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- (TABELLI) -

FROM THE DESK OF IRIS A. LATHROP

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

April 18, 1983

The Honorable Mitch Abood  
Alaska State Legislature  
Pouch V, Mail Stop 3100  
Juneau, Alaska 99811

Dear Representative Abood:            Re: Magistrate Retirement  
House Bill 279

I respectfully ask for your "do pass" recommendation on the subject bill. I spoke with Representative Shultz a few days ago and he recommended that I write to you, as Chairman for the State Affairs Committee.

I was present at a teleconference March 25th at Anchorage, where two of our magistrates and a district judge gave testimony to Senator Ray and the senate judiciary committee. During that conference APEA entered their opposition, to which I later responded by letter to Senator Ray and enclose a copy for your information.

In addition, a representative of the State Division of Retirement and Benefits advised it would cost the state \$625,000 to include the magistrates in the judicial retirement system, inasmuch as I have no conception of what is involved to administer a retirement system, I have written to that division for a cost breakdown. If this figure is accurate, I wonder at the cost to the state for the high-salaried people that are presently participating in that system.

I realize that you have many other issues to decide this session, however, I must ask that you give consideration to our magistrate association's request. We have had bills submitted in prior years, and as you may or may not know, we have been deeply disappointed that none of those bills were enacted. Hopefully, with your help, as well as the members of your committee, this will be the year the legislature acts in our favor.

Thank you for your consideration.

Enclosure  
Copy: Honorable Bill Ray

Sincerely,  
*Iris A. Lathrop*  
Iris A. Lathrop

P. S. Please feel free to copy this letter for distribution to other house members.



Alaska Public  
Employees Association

**APEA**

State Headquarters: 340 N. Franklin, Juneau, AK 99801 (907) 586-2334

MEMORANDUM

TO: Senator Bill Ray, Chairman  
Senate Judiciary Committee

FROM: Cherie Shelley, Executive Director  
Alaska Public Employees Association

Jean Krause, President *Jean Krause*  
National Education Association-Alaska

SUBJECT: SB 20

DATE: March 24, 1983

At a time when the cost of the various state-sponsored retirement systems is being closely scrutinized, the Alaska Public Employees Association and the National Education Association-Alaska cannot support legislation which will add another group of employees to the most lucrative retirement system available.

Unlike judges, magistrates seldom leave a high paying professional practice to serve in the courts. In fact, the qualifications of magistrates are quite simple:

A magistrate shall be a citizen of the United States and of the state, at least 21 years of age, and a resident of the state for at least six months immediately proceeding appointment. The supreme court may prescribe additional qualifications. (AS.22.15.160.(b))

This bill is particularly expensive as the employer's rate of contribution will rise to 109.14% of covered payroll. The estimated additional cost of this legislation is \$625,000 in FY 84, \$675,000 in FY 85, and \$729,000 in FY 86.

Fairbanks Field Office  
825-D College Road  
Fairbanks, AK 99701  
Telephone: (907) 456-5412

Anchorage Field Office  
833 Gambell Street, Suite A  
Anchorage, AK 99501  
Telephone: (907) 274-1688

Juneau Field Office  
227 4th Street  
Juneau, AK 99801  
Telephone: (907) 586-6305

Not only are the mandatory contributions to this system particularly high, the retirement benefits are equally generous.

A retired justice or judge eligible for retirement pay shall receive from the date of eligibility until death monthly compensation equal to five percent per year of service, to a maximum of 75 percent, of the monthly salary authorized for justices and judges respectively, at the time each retirement payment is made. (AS 22.25.020)

William M. Mercer, Inc., in an actuarial valuation of the Public Employees' Retirement System, estimated the unfunded liability owed by the State of Alaska to be \$75,563,548. as of June 30, 1981.

The inclusion of a small group of individuals in JRS at such high cost cannot be justified when other retirement systems have very large, unfunded liabilities.

CS/rb

SPONSOR: Senate Judiciary  
 SUBJECT: leg non-leg pub hear work sess inv hear  
S.B. 20. Magistrates Retirement Benefits.

