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SENATE COMMITTEE REPORT

FURTHER

DATE TURNED INTO OFFICE _____

4/14/88
Mr. President:

FINANCE Committee considered SB 285

leave for district court judges

and recommended

replace with _____ CS _____) same title
 or adopt _____ CS _____) new title

attached amendment(s) and

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

letter of intent adopted _____

Committee attached or adopted fiscal note(s)

new updated or previous

zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Chairman signature and recommendation

SENATE COMMITTEE REPORT

revd 3/24
A. ...

FURTHER

FINANCE

3/24/88

DATE TURNED INTO OFFICE _____

Mr. President:

Judiciary Committee considered SB 285

leave for district court judges

and recommended

[] replace with _____ CS _____) [] same title
[] or adopt _____ CS _____) [] new title

[] attached amendment(s) and

Majority
[] do pass

[] do not pass

[] no recommendation

individual recommendations

[] further referral to _____

[] letter of intent adopted _____

Committee attached or [] adopted fiscal note(s)

[] new [] updated or previous

zero [] fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

Patrick Bradley
Arthur J. ...
...

...
Chairman signature and recommendation

[] Committee Backup attached

SENATE COMMITTEE REPORT

FIRST COMMITTEE OF REFERRAL

Date of 2-24-88 5-DAY NOTICE
IN ACCORDANCE WITH UNIFORM RULE 23

FURTHER: JUDICIARY
FINANCE

**FISCAL NOTE(S) ATTACHED **
IN ACCORDANCE WITH AS 24.08.035
(see below)

5/1/87 DATE TURNED INTO OFFICE 3/23/88
Mr. President:

STATE AFFAIRS Committee considered SB 285
leave for district court judges.

and recommended:

- replace with CS _____ same title
- attached amendment(s) and new title
- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to _____
- letter of intent adopted and attached

DFM

** Committee attached or adopted fiscal note(s)
 zero fiscal impact

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

1 Joe Josephson

2 K. Fanning, No Rec.

[Signature]
Chairman signature and recommendation

Committee Backup Attached

Introduced: 5/1/87
Referred: State Affairs, Judiciary
& Finance

5-1043A

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 SENATE BILL NO. 285

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FIFTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to leave for district court judges."

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

8 * Section 1. AS 39.20.245(b) is amended to read:

9 (b) An officer or employee, with the approval of the person
10 authorizing the employment, may donate accrued personal or annual
11 leave to another officer or employee only for use as leave for medical
12 reasons. The official responsible for employee accounts shall debit
13 the donor's personal or annual leave account and credit the donee's
14 personal leave account, or sick leave account, as appropriate, for
15 medical reasons only, by converting the donated leave into cash value
16 at the donor's rate of pay and reconverting the cash value to hours of
17 leave at the donee's rate of pay. Leave donated under this subsection
18 is not leave taken by the donor for purposes of AS 39.20.225(c). An
19 employee who is covered by a collective bargaining agreement may
20 donate leave to or receive donations of leave from an employee or
21 officer who is not covered by a collective bargaining agreement,
22 notwithstanding AS 39.20.310(7) and (8) [AS 39.20.310(8) and (9)].

23 * Sec. 2. AS 39.20.270 is amended to read:

24 Sec. 39.20.270. COURT LEAVE. Notwithstanding AS 39.20.310(6)
25 [AS 39.20.310(7)], court leave shall be granted to an employee who is
26 classified as full time, whether permanent, nonpermanent, or tempo-
27 rary. An officer or employee called to serve as a juror or subpoenaed
28 as a witness is entitled to administrative leave with pay, but compen-
29 sation received by the employee or to which the employee is entitled,

1 whichever is greater, for service as a juror or witness shall be
2 deducted from pay to which the employee is entitled as a state officer
3 or employee.

