Conduct has exhausted its FY84 funding and is unable to meet the obligations imposed by Art. 4, §10 of the Alaska Constitution. The following budget breakdown is provided for our supplemental request for \$50,744.00 for FY84 to provide for our continued operation. These funds are necessary to meet our constitutional obligations under Art. IV, §10.

There are currently thirty complaints that are pending with the Commission. In one of these complaints, a probable cause determination has been made and formal charges have been filed. An attorney has been retained to prosecute these charges but there are no funds to pay for these services and no funds remain to conduct the Commission's formal proceedings in this matter. In order to avoid a major disruption of Judicial activities by extending these proceedings, it is necessary to schedule a hearing at the earliest possible date.

Five of the pending complaints require extensive travel and investigative time. Additionally, the lack of available funds will result in cancellation of the April 20, 1984 Commission meeting in Juneau.

Our FY84 budget was based on our former low level of activity due to a lack of quorum because of a gubernatorial appointment backlog. Additionally we have processed four complaints to the probable cause stage. This was not predictable because it had not occurred since 1975.

The following funds are necessary to cover the cost of our formal proceedings.

PROFESSIONAL SERVICES

Attorney to provide Prosecutorial Services - \$100/hour plus expenses

- Estimate 80-100 hours in Formal Case 83-004	10,000
- Case No. 83-003 actual billings (not budgeted)	7,744
TOTAL	\$17,744

PROFESSIONAL SERVICES

Staff Attorney to Commission - \$75.00/Hour	
Estimate 200 hours	
Formal Cases 83-001, 83-003 and 84-001	\$15,000

TRAVEL AND PER DIEM

Commission and Staff:

Fairbanks - Ketchikan (three 2-3 day trips)	
Anchorage - Ketchikan (five 2-3 day trips)	
Juneau - Ketchikan (two 2-3 day trips)	
Fairbanks - Anchorage (two 2-3 day trips)	
Juneau - Anchorage (two 2-3 day trips)	
Anchorage - Juneau - Sitka - Wrangell - Petersburg (one 5 day trip)	
TOTAL	\$14,000

Advertising (for meetings) and Transcripts of Proceedings

Estimate	4,000
TOTAL	<u>\$50,744</u>

<u>YEAR (FISCAL)</u>	<u>AMOUNT FUNDED</u>	<u>AMOUNT USED</u>	<u>AMT. UNUSED</u>
1980	27,600.00	8,117.32	19,482.68
1981	35,000.00	20,181.27	14,818.73
1982	55,400.00	29,265.59	26,134.41
1983	66,700.00	46,707.16	19,992.84
AMOUNT RETURNED TO TREASURY (TOTAL) FROM 1980-1983:			80,428.66

-100 DUE PROCESS

JUDICIAL QUALIFICATN JUDICIAL QUALIFICATN *Current Yr. Appropriation*

6/30/83

FUND 100 ACCOUNT 7200	BUDGET COMPONENT	0.65.05.36.00	ALASKA COURT SYSTEM	JUDICIAL QAUECATONS
AVEL AND MOVING	12,200.00			
NSTATE TRANSPORTATN		3,257.99	3,257.99	
NSTATE PER DIEM		1,276.15	1,276.15	
NSTATE TRANSPORTATN		402.00	402.00	
NSTATE TRANSPORTATN		70.00-	70.00-	
NSTATE PER DIEM		337.50	337.50	
UTSIDE TRANSPORTATN		750.19	750.19	
UTSIDE PER DIEM		1,236.17	1,236.17	
NSTATE TRANSPORTATN		100.00	100.00	
TAL TRAVEL AND MOVING	12,200.00	7,290.00	7,290.00	4,910.00
NTRACTUAL SERVICES	54,500.00			
ESSENGER SERVICE		241.50	241.50	
DVERTISING		2,683.19	2,683.19	
UBSCRIPTN/INFO SVC		1,000.00	1,000.00	
ENTS & LEASES		240.25	240.25	
UDITING & MANAGEMNT		228.00	228.00	
ROFESSIONAL SVC NCE		31,168.92	31,168.92	
ONFERENCE REGISTRAT		445.00	445.00	
REIGHT EXPRESS/CART		239.75	239.75	
EDISTRIBUTION OVRHD		3,029.00	3,029.00	
ITAL CONTRACTUAL SERVICES	54,500.00	39,275.61	39,275.61	15,224.39
IPPLIES & MATERIALS		141.55	141.55	
STATIONERY & SUPPLYS		141.55	141.55	141.55-
ITAL SUPPLIES & MATERIALS		141.55	141.55	
ITAL JUDICIAL QUALIFICATN	66,700.00	46,707.16	46,707.16	19,992.84
JN				
> 200	12,200.00	7,290.00	7,290.00	4,910.00
> 300	54,500.00	39,275.61	39,275.61	15,224.39
> 400		141.55	141.55	141.55-
ITAL JUDICIAL QUALIFICATN	66,700.00	46,707.16	46,707.16	19,992.84

F483

P R I O R Y E A R A U T H O R I Z A T I O N B A L A N C E S
 PERIOD 7/01/79 THRU 08/31/80

	AUTHORIZATION	DISBURSEMENTS	TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
ALASKA COUP SYSTEM						
PRIOR YEAR 6/30/80	354,249.20		279,803.55	279,803.55	18,417.00	56,028.65
DIVN TOTAL CAPITAL IMPROVEMENTS	354,249.20		279,803.55	279,803.55	18,417.00	56,028.65
41-65-4-100 DUE PROCESS						
FUND 100 ACCOUNT 7200						
JUDICIAL QUALIFICATN						
BUDGET COMPONENT 06.65.05.06.00						
ALASKA COURT SYSTEM						
JUDICIAL QUALFCATONS						
200 TRAVEL AND MOVING	5,000.00					
211 INSTATE TRANSPORTATN		6.00		6.00		
212 INSTATE PER DIEM		21.00		21.00		
231 INSTATE TRANSPORTATN		527.85		527.85		
232 INSTATE PER DIEM		447.00		447.00		
291 TRANSPORTATION		282.50		282.50		
292 PER DIEM		50.00		50.00		
PRIOR YEAR 6/30/80	5,000.00	1,158.80		1,158.80		3,861.20
CURRENT YEAR 08/31/80		195.55		195.55		195.55-
TOTAL TRAVEL AND MOVING	5,000.00	1,334.35		1,334.35		3,665.65
300 CONTRACTUAL SERVICES	22,600.00					
325 ADVERTISING		74.54		74.54		
326 SUBSCRIPTH/INFO SVC		36.83		36.83		
387 APPOINTED ATTORNEY		4,787.84		4,787.84		
389 PROFESSIONAL SVC NCE		568.50		568.50		
396 MEMBERSHIP DUES/FEES		1,000.00		1,000.00		
PRIOR YEAR 6/30/80	22,600.00	6,467.76		6,467.76		16,132.24
TOTAL CONTRACTUAL SERVICES	22,600.00	6,467.76		6,467.76		16,132.24
400 SUPPLIES & MATERIALS						
481 STATIONERY & SUPPLYS		315.21		315.21		
PRIOR YEAR 6/30/80		315.21		315.21		315.21-
TOTAL SUPPLIES & MATERIALS		315.21		315.21		315.21-
FGRP TOTAL JUDICIAL QUALIFICATN	27,600.00	8,117.32		8,117.32		19,482.68
DIVISION						
GROUP 200	5,000.00	1,334.35		1,334.35		3,665.65
GROUP 300	22,600.00	6,467.76		6,467.76		16,132.24
GROUP 400		315.21		315.21		315.21-
PRIOR YEAR 6/30/80	27,600.00	7,921.77		7,921.77		19,678.23
CURRENT YEAR 08/31/80		195.55		195.55		195.55-
DIVN TOTAL JUDICIAL QUALIFICATN	27,600.00	8,117.32		8,117.32		19,482.68