DATE TAKEN/BY 1mb  
 T/C DATE/DAY Fri. March 25  
 TIME: 1:30 - 2:30 PACIFIC

MAILING ADDRESS: \_\_\_\_\_  
 PHONE X 4451 CONTACT Judy

YUKON  
 11:30-12:30 ALASKA  
 BERING

SITES PARTICIPATING:

- |   |  |   |   |   |
|---|--|---|---|---|
| North Slope<br>Anaktuvuk Pass<br>* Barrow<br>Kaktovik<br>Point Hope<br>Wainwright | * ANA<br>Ambler<br>* Kotzebue<br>Moorvik<br>Selawik  | Bristol Bay<br>Aleutians<br>* Bethel<br>* Dillingham<br>St. Paul<br>Sand Point<br>** Unalaska | South-Central <u>possible offnet</u><br>* Anchorage<br>Homer<br>* Kenai (Sol)<br>* Kodiak<br>* Mat-Su<br>Seward<br>* Valdez | Southeast<br>Cordova<br>Haines<br>Hoonah<br>* Juneau<br>* Ketchikan<br>* Petersburg<br>* Sitka<br>Wrangell<br>Yakutat |
| ALL ALASKA<br>ALL LIC's<br>WASH., D.C.  | Norton Sound<br>Gambell<br>Hooper Bay<br>* Nome<br>Savoonga<br>Shishmaref<br>** Unalakleet | Interior<br>* Delta Junction<br>* Fairbanks<br>** Fort Yukon<br>Galena                        |   |   |

Chairing Site/Person X Sen. Ray Jim Special Offnet possible offnet do  
 Location/Phone# Captain Cook  
Judy Johnston - Lentz  
 Signature of Sponsor/Contact Person Date

-----TELECONFERENCE OFFICE USE ONLY-----

Stephanie Coles 264-0553 - Magistrates Services. (liaison person)

Linda Hartshorn (Magistrate from Wrangell):  
 + others will be present.

*Advise  
do people*

2-Wire \_\_\_\_\_ 4-Wire   
 Bridges: #1 (206)447-0620  
 #2 (206)447-1554  
 #3 (206)447-3627  
 #4 (206)447-9479  
 Bridge operator (800)426-3232  
 JNU trouble #'s 506-1062  
 465-2836

Publicity:  
 Local press list attached   
 Media/P.A. attached   
 Can expect:  
 Longevity back-up  back up by Stephanie  
 Bill summary   
 Participants list

POST TELECONFERENCE NOTES  
 Site/Date: Bates  
 Local Moderator \_\_\_\_\_  
 T/C Started: \_\_\_\_\_ T/C Ended \_\_\_\_\_  
 T/C Recorded? \_\_\_\_\_  
 Testified/Participated: \_\_\_\_\_  
 Unable to Testify: \_\_\_\_\_  
 Observers: \_\_\_\_\_  
 Total Number \_\_\_\_\_

SENATOR  
ROBERT H. ZIEGLER, SR.  
207 BAWDEN STREET  
KETCHIKAN, ALASKA 99901

While in Juneau  
POUCH V  
JUNEAU, ALASKA 99811



Senate

VICE CHAIRMAN  
SENATE RESOURCES COMMITTEE  
MEMBER  
SENATE JUDICIARY COMMITTEE  
WESTERN STATES LEGISLATIVE  
FORESTRY TASK FORCE  
WESTERN CONFERENCE COUNCIL  
OF STATE GOVERNMENTS

February 14, 1983

The Honorable Linda Hartshorn,  
Magistrate  
Alaska Court System  
Box 869  
Wrangell, Alaska 99833

Dear Judge:

Thank you very much for your letter of February 9th pertaining to SB 20. A copy of that letter, and a copy of this letter, have been delivered to Senator Ray and his staff for their consideration. It would not be prudent or wise for me to answer all the questions you raised, such as teleconference meetings, for I would be usurping the chair's prerogative were I to do so.

However, I am requesting the chair to advise you, if he wishes to proceed, as to the manner of holding hearings on the bill and when the same will be held.

In any event, if it is determined by Senator Ray that he wants "live" testimony, I don't believe that he would require more than three or four magistrates, since I assume their testimony would be practically identical.

Under applicable legislative rules the committee of first referral must furnish a fiscal note. Accordingly, I doubt that much action will be taken on the bill until Senator Ray has the fiscal note to which you referred in hand.

Best regards,

Robert H. Ziegler, Sr.

RHZ:lk

cc: Senator Bill Ray w/encl.

✓ Mr. John Gabrielli w/encl.



TRIAL  
District Court

State of Alaska

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

XXXXXXXXXXXXXXXXXXXX

February 9, 1983

Senator Robert H. Ziegler, Sr.  
Pouch V  
Juneau, Alaska 99811

Dear Senator Ziegler:

A belated thank you for introducing Senate Bill 20 on behalf of the magistrates of Alaska.