4 * Sec. 3. AS 39.20.310 is amended to read:

5 Sec. 39.20.310. EXCEPTIONS. AS 39.20.200 - 39.20.330 do not
6 apply to

7 (1) members of the state legislature, the governor, the
8 lieutenant governor, and justices and judges of the supreme, [AND]
9 superior, and district courts and of the court of appeals, but nothing
10 in AS 39.20.200 - 39.20.330 may be construed to diminish the salaries
11 fixed by law for these officers by reason of absence from duty on
12 account of illness or otherwise;

13 (2) magistrates serving the state on less than a full-time
14 basis;

15 (3) officers, members of the teaching staff, and employees
16 of the University of Alaska;

17 (4) [REPEALED

18 (5)] persons employed in a professional capacity to make a
19 temporary and special inquiry, study, or examination as authorized by
20 the governor, the legislature, or a legislative committee;

21 (5) [(6)] members of boards, commissions, and authorities
22 who are not otherwise employed by the state;

23 (6) [(7)] temporary employees hired for periods of less
24 than 12 consecutive months;

25 (7) [(8)] persons employed by the division of marine trans-
26 portation as masters and members of the crews operating the state
27 ferry system who are covered by collective bargaining agreements as
28 provided in AS 23.40.040, except as expressly provided by law;

29 (8) [(9)] persons employed by the state who are covered by

1 collective bargaining agreements as provided in AS 23.40.210, except
2 as expressly provided by law.
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STATE OF ALASKA 1988 LEGISLATIVE SESSION
FISCAL NOTE

REQUEST: Bill Version: SB 285
 Publish Date: Senate 3/24/88

Revision Date: Agency Affected: Alaska Court System
 Title: An act relating to leave for BRU: Trial Courts
 district court judges
 Sponsor: Judiciary Committee Components:
 Requestor: State Affairs

EXPENDITURES/REVENUES:	(Thousands of Dollars)					
OPERATING	FY 88	FY 89	FY 90	FY 91	FY 92	FY 93
Personal Services
Travel
Contractual
Supplies
Equipment
Land & Structures
Grants & Claims
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

CAPITAL

REVENUE

FUNDING:	(Thousands of Dollars)					
General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
Other	. . . .	. . . .	. . . .	. . . .	. . . .	. . . .
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

POSITIONS:

Full-time

Part-time

Temporary

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: *Jan Strandberg* General Counsel Phone: 264-8228
 Division: Alaska Court System Date: 03/05/88

Approved by: *Arthur H. Snowden II* Administrative Director Date: 03/05/88
 Agency: Alaska Court System

Distribution (by preparer):
 Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget

ALASKA STATE LEGISLATURE

15th . . . Legislature 1st . . . Session

SENATE . . . **BELL** NO. **285**

By . . . **THE JUDICIARY COMMITTEE**

"An Act relating to leave for district court judges."

Introduced in the Senate **5/1**, 19 **87**

HISTORY IN THE SENATE

19 **87**

Read first time and referred to Committee on

5 **1**

STATE AFFAIRS, JUD. & FINANCE

Reported back with recommendation that

1988

324

SA: 2 do pass, 1 no rec,

414

*PTN to Jud
Jud: 4 do pass, previous
PTN to Fin*

Read second time and

Read third time and

PASSED	Effective Date
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration
Reconsideration not taken up

PASSED	Effective Date
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed
Signed by President
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASSED	Effective Date
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reconsideration
Reconsideration not taken up

PASSED	Effective Date
Yeas	Yeas
Nays	Nays
Excused	Excused
Absent	Absent

Reported correctly engrossed
Signed by Speaker
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Chapter No.

Filed with Lt. Governor

A M E N D M E N T /

Offered in the SENATE

By Binkley

TO: SB 285

Page 1, line 6, after "judges":

Insert "and magistrates"

Page 1, after line 7:

Insert a new bill section to read:

"* Section 1. AS 22.15.220 is amended by adding a new subsection to read:

(e) A magistrate is entitled to leave benefits comparable to those to which a district court judge is entitled."

Renumber remaining bill sections accordingly.