	AUTHORIZATION	PERIOD 7/01/80 DISBURSEMENTS	THRU 08/31/81 TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
ALASKA COURT SYSTEM						
GROUP K "		18,853.55	9,226.28	28,079.83		28,079.83-
GROUP 400		419.68		419.68		419.68-
GROUP 500		16,284.73		16,284.73		16,284.73-
GROUP 600	2,321,400.00	197,242.02	22,306.15	219,548.17		2,101,851.83
PRIOR YEAR 6/30/81	2,321,400.00	232,799.98	31,532.43	264,332.41		2,057,067.59
ELEM TOTAL SLA80/HB60	2,321,400.00	232,799.98	31,532.43	264,332.41		2,057,067.59
DIVISION						
GROUP 300		18,853.55	9,226.28	28,079.83		28,079.83-
GROUP 400		419.68		419.68		419.68-
GROUP 500		16,284.73		16,284.73		16,284.73-
GROUP 600	2,351,164.07	197,242.02	22,539.63	219,781.65	5,970.39	2,125,412.03
PRIOR YEAR 6/30/81	2,351,164.07	232,799.98	31,765.91	264,565.89		2,086,598.18
CURRENT YEAR 08/31/81					5,970.39	5,970.39-
DIVN TOTAL CAPITAL IMPROVEMENTS	2,351,164.07	232,799.98	31,765.91	264,565.89	5,970.39	2,080,627.79
41-65-4-100 DUE PROCESS						
FUND 100 ACCOUNT 7200 BUDGET COMPONENT						
.65.05.06.00 ALASKA COURT SYSTEM JUDICIAL QUALFCATONS						
200 TRAVEL AND MOVING	7,400.00					
221 INSTATE TRANSPORTATN		7.25		7.25		
222 INSTATE PER DIEM		120.00		120.00		
231 INSTATE TRANSPORTATN		2,961.60		2,961.60		
232 INSTATE PER DIEM		1,403.00		1,403.00		
233 OUTSIDE TRANSPORTATN		2,987.62		2,987.62		
234 OUTSIDE PER DIEM		575.00		575.00		
241 INSTATE TRANSPORTATN		286.00		286.00		
242 INSTATE PER DIEM		469.00		469.00		
291 TRANSPORTATION		91.95		91.95		
292 PER DIEM		536.00		536.00		
PRIOR YEAR 6/30/81	7,400.00	9,168.42		9,168.42		1,768.42-
CURRENT YEAR 08/31/81		269.00		269.00		269.00-
TOTAL TRAVEL AND MOVING	7,400.00	9,437.42		9,437.42		2,037.42-
300 CONTRACTUAL SERVICES	27,600.00					
322 PRINTING & BINDING		3,405.00		3,405.00		
325 ADVERTISING		396.48		396.48		
326 SUBSCRIPTR/INFO SVC		1,000.00		1,000.00		
389 PROFESSIONAL SVC NCE		4,980.37		4,980.37		
394 CONFERENCE REGISTRAT		75.00		75.00		
399 CONTRACTUAL FEES NCE		887.00		887.00		
PRIOR YEAR 6/30/81	27,600.00	8,751.85		8,751.85		18,848.15
CURRENT YEAR 08/31/81		1,992.00		1,992.00		1,992.00-
TOTAL CONTRACTUAL SERVICES	27,600.00	10,743.85		10,743.85		16,856.15
FGRP TOTAL JUDICIAL QUALIFICATN	35,000.00	20,181.27		20,181.27		14,818.73

	AUTHORIZATION	PERIOD 7/01/80 DISBURSEMENTS	THRU 08/31/81 TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
ALASKA COURT SYSTEM DIVISION	.....	.....	.....	.....	.....	.....
GROUP 200	7,400.00	9,437.42		9,437.42		2,037.42-
GROUP 300	27,600.00	10,743.85		10,743.85		16,856.15
PRIOR YEAR 6/30/81	35,000.00	17,920.27		17,920.27		17,079.73
CURRENT YEAR 08/31/81		2,261.00		2,261.00		2,261.00-
DIVN TOTAL JUDICIAL QUALIFICATN	35,000.00	20,181.27		20,181.27		14,818.73
41-65-5-345 DUE PROCESS	**UNDEFINED NAME**	DILNGHM CT CLK NC81				
FUND 100 ACCOUNT 7200 BUDGET COMPONENT 06.65.05.07.01 ALASKA COURT SYSTEM CH50 SLA80						DLGHAM COURT CLERK
100 PERSONAL SERVICES	5,800.00					
PRIOR YEAR 6/30/81	5,800.00					5,800.00
TOTAL PERSONAL SERVICES	5,800.00					5,800.00
FGRP TOTAL DILNGHM CT CLK NC81	5,800.00					5,800.00
DIVISION						
GROUP 100	5,800.00					5,800.00
PRIOR YEAR 6/30/81	5,800.00					5,800.00
DIVN TOTAL **UNDEFINED NAME**	5,800.00					5,800.00
41-65-9-220 DUE PROCESS	JUDICIAL COUNCIL	JUDICIAL COUNCIL				
FUND 100 ACCOUNT 7200 BUDGET COMPONENT 06.65.05.05.01 ALASKA COURT SYSTEM JUDICIAL COUNCIL OPERATIONS						
100 PERSONAL SERVICES	235,200.00					
111 REGULAR COMPENSATION		185,672.03		185,672.03		
143 LEAVE PAY OUT		1,375.39		1,375.39		
181 AK SUPPLMNTL BENEFIT		8,874.79		8,874.79		
182 PUBLIC EMPLOYEE RET		24,334.55		24,334.55		
184 UNEMPLOYMENT INS.		1,738.51		1,738.51		
185 GROUP HEALTH INS.		8,596.38		8,596.38		
186 WORK COMP INSURANCE		2,379.66		2,379.66		
189 TERMINAL LEAVE CHRGE		651.12		651.12		
PRIOR YEAR 6/30/81	248,200.00	221,275.11		221,275.11		26,924.89
ADJUSTMENT	13,000.00-					13,000.00-
PRIOR YEAR ADJUSTED	235,200.00	221,275.11		221,275.11		13,924.89
CURRENT YEAR 08/31/81		12,347.32		12,347.32		12,347.32-
TOTAL PERSONAL SERVICES	235,200.00	233,622.43		233,622.43		1,577.57
200 TRAVEL AND MOVING	65,000.00					
215 INSTATE PROG TRANS		2,856.96		2,856.96		
216 INSTATE PROG PR DIEM		402.00		402.00		
221 INSTATE TRANSPORTATN		16,505.33		16,505.33		
222 INSTATE PER DIEM		23,011.75		23,011.75		
223 OUTSIDE TRANSPORTATN		1,998.12		1,998.12		