The magistrates who have agreed to testify before the Senate Judiciary and Finance committees (if their court calendars allow) are:

Bill Cheney Box 128, Kake, AK 99830	785-3651
Marilyn Hanson P.O. Box 910, Sitka, AK 99835	747-3291
Linda Hartshorn Box 869, Wrangell, AK 99929	874-2311
Carl Heimiller Box D, Haines, AK 99927	766-2801
Karl Heiker Box 8, Cold Bay, AK 99571	532-2440
Brian Johnson Box 860, Palmer, AK 99645	745-4284
Jess Nicholas Drawer I, Kenai, AK 99611	283-3110
Rick Redeker Box 1009, Petersburg, AK 99833	772-4466

Senator Robert H. Ziegler, Sr.  
February 9, 1983  
Page Two

Earl (Skip) Slater  
Box 177, Nenana, AK 99760 832-5430

Sheldon Sprecker  
Box 86, Glennallen, AK 99588 822-3405

There will be a statewide magistrate conference in Anchorage the week of March 21st and the afternoon of March 25th has been set aside for a meeting of the Association of Alaska Magistrates. If SB 20 is still pending at that time, possibly we could set up an audio conference with the legislature. All of the magistrates in the state would be in attendance and available for comments and questions. Please let me know if you think this would be beneficial and, if so, who should initiate the conference.

Within the next two weeks the court system has promised to supply me with further information on the current number of magistrates, base salaries, length of service, age, etc. This is the information they have provided to the Division of Retirement and Benefits to assist them in preparing a fiscal note on the bill. I will forward any information I can gather to you.

I believe Magistrate Heinmiller has contacted Senator Ray about this bill. Should I contact Representatives Wendte and McBride and request that they file a companion bill in the House? I believe Representative Wendte, when in Wrangell, indicated he would file a bill if he had the background information on it.

Thank you for your assistance. I will supply you with any and all information I receive that would be of benefit to you.

Sincerely,



Linda Hartshorn

THE LEGISLATURE OF THE STATE OF ALASKA  
THIRTEENTH LEGISLATURE

FISCAL NOTE

I. REQUEST

Bill/Resolution No. Senate Bill 20  
 Title An Authorizing Participation by Magistrates in the Judicial Ret. System  
 Requested by \_\_\_\_\_ Date \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected Administration - Division of Retirement & Benefits  
 Program Category Affected Labor Services  
 BRU, Program, Or Subprogram(s) Affected 02-96-8-01-01-01 (PERS) 01-02-07 (JRS)  
 (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						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC.						
TOTAL	-0-	625.2	675.2	729.2		

FUNDING (Thousands of Dollars)

GENERAL FUND		640.2	591.4	746.7		
FEDERAL FUNDS		(7.2)	(7.8)	(8.4)		
OTHER (Specify Source)		(7.8)	(8.4)	(9.1)		

POSITIONS

FULL TIME						
PART TIME						
TEMPORARY						

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

1. This bill would reduce the state cost to PERS and increase the state cost to JRS. The net cost to the state is reflected above.
2. The state cost to JRS will be increased by 65.82% of the FY 84 covered payroll for magistrates. The state cost to JRS for existing members for FY 84 will be 109.14% of covered payroll of which approximately 40% is to fund benefits of existing retirees. The remainder is to fund past and future service of those members not yet retired.

IV. DATE 1/27/83

PREPARED BY J.K. Humphreys

AGENCY Director

PHONE 465-4460

Original: Legislative Finance  
 cc: Budget and Management

Prime Sponsor (First Legislator Named) Senator Ziegler

33-001 (Rev. 12/82) OMB Reviewed by: David Gentry

*J.K. Humphreys*  
*D. Gentry*



## 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.

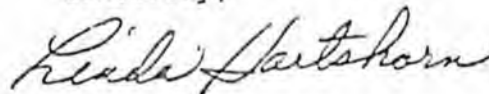
The last citation is the only one which excludes magistrates as judges. We feel the duties we perform are those of a district court judge with some jurisdictional limitations. We are on 24-hour call, as required by statute and rule, to perform "judicial" functions. Many of us sit as masters in superior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

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)	\$ 84.60	\$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 6.83 years. There are 49 positions authorized by Supreme Court Order No. 544 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

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>		
Kenzl	Kodiak	Palmer
<u>Magistrate V</u>		
Glennallen	Seward	Sitka