	AUTHORIZATION	PERIOD 7/01/81 DISBURSEMENTS	THRU 08/31/82 TRANSFERS OUT	EXPENDITURES	RESTRICTIONS	BALANCE
ALASKA COURT SYSTEM SUBELEMENT	.....	.....	.....	.....	.....	.....
GROUP 300		6,709.65		6,709.65		6,709.65-
GROUP 400		26.55		26.55		26.55-
GROUP 500		3,142.49		3,142.49		3,142.49-
GROUP 600	9,969,000.00	2,889,515.39		2,889,515.39		7,079,484.61
PRIOR YEAR 6/30/82	9,969,000.00	2,899,394.08		2,899,394.08		7,069,605.92
SELM TOTAL ANCH COURT ADDITION ELEMENT	9,969,000.00	2,899,394.08		2,899,394.08		7,069,605.92
GROUP 300		8,532.80		8,532.80		8,532.80-
GROUP 400		386.55		386.55		386.55-
GROUP 500		4,520.39		4,520.39		4,520.39-
GROUP 600	10,207,100.00	2,948,107.64		2,948,107.64		7,258,992.36
PRIOR YEAR 6/30/82	10,207,100.00	2,961,547.38		2,961,547.38		7,245,552.62
ELEM TOTAL SLA81/HB50	10,207,100.00	2,961,547.38		2,961,547.38		7,245,552.62
DIVISION						
GROUP 000	1,908,623.11					1,908,623.11
GROUP 300		13,353.25	46.19	13,399.44		13,399.44-
GROUP 400		5,567.26		5,567.26		5,567.26-
GROUP 500		75,543.15		75,543.15		75,543.15-
GROUP 600	10,379,104.68	4,091,921.96	70,174.64	4,162,096.60		6,217,008.08
PRIOR YEAR 6/30/82	12,287,727.79	4,186,385.62	70,220.83	4,256,606.45		8,031,121.34
DIVN TOTAL CAPITAL IMPROVEMENTS	12,287,727.79	4,186,385.62	70,220.83	4,256,606.45		8,031,121.34
41-65-4-100 DUE PROCESS						
		JUDICIAL QUALIFICATH	JUDICIAL QUALIFICATH			
FUND 100 ACCOUNT 7200 BUDGET COMPONENT 06.65.05.06.00 ALASKA COURT SYSTEM JUDICIAL QUALFCATONS						
200 TRAVEL AND MOVING		7,900.00				
212 INSTATE PER DIEM		50.25		50.25		
221 INSTATE TRANSPORTATH		641.00		641.00		
231 INSTATE TRANSPORTATH		1,113.50		1,113.50		
232 INSTATE PER DIEM		660.25		660.25		
241 INSTATE TRANSPORTATH		668.10		668.10		
242 INSTATE PER DIEM		731.00		731.00		
243 OUTSIDE TRANSPORTATH		798.92		798.92		
244 OUTSIDE PER DIEM		408.25		408.25		
PRIOR YEAR 6/30/82	7,900.00	5,021.27		5,021.27		2,878.73
CURRENT YEAR 08/31/82		100.00		100.00		100.00-
TOTAL TRAVEL AND MOVING	7,900.00	5,121.27		5,121.27		2,778.73
300 CONTRACTUAL SERVICES	47,500.00					

	AUTHORIZATION	PERIOD 7/01/81 DISBURSEMENTS	THRU 08/31/82 TRANSFERS OUT	EXPLNDITURES	RESTRICTIONS	BALANCE
ALASKA COURT SYSTEM	.....	.....	.....	.....	.....	.....
312 LOCAL SERVICE TELE		48.30		48.30		
316 MESSENGER SERVICE		48.30		48.30		
325 ADVERTISING		10,005.83		10,005.83		
326 SUBSCRIPTN/INFO SVC		1,052.40		1,052.40		
331 RENTS & LEASES		153.75		153.75		
381 AUDITING & MANAGENHT		152.50		152.50		
389 PROFESSIONAL SVC NCE		9,664.63		9,664.63		
394 CONFERENCE REGISTRAT		50.00		50.00		
393 CONTRACTUAL FEES NCE		2,463.96		2,463.96		
PRIOR YEAR 6/30/82	47,500.00	21,351.27		21,351.27		26,148.73
CURRENT YEAR 08/31/82		2,288.40		2,288.40		2,288.40-
TOTAL CONTRACTUAL SERVICES	47,500.00	23,639.67		23,639.67		23,860.33
400 SUPPLIES & MATERIALS						
481 STATIONERY & SUPPLYS		3.70		3.70		3.70-
PRIOR YEAR 6/30/82		3.70		3.70		
TOTAL SUPPLIES & MATERIALS		3.70		3.70		3.70-
500 MACHINERY/EQUIPMENT						
552 OFFICE FURNITURE		211.00		211.00		
555 OTHER OFC MACH/EQUIP		289.95		289.95		
PRIOR YEAR 6/30/82		500.95		500.95		500.95-
TOTAL MACHINERY/EQUIPMENT		500.95		500.95		500.95-
FGRP TOTAL JUDICIAL QUALIFICATN	55,400.00	29,265.59		29,265.59		26,134.41
DIVISION						
GROUP 200	7,900.00	5,121.27		5,121.27		2,778.73
GROUP 300	47,500.00	23,639.67		23,639.67		23,860.33
GROUP 400		3.70		3.70		3.70-
GROUP 500		500.95		500.95		500.95-
PRIOR YEAR 6/30/82	55,400.00	26,877.19		26,877.19		28,522.81
CURRENT YEAR 08/31/82		2,388.40		2,388.40		2,388.40-
DIVM TOTAL JUDICIAL QUALIFICATN	55,400.00	29,265.59		29,265.59		26,134.41
41-65-9-220 DUE PROCESS			JUDICIAL COUNCIL	JUDICIAL COUNCIL		
FUND 100 ACCOUNT 7200 BUDGET COMPONENT 06.65.05.05.01 ALASKA COURT SYSTEM				JUDICIAL COUNCIL	OPERATIONS	
100 PERSONAL SERVICES		222,300.00				
111 REGULAR COMPENSATION			161,322.74	161,322.74		
181 AK SUPPLMNTL BENEFIT			8,373.25	8,373.25		
182 PUBLIC EMPLOYEE RET			18,912.85	18,912.85		
184 UNEMPLOYMENT INS.			1,764.82	1,764.82		
185 GROUP HEALTH INS.			7,351.72	7,351.72		
186 WORK COMP INSURANCE			1,802.53	1,802.53		
189 TERMINAL LEAVE CHRGE			1,263.54	1,263.54		
199 PERSONAL SVC TRANSFR			6,837.09	6,837.09		
PRIOR YEAR 6/30/82	192,000.00	189,307.87		189,307.87		2,692.13
ADJUSTMENT	30,300.00					30,300.00

Filing a Complaint

To file a complaint, contact the Commission office in person, by telephone, or in writing. The address and telephone number is on the back of this brochure.

Investigating a Complaint

The Commission will review the complaint, a step which usually involves an interview by Commission staff with the person who filed the complaint. The person who has alleged the misconduct must submit facts surrounding the incident to the Commission. No complaint will be decided solely on the basis of claims made by the complainant. All allegations will be thoroughly investigated.

The Commission has the authority to initiate its own inquiry into possible judicial misconduct.

After the initial inquiry, the Commission may dismiss the complaint or conduct a full investigation, including formal hearings. A complaint against a judge may be dismissed by the Commission at any time during the investigation, if the charge is found to be without merit.

Complaints filed with the Commission and all Commission inquiries, investigations, and hearings are confidential. They become public when Commission recommendations are filed with the Supreme Court.

Powers of the Commission

The Commission only has the power to investigate charges of judicial misconduct or disability. After a formal hearing, the Commission may:

- Exonerate the judge of the charge or charges
- Reprimand the judge publicly or privately.
- Recommend that the Supreme Court take one of the following actions against the judge:

Suspension
Removal
Retirement
Public Censure
Private Censure

Powers the Commission Does Not Have

The Commission does not have the authority to hear an appeal for judicial error, mistake, or other legal reasons for appeals. That is the role of the state's appellate courts.

The Commission cannot supervise any local court administration.

The Commission has no authority to evaluate judges for retention elections.

For Information/ To File a Complaint

Alaska Commission on Judicial Conduct
Boney Memorial Court Building
303 K Street
Anchorage, Alaska 99501
(907) 264-0528



**THE
ALASKA
COMMISSION
ON
JUDICIAL
CONDUCT**

The Alaska Commission on Judicial Conduct

Complaints from the public about the conduct of judges in Alaska are handled by the constitutionally created Alaska Commission on Judicial Conduct. The Commission provides an open channel for any individual who feels he or she has a legitimate complaint about the conduct of any state judge in Alaska.

In addition to reviewing complaints against judges, the Commission helps promote compliance with established codes of conduct for judges.

The Commission consists of nine members:

- Three justices or judges of state courts elected by fellow justices and judges.
- Three attorneys who have practiced law in Alaska at least 10 years. The attorneys are appointed by the Governor from nominations made by the Alaska Bar Association. The appointments must be confirmed by a majority of both houses of the state legislature meeting in joint session.
- Three members of the public who are not attorneys, judges or retired judges. The public members are appointed by the governor and must be confirmed by a majority of both houses of the state legislature meeting in joint session.

Complaints Against Judges

A complaint can be filed by a member of the public against a justice of the supreme court, a judge of the court of appeals, a superior court judge, or a district court judge.

Complaints against magistrates can be filed with Magistrate Services, Boney Memorial Court Building, 303 K Street, Anchorage, AK 99501. These complaints will be referred to the appropriate presiding superior court judge for investigation.

Types of Complaints

The Commission has the authority to handle a wide range of complaints against judges for alleged misconduct both inside and outside the courtroom, or because of a mental or physical disability that seriously interferes with judicial duties.

Judicial Misconduct

Alleged judicial misconduct can include, but is not limited to:

Improper Courtroom Decorum

- Improper consideration and treatment of counsel, witnesses, and others.
- Improper or eccentric bench conduct, such as sleeping or drunkenness.
- Failure or refusal to dispose of judicial business promptly, enter orders, or cooperate in court administration.

Improper or Illegal Influence

- Allowing family, social, or political relationships to influence any judicial decision, making appointments, or other matters relating to the administration of justice, such as transferring cases or reducing charges.
- Conflict of interest.
- Giving or receiving gifts, bribes, loans, or favors.

Impropriety Off the Bench

- Misappropriation or misuse of public employees, property or funds.
- Improper comments, accusations, associations, or connections.
- Interference with or influence on a pending or impending lawsuit.
- Lewd or corrupt personal life.
- Use of judicial position to extort or embezzle private funds.

Other Improper or Illegal Activities

- Conducting proceedings or engaging in discussions involving one side or in the interest of one party only.
- Interfering with the attorney-client relationship.
- Improper use of judicial authority.
- Bias.
- Improper political campaign activities involving the judge or any political candidate.
- Abusing the prestige of the judicial office.
- Obstruction of justice, perjury, filing a false document.
- Criminal behavior.
- Failure to disqualify self.
- Ticket Fixing.

Physical or Mental Disability

Physical or mental disability can include, but is not limited to:

Alcohol or drug abuse
Senility
Serious physical illness
Mental illness

STATE OF ALASKA
COMMISSION ON JUDICIAL CONDUCT
1983 ANNUAL REPORT



BONEY MEMORIAL COURT BUILDING
303 K STREET, SUITE 241
ANCHORAGE, ALASKA 99501
(907) 264-0528

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Commission on Judicial
Conduct

303 K STREET
ANCHORAGE, ALASKA 99501
264-0528

LETTER OF TRANSMITTAL

TO: Honorable William Sheffield
Governor of the State of Alaska

Honorable Jalmar Kerttula
President of the Alaska Senate

Honorable Joseph Hays
Speaker of the Alaska House of Representatives

Honorable Edmond Burke
Chief Justice
Alaska Supreme Court

Mary Hughes
President, Alaska Bar Association

This 1983 Report of the Commission on Judicial Conduct is presented to you for your consideration and review. This report is tendered pursuant to Rule 25 of the Commission on Judicial Conduct.

DATED this 6th day of February, 1984.

COMMISSION ON JUDICIAL CONDUCT

FRANK FLAVIN
STAFF ASSISTANT

STATE OF ALASKA
COMMISSION ON JUDICIAL CONDUCT
1983 ANNUAL REPORT

Michael M. Holmes, Juneau, Chairperson Pro Tem
Attorney Member

S.J. Buckalew, Anchorage, Superior Court Judge
Judge Member

Milton Souter, Anchorage, Superior Court Judge
Judge Member

Elaine M. Andrews, Anchorage, District Court Judge
Judge Member

Bruce A. Bookman, Anchorage
Attorney Member

M. Randy Clapp, Fairbanks
Attorney Member

Barbara Dale, Juneau
Public Member

Georgianna Lincoln, Fairbanks
Public Member

Vacant,
Public Member

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INTRODUCTION

Complaints from the public about the conduct of judges in Alaska are handled by the constitutionally created Alaska Commission on Judicial Conduct. The Commission provides an open channel for any individual who feels he or she has a legitimate complaint about the conduct of any state judge in Alaska.