Magistrate IV

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

Magistrate III

Cold Bay	Hoonah
Ft. Yukon	Naknek
Galena	Yakutat

Magistrate II

Aniak	Salawik	Skagway
Delta Jct.	Seldovia	

Magistrate I

Angoon	Kiana	Pt. Hope	Shungnak
Emmonak	McGrath	Sand Point	Tununak
Gambell	Mekoryuk	Savoonga	Unalakleet
Hooper Lay	Mt. Village	St. Mary	Whittier
Kake	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

*James T. Bush*  
Chief Justice

*Dr. A. Lakimuntz*  
Justice

*Thomas H. Corcoran*  
Justice

*Winnon Leighton*  
Justice

*Allen T. Compton*  
Justice

PCN	CLASS	COURT	TITLE	NAME	2,793	33,510	9.50
418109	X017	AKA	MAGISTRATE IV	HANSON	2,793	33,510	9.50
418111	X019	AKD	MAGISTRATE IV	HARTSHORN	2,793	33,510	10.00
418110	X017	AKA	MAGISTRATE IV	REDEKER	2,793	33,510	5.70
418101	X018	AKA	MAGISTRATE III	DENNIS	1,702	21,144	4.50
418102	X019	CKC	MAGISTRATE IV	HEINMILLER	2,687	34,644	14.70
418103	X017	AWA	MAGISTRATE III	SAVLAND	1,885	22,020	11.50
418104	X016	AKR	MAGISTRATE I	CHENEY	907	10,884	2.50
418105	X016	AKK	MAGISTRATE I	VACANT	907	10,884	2.50
418106	X017	CKA	MAGISTRATE II	WURLEY	1,322	15,864	3.90
418107	X017	CSA	MAGISTRATE II	GALLAGHER	1,322	15,864	4.30
418108	X016	ARD	MAGISTRATE I	HOWARD	907	10,884	2.50
412015	X017	HIA	MAGISTRATE IV	VACANT	3,105	37,260	
418201	X019	MEA	MAGISTRATE IV	KRUSS	3,429	41,148	
418202	X019	KAA	MAGISTRATE IV	SINKEY	3,429	41,148	
418203	X016	JWB	MAGISTRATE I	VACANT	1,152	13,824	
418204	X016	ENC	MAGISTRATE I	KAMEROFF	1,121	13,452	
418205	X016	HSA	MAGISTRATE I	APANGALOOK	1,152	13,824	15.15
418206	X016	LSA	MAGISTRATE I	<del>NAPUELETT</del> <i>Naney</i>	1,152	13,824	7.00
418207	X016	KUD	MAGISTRATE I	HENRY	1,113	13,356	1.10
418208	X016	KJC	MAGISTRATE I	HARVEY	1,113	13,356	2.40
418209	X016	KYA	MAGISTRATE I	LISBOURNE	1,152	13,824	2.30
418210	X016	EWG	MAGISTRATE I	ANDREWS	1,121	13,452	2.70
418211	X016	HSS	MAGISTRATE I	GOLDBERGEN	1,152	13,824	11.50
418212	X017	KSA	MAGISTRATE II	BALLOT	1,570	18,840	90
418214	X016	HUA	MAGISTRATE I	ANAGICK	1,152	13,824	15.30
418215	X016	LXA	MAGISTRATE I	VACANT <i>Arrest</i>	1,152	13,824	
418217	X016	EDU	MAGISTRATE I	JEANS	1,121	13,452	11.70
418218	X016	KCA	MAGISTRATE I	DOUGLAS	1,152	13,824	1.10
418310	X015	CAA	MAGISTRATE VI	MCGRIDE	4,209	51,468	1.90
418302	X015	DWA	MAGISTRATE VI	NICHOLAS	4,289	51,468	22.00
418303	X015	ECF	MAGISTRATE VI	JOHNSON	4,140	49,776	3.70
418304	X020	USA	MAGISTRATE V	PECK	3,070	44,112	7.50
418309	X019	DAK	MAGISTRATE IV	ASHMAN	3,240	39,952	90
418307	X016	DIA	MAGISTRATE III	HEIKER	2,173	26,316	10.50
418308	X019	DWA	MAGISTRATE IV	WENTWORTH	3,070	36,912	7.00
418310	X020	HDE	MAGISTRATE V	SPRECKER	3,916	46,992	11.90
418312	X018	CKA	MAGISTRATE III	SHAWBACK	2,193	26,316	7.90
418313	X016	LEC	MAGISTRATE I	RUKUVISHWIKOFF	1,091	13,092	6.30
418314	X015	HSD	MAGISTRATE IV	HAKALA	1,091	13,092	4.30
418315	X016	CYA	MAGISTRATE I	KASHEVAROFF	1,332	15,984	2.70
418317	X016	USH	MAGISTRATE I	<del>HARRIS</del> <i>Vacant</i>	905	11,500	
418319	X020	DBC	MAGISTRATE I	VACANT	1,091	13,092	
418316	X016	BKA	MAGISTRATE III				