In addition to reviewing complaints against judges, the Commission helps promote compliance with established codes of conduct for judges.

The Commission consists of nine members:

- Three justices or judges of state courts elected by fellow justices and judges.
- Three attorneys who have practiced law in Alaska at least 10 years. The attorneys are appointed by the Governor from nominations made by the Alaska Bar Association. The appointments must be confirmed by a majority of both houses of the state legislature meeting in joint session.
- Three members of the public who are not attorneys, judges, or retired judges. The public members are appointed by the governor and must be confirmed by a majority of both houses of the state legislature meeting in joint session.

I. JURISDICTION OF THE COMMISSION ON JUDICIAL CONDUCT

A. Judges Subject to Commission Jurisdiction

A complaint can be filed by a member of the public against a justice of the supreme court, a judge of the court of appeals, a superior court judge, or a district court judge.

Complaints against magistrates can be filed with Magistrate Services, Eoney Memorial Court Building, 303 K Street, Anchorage, Alaska 99501. These complaints will be referred to the presiding superior court judge for the applicable judicial district for investigation.

B. Types of Complaints Handled

Misconduct: Alleged judicial misconduct can include, but is not limited to:

Improper Courtroom Decorum

- Improper consideration and treatment of attorneys, witnesses, and others.
- Improper or eccentric bench conduct, such as sleeping or drunkenness.
- Persistent failure or refusal to dispose of judicial business promptly, enter orders, or cooperate in court administration.

Improper or Illegal Influence

- Allowing family, social or political relationships to influence any judicial decision, making appointments, or other matters relating to the administration of justice, such as transferring cases or reducing charges.
- Conflict of interest.
- Giving or receiving gifts, bribes, loans or favors.

Impropriety Off the Bench

- Misappropriation or misuse of public employees, property or funds.
- Improper comments, accusations, associations, or connections.
- Interference with or influence on a pending or impending lawsuit.
- Lewd or corrupt personal life.
- Use of judicial position to extort or embezzle private funds.

Other Improper or Illegal Activities

- Conducting proceedings or engaging in discussions involving one side or in the interest of one party only.
- Interfering with the attorney-client relationship.
- Improper use of judicial authority.
- Bias.
- Improper campaign activities involving the judge or any political candidate.

- Abusing the prestige of the judicial office.
- Obstruction of justice, perjury, filing a false document.
- Criminal behavior.
- Failure to disqualify self.
- Ticket fixing.

Physical or Mental Disability: Physical or mental disability can include, but is not limited to:

- Alcohol or drug abuse
- Senility
- Serious physical illness
- Mental illness

II. COMMISSION PROCEDURES

A. Filing a Complaint

To file a complaint, persons may contact the Commission in person, by telephone (collect if long distance), or in writing at:

Alaska Commission on Judicial Conduct
Boney Memorial Court Building
303 K Street
Anchorage, Alaska 99501
(907) 264-0528

B. Complaint Investigation

The Commission will review the complaint, a step which usually involves an interview by Commission staff with the person who filed the complaint. The person who has alleged the

misconduct must submit facts surrounding the incident to the Commission. No complaint will be decided solely on the basis of claims made by the complainant. All allegations will be thoroughly investigated.

The Commission has the authority to initiate its own inquiry into possible judicial misconduct.

After the initial inquiry, the Commission may dismiss the complaint or conduct a full investigation, including formal hearings. A complaint against a judge may be dismissed by the Commission at any time during the investigation, if the charge is found to be without merit.

Complaints filed with the Commission and all Commission inquiries, investigations, and hearings are statutorily confidential. They become public when Commission recommendations are filed with the Supreme Court.

The Commission only has the power to investigate charges of judicial misconduct or disability. After a formal hearing, the Commission may:

- Exonerate the judge of the charge or charges.
- Reprimand the judge publicly or privately.
- Recommend that the Supreme Court take one of the following actions against the judge:
 - Suspension
 - Removal
 - Retirement
 - Public Censure
 - Private Censure

The Commission does not have the authority to hear an appeal for judicial error, mistake, or other legal reasons for appeals; that being the role of the state's appellate courts.

The Commission cannot supervise any local court administration, and has no authority to evaluate judges for retention elections.

XIII. 1983 ACTIVITIES

A. Summary of Complaints

1. Complaint Filings

1983	Informational Requests	19
1983	Complaints Filed	69
1983	Total Inquiries	88
1982	Complaints Held Over	33
1983	Complaints Closed	44
1982	Complaints Closed in 1983	32
1983	Total Complaints Closed	76
1982	Complaints Pending December 31, 1983	1
1983	Complaints Pending December 31, 1983	25
	Total Complaints Pending December 31, 1983	26

2. Complaint Disposition

Total Complaints Closed in 1983	76
Jurisdiction Complaints Closed	60
Non-Jurisdictional Complaints Closed	16

Breakdown of Closed Complaints

Not Within Commission Jurisdiction	16
Complainant Withdrew or Did Not Pursue	11
After Brief Investigation - Unfounded	29
Investigated More Extensively	14
Informal Action Taken By Judge	3
Dismissed After Probable Cause Hearing	1
Judge Privately Reprimanded	2
TOTAL	76

3. Comparison with Previous Years

Total Complaints Filed

1983	69
1982	88
1981	17
1980	18
1979	11
1978	13
1977	8
1976	8
1975	11

Total Complaints Closed

1983	76
1982	55
1981	17

Jurisdictional Complaints Closed

1983	60
1982	8
1981	(less than 17)

Cases Proceeding to Formal Complaint Status

1983	5
1982	0
1981	0

Cases Proceeding to Formal Disciplinary Hearing

1983	1
1982	0
1981	0

4. Analysis

Although complaint filings were down to 69 in 1983 from 88 in 1982, the majority of these were jurisdictional requiring analysis and investigation. In 1982 only 8 of the 55 complaints closures were jurisdictional but 60 of the 76 complaints resolved in 1983 were jurisdictional.

Additionally, one complaint in 1983 proceeded to a formal disciplinary hearing requiring a great deal of staff time as well as the retention of outside counsel to act as a "prosecuter" in the disciplinary proceedings.

B. Commission Meetings

Through Legislative Resolve No. 36 the 1981 Legislature placed a proposed constitutional amendment (Ballot Measure No. 3) before the public at the November 1982 general election which proposed changing the name and composition of the Commission on Judicial Qualifications.

Ballot Measure No. 3 was approved by the voters and the name of the commission became the Commission on Judicial Conduct. The new commission consists of three judge members elected by their fellow judges, three attorney members nominated by the members of the Bar and confirmed by the Legislature, and three public members appointed by the Governor and confirmed by the Legislature. The election was certified November 24, 1982. The commission members determined at their November 12, 1982 meeting that the terms of office for all attorney and judicial representatives would expire when the election was certified. As there was only one remaining public member, the Commission had no quorum as of November 24, 1982.

Due to factors beyond the control of the Commission and its staff, the appointment of new commissioners took many months and a quorum (5 commissioners) was not available until May 1983. At that time the three public members had still not been appointed. One public member position remained vacant on December 31, 1983.

Consequently, the traditional (Rule 1A of the Commission Rules of Procedure) January and April meetings were not convened. The first meeting in 1983 was held on June 10th in Fairbanks. Other regular meetings were then held on July 15th and September

30th in Anchorage. The two public members were available for the first time at the September 30th meeting.

In addition to the regular commission meetings, a hearing to consider formal charges filed against a judge was held in Juneau on November 3rd and 4th, 1983. A follow up meeting to deliberate on this hearing was held on December 3rd, in Anchorage.

C. Outreach

For the past three years the Commission has recognized that public perception of the role and functioning of the Commission on Judicial Conduct has been minimal. This is due to the narrow jurisdiction in which the Commission functions (judges - misconduct) and the procedural confidentiality necessary for handling disciplinary matters.

In late 1981 the Commission produced and televised public service announcements explaining the functioning of the Commission. The public service announcement led to a dramatic increase in complaint filings beginning in 1982. (See Paragraph IIIA 3 of this report.

Unfortunately the momentum generated by the 1981 public service broadcast was largely dissipated by the six months of Commission inactivity. This inactivity was due to the passage of the Constitutional Amendment reconstructing the Commission and the extensive delay in securing new appointments.

An additional problem has been the lack of jurisdictional focus of many complaints filed with the commission. Many people file complaints concerning magistrates or attorneys over which the commission has no authority. Many others have sought reversal of judicial decisions which are the proper subject of appeal.

As pointed out in Paragraph IIIA 4 of this Report, in 1982 only eight complaints out of the fifty-five closed were jurisdictional complaints. In recognition of this factor and the lingering identity problem, the Commission in 1983 authorized the development of a new Commission brochure, poster and public service announcement. All were produced and distributed or broadcast statewide.

As a result of the outreach campaign, complaint filings increased and complaints were better focused. The eight jurisdictional complaints resolved in 1982 increased to sixty in 1983.

The Commission plans to continue distribution of the developed educational materials throughout 1984.

D. Staff Manual

In 1983, the Commission adopted guidelines to govern staff in the investigation of complaints. The following are the guidelines which govern the general approach taken by the staff in the conduct of its investigations and interviews:

1. The staff assistant or investigator shall initially identify him or herself to the witness.

2. Where applicable, reference shall be made to the authority by which the commission conducts its investigations, specifically, Alaska Const., Art. IV, §10, and AS 22.30.011

3. Clear and emphatic reference shall be made to the strict confidentiality of the investigation, and reference made to the prohibition imposed on the commission and its staff regarding disclosure of the existence or content of the investigation.

4. A request shall be made that the witness, in turn, keep the interview confidential.

5. No admission is to be made by the investigator regarding the subject of the investigation and the witness is to be admonished that no inference regarding the subject of the investigation should be drawn from the questions asked.

6. The investigator shall indicate that the statement given by the witness will remain confidential as a part of the commission's investigative file until such time, and only if and when, the commission files a formal complaint pursuant to Rule 10E(4) of the commission's Rules of Procedure.

7. Further caution shall be given that in the event of an ensuing hearing, the witness may be called to testify and the present statement given by the witness could be used to refresh his or her recollection or point out any material contradiction in his or her later testimony.

8. Unless otherwise approved by the commission, only those witnesses who are believed to have specific knowledge of the subject matter of the investigation are to be contacted and interviewed.

9. During the course of the interview, generalized questions shall be employed regarding the alleged misconduct of a particular judge, which would not reveal the source of previously supplied information.

10. During the course of the interview, factual or leading questions shall be employed only for the purpose of attempting to refresh the recollection or seek clarification of a prior contradictory response.

11. The interview shall be immediately terminated upon the expression of the witnesses' reluctance or refusal to participate in the interview or to answer further questions.

12. Generally, the investigation should be limited to the initial scope of the inquiry.

13. If there is indication of possible criminal involvement, the witness should be advised that the commission may refer the matter to the proper law enforcement authority for further investigation.

14. All witnesses may be interviewed by members of the Commission staff or by other individuals appointed in writing by the Commission or its Staff Assistant.

15. In an interview with the Respondent, counsel for the Respondent may be present during the course of the interview if the Respondent so desires.

16. A witness may be accompanied by legal counsel during the course of an interview.

17. If deemed necessary, an interview can be preserved by means of a stenographic record or taped recording, subject to the prior approval of the staff assistant and with the initial indication to the witness that the interview will be so preserved.

18. Under normal circumstances, a witness is to be interviewed at a location convenient to the witness.

19. An investigative report should contain a summary of all pertinent facts.

20. Staff investigations are to be completed as expeditiously as possible with cumulative evidence sought only where necessary to establish a continuing pattern of misconduct.

21. In analyzing judicial conduct, the staff assistant and investigator(s) shall be guided by Article IV §10 of the Alaska Constitution and AS 22.30.011.

E. Staff

The Commission does not employ a full time staff. Staff counsel and legal assistant services are provided on a contract basis by attorney and former Ombudsman, Frank Flavin.

IV. BUDGET

A. Budgetary Projections

It has proven difficult to project the budgetary needs of the Commission for two primary reasons:

1. The expanding public knowledge of the Commission's existence and functioning with commensurate increases in workload.
2. The impossibility of predicting when serious complaints requiring full disciplinary hearings and a large expenditure of funds may arise.

Until 1982, the existence and function of the Commission was unknown to most of the public. The Commission maintained a low profile and received and processed only a dozen or so complaints each year.

Since 1982, the number and seriousness of complaint filings has increased demanding greater and greater expenditures to investigate and resolve complaints.

It is also impossible to predict when a complaint requiring a full disciplinary hearing may arise. When this occurs, procedural due process requires that the Commission retain an independent attorney to prosecute the case at the disciplinary hearing and potentially before the Supreme Court. As the Commission's budget is small (less than \$100,000 annually) the expense of proceeding with formal charges could conceivably exceed 50% of the Commission's entire budget.

To date, the Commission has operated on a total budget less than that required for a full time experienced staff attorney. This situation cannot continue given the rapid increase in workload.

B. FY 83 Budget

For FY83 the Commission had an authorized budget of \$66,700.00. Actual expenditure in FY83 amounted to \$61,500.00. Expenditures in FY83 were very low due to the impossibility of holding commission meetings between December 1982 and June 1983 due to the lack of a quorum. (See Paragraph IIIB of this report).

C. FY 84 Budget

The Commission's authorized budget for FY84 is \$59,500.00. Based on the first six months of operation, the total expenditures of the Commission to meet its Constitutional mandate is \$95,244.00. The budgetary shortfall of \$35,744 dollars is due to three factors:

1. A low budget projection due to the inactivity of the Commission in FY83 because of a lack of a quorum resulting from appointment delays.
2. The filing of formal charges and resultant formal hearing requiring hiring outside counsel and extensive travel expenses for the entire Commission.