PCN	CLASS	COURT	FILE	INCUMBENT	RANGE/ STEP	MONTHLY SALARY	ANNUAL SALARY	SERVICE
418402	X016	HJI	MAGISTRATE IV	MACFARLANE		3,429	41,148	8.50
418414	X019	HB6	MAGISTRATE IV	LATHROP		3,076	36,912	9.40
418409	X016	KJA	MAGISTRATE III	SMYTH		2,317	27,804	3.50
418405	X016	HYC	MAGISTRATE III	JACKSON		2,238	26,856	1.40
418403	X017	JJB	MAGISTRATE II	HARDING		2,518	30,216	9.00
418401	X017	LJB	MAGISTRATE II	MCMAHON		1,625	19,500	5.00
418406	X010	JKC	MAGISTRATE I	VACANT		1,113	13,356	
418407	X010	EZA	MAGISTRATE I	VACANT		1,113	13,356	
418408	X010	UMB	MAGISTRATE I	SMITH		1,121	13,452	5.80
418411	X010	UJA	MAGISTRATE I	VACANT		1,083	12,996	
418412	X010	JKB	MAGISTRATE I	VACANT		1,113	13,356	
418415	X016	LHD	MAGISTRATE I	LINCOLN		1,121	13,452	11.20
418425	X010	JKA	MAGISTRATE I	VACANT		1,113	13,356	

\* 1,315,424 6.83 yrs average

Average age - 4 yrs

BILL: SB 20

DATE: 1/20/83

RE: FISCAL NOTE PER TELEPHONE CONVERSATION WITH  
ART SNOWDEN, ADMIN. DIRECTOR

ALMOST IMPOSSIBLE TO PUT FISCAL NOTE TOGETHER, BUT WILL  
DO BEST THAT THEY CAN. WILL BRING IT WITH HIM WHEN HE  
COMES TO JUNEAU NEXT WEEK.

JOHN GABRIELLI  
COUNSEL

ALASKA STATUTES .

AS 39.35 PUBLIC EMPLOYEES' RETIREMENT SYSTEM OF ALASKA

reemployed with an employer and whose contributions have not been refunded before re-employment is not eligible for a refund. (§ 9 a ch 143 SLA 1960; am § 12 ch 1 SLA 1974; am § 1 ch 81 SLA 1976; am § 22 ch 128 SLA 1977)

**Effect of amendments.** — The 1976 amendment inserted "a" preceding "refund" in present subsection (a) and in the first sentence of present subsection (b) and added the second sentence of present subsection (b).

The 1977 amendment designated the former first sentence as subsection (a) and

the former second and third sentences as subsection (b), rewrote present subsection (a), and in present subsection (b), substituted "an employee" for "the employee" in the first sentence and substituted "an employer" for "a participating employer of the system" in the second sentence.

**Sec. 39.35.210. Refund upon termination of employment by death.**

Repealed by § 55 ch 128 SLA 1977.

**Editor's note.** — The repealed section derived from § 9 b, ch. 143, SLA 1960; am § 106, ch. 127, SLA 1974.

**Sec. 39.35.220. Refund upon retirement.**

Repealed by § 55 ch 128 SLA 1977.