3. The increase in jurisdictional complaint workload from 8 in 1982 to 60 in 1983.

The Commission is required to investigate and resolve citizen complaints pursuant to Alaska Constitution, Article 4, §10 and AS 22.30. The Commission is requesting a supplemental appropriation in the sum of \$35,744 to accomplish its constitutionally mandated duties for the remainder of FY84.

D. FY85 Budget

Due to the increase in jurisdictional complaint filings in 1983 and the increased knowledge of the Commission existence and functioning, the Commission anticipates budgetary needs of \$105,400 in FY85. This will also allow the Commission to establish an office outside the Anchorage court building which will eliminate security problems and improve the public perception of Commission independence.

V. 1984 ACTIVITIES

A. Commission Meetings

January 28, 1984	Anchorage
April 20, 1984	Juneau
July 1984	Date and Location to be Announced
October 1984	Date and Location to be Announced

B. Projects

The primary administrative project to be undertaken by the Commission in 1984 is the rewriting and distribution of the Commission Rules of Procedures. These changes are necessary to improve their internal consistency and to provide for procedural due process and efficiency in resolving complaints.

C. Outreach

In 1984, the Commission will continue distributing and broadcasting educational materials explaining its function. An attempt will also be made to communicate the Commission's functions and ethical/conduct standards and problem areas to the Alaska Judicial Council, Bar Association and the various judicial conferences and meetings.

VI. RECOMMENDED LEGISLATION

A. Housekeeping Legislation

Appendix A contains legislation proposed by the Commission to update the Commission's enabling legislation AS 22.30 due to passage of the 1982 constitutional amendment. AS 22.30 contains the wrong name (Commission on Judicial Qualifications), the wrong composition, and does not provide for staggered terms for the newly appointed commissioners.

The proposed legislation also provides for the confidential sharing of Commission findings with the Alaska Judicial Council. Valid complaints filed with the Commission on Judicial Conduct do

reflect on the competency of a judge as evaluated by the Alaska Judicial Council. Present law does not provide for sharing complaint information with the Judicial Council.

B. Supplemental Appropriation

Appendix B proposes a supplemental appropriation to cover the Commission's funding shortfall in FY84 so that the Commission can discharge its constitutional duties under Act 4, §10 of the Alaska Constitution.

APPENDIX A

IN THE _____

_____ BILL NO _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

_____ LEGISLATURE - _____ SESSION

A BILL

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

*Section 1. AS 22.30.010 is amended to read:

Sec. 22.30.010. Commission on Judicial [Qualifications] Conduct. The Commission on Judicial [Qualifications] Conduct shall consist of nine members as follows: [one justice of the supreme court, elected by the justices of the supreme court; three judges of the superior court, elected by the judges of the superior court; one judge of the district court, elected by the judges of the district court;] three persons who are justices or judges of state courts, elected by the justices and judges of the state courts; [two] three members who have practiced law in this state for ten years, appointed by the governor from nominations made by the governing body of the organized bar and subject to confirmation by a majority of the members of the legislature in joint session, and [two citizens] three persons who are not judges, retired judges, or members of the state bar, appointed by the governor and subject to confirmation by a majority of the members of the legislature in joint session. Commission membership terminates if a member ceases to hold the position

that qualified that person for appointment. No person may serve on the commission and on the Judicial Council simultaneously. The Commission shall elect one of its members to serve as chairman for a term prescribed by the commission. A vacancy shall be filled by the appointing power for the remainder of the term.

*Section 2. AS 22.30.011 is amended to read:

Sec. 22.30.011. Powers and duties of the commission.

(a) The commission shall on its own motion or on receipt of a written complaint inquire into an allegation that a judge

(1) has been convicted of a crime punishable as a felony under state or federal law or convicted of a crime that involves moral turpitude under state or federal law;

(2) suffers from a disability that seriously interferes with the performance of judicial duties and that is or may become permanent;

(3) within a period of not more than six years before the start of the current term, committed an act or acts that constitute

(A) wilful misconduct in office,

(B) wilful and persistent failure to perform judicial duties,

(C) conduct prejudicial to the administration of justice, or

(D) conduct that brings the judicial office into disrepute, or

(E) conduct in violation of the code of judicial conduct; or

(4) is habitually intemperate.

(b) The commission may hold a hearing on an allegation under (a) of this section. A hearing under this section is a hearing under [AS 44.62.310(c)(2)], AS 44.62.310(d) and is private unless a public hearing is requested by the judge.

(c) A judge appearing before the commission at the hearing is entitled to counsel, may present evidence, and may cross-examine witnesses.

(d) The commission may, after a hearing held under (b) of this section,

(1) exonerate the judge of the charges;

(2) reprimand the judge publicly or privately;

(3) refer the matter to the supreme court with a recommendation that the judge be suspended, removed, or retired from office or publicly or privately censured by the supreme court.

(c) A decision by the commission to reprimand a judge publicly or privately may be appealed by the judge to the supreme court.

(f) If the commission decides to reprimand a judge privately, the commission shall forward the reprimand to the judge. A copy of the reprimand shall be sent to the chief justice of the supreme court. A private reprimand is confidential.

(g) If the commission exonerates a judge, a copy of the proceedings and report of the commission may be made public on the request of the judge.

(h) The commission may provide pursuant to section 60 of this chapter for the confidential informal admonishment or counseling of a judge.

Section 3. AS 22.30.015 is amended to read:

Sec. 22.30.015. Term of office. The term of office for a commission member is four years, except that to achieve staggered terms from the commission members appointed subsequent to January 1, 1983, one justice or judge, one attorney and one public member appointed shall serve for six years, as shall be determined by lot.

*Section 4. AS 22.30.050 is amended to read:

Sec. 22.30.050. Validity of acts of the commission. No act of the commission is valid unless concurred in by a majority of its appointed or elected members.

*Section 5. AS 22.30.060 is amended to read:

Sec. 22.30.060. Rules. (a) The commission shall make rules implementing this chapter and providing for confidentiality of proceedings.

(b) All proceedings, records, files, and reports of the Commission shall be confidential and no disclosure shall be made except as follows:

(1) Upon waiver in writing by the judge at any stage of the proceedings;

(2) In cases in which the subject matter or the fact of the filing of charges has become public, if deemed appropriate by the Commission, it may issue a statement in order to confirm the pendency of the investigation, to clarify the procedural aspects of the proceedings, to explain the right of the judge to a fair hearing, or to state that the judge denies the allegations;

(3) Upon filing of formal charges, in which case only the charges shall become public.

(4) Upon inquiry by the Alaska Judicial Council in regard to the appointment or retention of a judge. In such cases only materials relating to the actual admonishment, reprimand, disqualification, suspension, removal, retirement or censure of a judge may in the discretion of the Commission be disclosed to the Judicial Council. The Alaska Judicial Council shall maintain the confidentiality of any private admonishment or reprimand provided pursuant to this section.

*Section 6. AS 22.30.066 is amended to read:

Sec. 22.30.066. Inquiry. (a) The commission may subpoena witnesses, administer oaths, take the testimony of any person under oath, and require the production for examination of documents or records relating to its inquiry under AS 22.30.011. (b) In the course of an investigation of judicial misconduct or mental or physical disability of a judge, the commission may request the judge to submit to a physical or mental examination. If the judge refuses to submit to such examination the issue of physical disability shall be determined adversely to the judge.

*Section 7. AS 22.30.080(1) is amended to read:

Sec. 22.30.080(1) "commission" means the Commission on Judicial [Qualifications] Conduct provided for in Section 10, art. IV, Constitution of the State of Alaska and this chapter;

*Section 8. This Act Takes Effect July 1, 1984.

APPENDIX B

Introduced:
Referred:

IN THE _____ BY THE _____ COMMITTEE

_____ BILL NO. _____

IN THE LEGISLATURE OF THE STATE OF ALASKA

THIRTEENTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act making a supplemental appropriation to the Alaska Court System for the operations of the Alaska Commission on Judicial Conduct (Alaska Const. Art. 4. §10; AS 22.30); and providing for an effective date."

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

*Section 1. The sum of \$50,744.00 is appropriated from the general fund to the Alaska Court System for the operation of the Alaska Commission on Judicial Conduct (Alaska Const. Art. 4 §10; AS 22.30) for the fiscal year ending June 30, 1984.

*Sec. 2. The unexpended and unobligated portion of the appropriation made by this Act lapses into the general fund June 30, 1984.

*Sec. 3. This Act takes effect immediately in accordance with As 01.10.070(c).

Introduced: 2/14/84
Referred: Judiciary and
Finance

Funding Information
General Fund \$50,744
Other Funds -0-
\$50,744

BY THE RULES COMMITTEE BY
REQUEST OF THE GOVERNOR

1 IN THE SENATE

2

SENATE BILL NO. 490

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - SECOND SESSION

5

A BILL

6

For an Act entitled: "An Act making a supplemental appropriation to the
7 Alaska Court System for the operations of the Alaska
8 Commission on Judicial Conduct; and providing for an
9 effective date."

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

11

* Section 1. The sum of \$50,744 is appropriated from the general fund
12 to the Alaska Court System for the operation of the Alaska Commission on
13 Judicial Conduct (Alaska Const., art. IV, sec. 10; AS 22.30) for the fiscal
14 year ending June 30, 1984.

15

* Sec. 2. The unexpended and unobligated portion of the appropriation
16 made by sec. 1 of this Act lapses into the general fund June 30, 1984.

17

* Sec. 3. This Act takes effect immediately in accordance with AS 01.-
18 10.070(c).

BILL SHEFFIELD
GOVERNOR



STATE OF ALASKA
OFFICE OF THE GOVERNOR
JUNEAU


February 13, 1984

The Honorable Jalmar Kerttula
Alaska State Senate
Pouch V
Juneau, AK 99811

Dear Senator Kerttula:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill making a supplemental appropriation of \$50,744 to the Alaska Court System for fiscal year 1984 operations of the Alaska Commission on Judicial Conduct.

Sincerely,


Bill Sheffield
Governor



Commission on Judicial
Conduct

303 K STREET
ANCHORAGE, ALASKA 99501
264-0528

March 9, 1984

Senator Don Bennett
Co-Chairman
Senate Finance Committee
Pouch V (Mail Stop 3100)
State Capitol
Juneau, Alaska 99811

Dear Chairman Bennett:

The Commission on Judicial Conduct has exhausted its FY84 funding and is unable to meet the obligations imposed by Art. 4, §10 of the Alaska Constitution. The following budget breakdown is provided for our supplemental request for \$50,744.00 for FY84 to provide for our continued operation. These funds are necessary to meet our constitutional obligations under Art. IV, §10.

There are currently thirty complaints that are pending with the Commission. In one of these complaints, a probable cause determination has been made and formal charges have been filed. An attorney has been retained to prosecute these charges but there are no funds to pay for these services and no funds remain to conduct the Commission's formal proceedings in this matter. In order to avoid a major disruption of Judicial activities by extending these proceedings, it is necessary to schedule a hearing at the earliest possible date.

Five of the pending complaints require extensive travel and investigative time. Additionally, the lack of available funds will result in cancellation of the April 20, 1984 Commission meeting in Juneau.

Our FY84 budget was based on our former low level of activity due to a lack of quorum because of a gubernatorial appointment backlog. Additionally we have processed four complaints to the probable cause stage. This was not predictable because it had not occurred since 1975.

The following funds are necessary to cover the cost of our formal proceedings.

PROFESSIONAL SERVICES

Attorney to provide Prosecutorial Services - \$100/hour plus expenses

- Estimate 80-100 hours in Formal Case 83-004	10,000
- Case No. 83-003 actual billings (not budgeted)	7,744
TOTAL	\$17,744

PROFESSIONAL SERVICES

Staff Attorney to Commission - \$75.00/Hour	
Estimate 200 hours	
Formal Cases 83-001, 83-003 and 84-001	\$15,000

TRAVEL AND PER DIEM

Commission and Staff:

Fairbanks - Ketchikan (three 2-3 day trips)	
Anchorage - Ketchikan (five 2-3 day trips)	
Juneau - Ketchikan (two 2-3 day trips)	
Fairbanks - Anchorage (two 2-3 day trips)	
Juneau - Anchorage (two 2-3 day trips)	
Anchorage - Juneau - Sitka - Wrangell - Petersburg (one 5 day trip)	
TOTAL	\$14,000

Advertising (for meetings) and Transcripts of Proceedings

Estimate	4,000
TOTAL	<u>\$18,744</u>

If you have any questions please contact any of the following individuals:

In Juneau: Michael Holmes, Chairperson
Faulkner Banfield Doogan & Holmes
P.O. Box 1150
801 W. 10th St. Suite 300
Juneau, Alaska 99802-1150
Phone 586-2210

or: Barbara Dale, Commissioner
1003 B Street
Juneau, Alaska 99801
Phone 586-4347

In Anchorage: Jane Rosenquist, Legal Assistant
Phone 264-0528 - M W F 9:00 a.m. to Noon

The Commission appreciates your efforts in expediting this supplemental appropriation so that we can continue our FY84 operations. Thank you.

THE COMMISSION ON JUDICIAL CONDUCT

By: Michael M. Holmes
Michael Holmes
Chairperson

COMMITTEE REPORT
SENATE

FURTHER:

FINANCE

2/14/84

Date March 5, 1984

Mr. President

The Committee on JUDICIARY considered SB 490

supplemental appropriation to the Alaska Court System for the operation of the Alaska Commission on Judicial Conduct; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for _____
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

1 2
1 [Signature]

MEMBERS HAVING
OTHER RECOMMENDATIONS

2 [Signature] no rec

1 Bill Ray
Chairman
DO PASS
Chairman recommendation