**Editor's note.** — The repealed section derived from § 9 c, ch. 143, SLA 1960.

**Sec. 39.35.230. Refund upon death of retired employee.** Upon the death of a retired employee, the employee's beneficiary shall be paid

(1) the excess of the balance in the employee contribution account of the deceased employee as of the date of the beginning of the employee's pension payments over the sum of the pension payments previously received by the employee, but this amount may not be paid if a joint and survivor option under AS 39.35.450 is in effect or if a surviving spouse's pension under AS 39.35.440 is payable; and

(2) the remaining payments purchased by the balance in the employee savings account of the deceased employee as of the date he retired. (§ 9 d ch 143 SLA 1960; am § 107 ch 127 SLA 1974)

**Sec. 39.35.240. Withdrawal of voluntary contributions.** An active employee may withdraw his savings account only if he receives the consent of the administrator. The administrator may permit a withdrawal before termination of employment only in cases of financial need. (§ 9 e ch 143 SLA 1960; am § 23 ch 128 SLA 1977)

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 Hol loway 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.

committee: Senate Judiciary Com date 3-25-83 to \_\_\_\_\_

bill numbers: SB20 + MAGISTRATES + ANCHORABLE

other information: Josephson, Excused (25 members present in House Present: Busseil, Liska and Malowe; also: ANCHORABLE) CLOCK-IN AND Wendte Staff

Date/Time	Tape Meter No.	Bill	Significant Information (Witness, Action)
1:30 pm	0-36		Sen Ray Chaired - Introduced
			House members
	58	SB20	SPECKLER, Sheldon S. Pres. of
			MAGISTRATE'S Assn - IN FAVOR
	145		HARTSHORN, Linda - mag. WRANGELL
1:40			MALOWE, Rep now Present
	190		RAY - QUESTIONS CURRENT Benefits
	200		CLINE, Steve, FAI DIST. Ct. Judge
	235		LISTS functions of MAGISTRATES
	385		RAY - How many qualify for Retirement in next 3 yrs
	441		Busseil - Continues discussion in some manner
	517		PAULSON, Lee - A.P.E.A. OPPOSES Due to priorities
	570		RAY - How much SALARY pd for carry out duties -
	617		SPECKLER - Objected to PAULSON'S STATEMENT - Pointed out directly wk for State & not Union
	675		Humphreys Ken - Dir. of DIVISION Retirements - testifies to
			QUESTIONS RE: fiscal Note
	700		ELIASON - ASKED ABOUT PERS and Military fees



MSG 83-00003539 PRTY 1 03/25/83 13:39:49 ORIG: LA08 IN= 0005 OUT= 0018  
FROM: CANDY FOR BARBARA TO: GAIL  
TARGET: LJHZ SUBJ: MAGISTRATES' BENEFITS

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OMNI # 2

IRIS LATHROP HAS ASKED THAT YOU ASK THE LEGISLATORS IF THEY WOULD LIKE TO ASK ANY QUESTIONS OF THE OBSERVERS. I REALIZE YOU DO NOT HAVE THE OBSERVERS' NAMES YET -- WILL SEND THEM DOWN IN NEXT OMNI.

MSG 83-00003541 PRTY 1 03/25/83 13:42:35 ORIG: LA08 IN= 0006 OUT= 0019  
FROM: CANDY/ANCHORAGE TO: GAIL  
TARGET: LJHZ SUBJ: MAG. BENEFITS /TC

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OMNI # 3

OBSERVERS:

1. RICK REDEKEN/ASSOC. AK MAGISTRATES
2. CARL HEINMILLER
3. BILL CHENEY
4. JEAN WORLEY
5. H.E. CANTERFEILD
6. LINDA HARDY
7. CRAIG MCMAHON
8. IRIS LATHROP
9. ELIZABETH MCDENNIS
10. EARL "SKIP" SLATON
11. BARBARA MCFARLANE
12. MARILYN D. HANSON
13. SHARON C SMITH
14. MAXINE GAVLAND
15. PAUL VERTAGE
16. JESS MICHAELS
17. BRIAN JOHNSON
18. DALE CURDA
19. H.P. GAZAWAY
20. BRIGITTE S. MCBRIDE
21. CHRITINA KASHWANOF
22. JEAN CROSS

THERE ARE 5 NAMES WHICH I CAN MAKE OUT -- WILL SEND THIS DOWN NOW IN THE INTEREST OF TIME.

MSG 83-00003534 PRTY 1 03/25/83 13:37:08 URIG: LA08 IN= 0004 OUT= 001  
FROM: CANDY FOR BARBARA TO: GAIL  
TARGET: LJHZ SUBJ: MAGISTRATES BENEFITS T/C

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WITNESSES:

1. SHELDON S. SPRECKER
2. LINDA HARTSHORN
3. JUDGE STEPHEN CLINE

OBSERVERS:

- 27 FROM THE MAGISTRATES' CONFERENCE
- 2 PEOPLE FROM AN ALASCOM FILM CREW (GETTING FILM FOOTAGE FOR ALASCOM)