Page 2, lines 13-14:

Delete "serving the state on less than a full-time basis"

Insert "[SERVING THE STATE ON LESS THAN A FULL-TIME BASIS]"

A M E N D M E N T 2

Offered in the SENATE

By Binkley

TO: SB 285

Page 1, line 6, after "to":

Insert "retirement benefits for magistrates and"

Page 1, line 6, after "judges":

Insert "; and providing for an effective date"

Page 1, after line 7:

Insert new bill sections to read:

** Section 1. AS 22.25.010(f) is amended to read:

(f) In the computation of service for retirement under this chapter, the time served by a justice or judge of any court is added to the time served, if any, on any other court. All service rendered by a justice or judge, including service as a magistrate or deputy magistrate, before July 1, 1967, or on or after July 1, 1988, shall be included in the computation.

* Sec. 2. AS 22.25.020 is amended to read:

Sec. 22.25.020. RETIREMENT PAY. A retired member [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, or magistrates, as appropriate

[RESPECTIVELY], at the time each retirement payment is made.

* Sec. 3. AS 22.25.030(a) is amended to read:

(a) Upon the death of a member [JUSTICE OR JUDGE] who has served for at least two years, the surviving spouse is entitled to receive monthly compensation equal to one-half of the monthly retirement pay the member [JUSTICE OR JUDGE] would thereafter have been entitled to receive if retired at the time of death. If at death the member [JUSTICE OR JUDGE] was not yet entitled to retirement pay, or was or would have been entitled to less than 60 percent of the monthly salary authorized for the office, the surviving spouse is entitled to monthly compensation equal to 30 percent of the salary authorized for a justice, judge, or magistrate, as appropriate [JUSTICES OR JUDGES, RESPECTIVELY], at the time each monthly payment is made.

* Sec. 4. AS 22.25.090(c) is amended to read:

(c) In this section, "dependent child" means an unmarried child of a member [JUSTICE, JUDGE,] or administrative director who is dependent on the member [JUSTICE, JUDGE,] or administrative director for support and who is either (1) less than 19 years old, or (2) less than 23 years old and registered at and attending on a full-time basis an accredited educational or technical institution recognized by the Department of Education. The age limits set out in this subsection do not apply to a child who is totally and permanently disabled.

* Sec. 5. AS 22.25.900 is amended by adding a new subsection to read:

(b) In this chapter, "member" means

(1) a supreme court justice;

(2) a judge of the court of appeals, a superior court

judge, or district court judge; and

(3) a magistrate or deputy magistrate."

Renumber following bill sections accordingly.

Page 3, after line 2:

Insert new bill sections to read:

"* Sec. 9. AS 39.35.680(21) is amended to read:

(21) "member" or "employee"

(A) means a person eligible to participate in the system and who is covered by the system;

(B) includes

(i) active member;

(ii) inactive member;

(iii) vested member;

(iv) deferred vested member;

(v) non-vested member;

(vi) disabled member;

(vii) retired member;

(C) does not include

(i) former members;

(ii) persons compensated on a contractual or fee basis;

(iii) casual or emergency workers or nonpermanent employees as defined in AS 39.25.200;

(iv) persons covered by the Alaska Teachers'

Retirement System;

(v) employees of the division of marine transportation engaged in operating the state ferry system who are covered by a union or group retirement system to which the state makes contributions;

(vi) justices of the supreme court or judges of the court of appeals or of the superior or district courts of Alaska or magistrates;

(vii) the administrative director of courts appointed under art. IV, sec. 16 of the state constitution unless the director becomes a member under AS 39.35.158; and

(viii) members of the elected public officers' retirement system (former AS 39.37);

(D) may include employees of the division of marine transportation excluded under (C)(v) of this paragraph provided that

(i) the State of Alaska formally agrees to their inclusion through the process of collective bargaining; and

(ii) no collective bargaining agreement has the effect of obligating contributions made by the state under AS 39.30.150 in the event the state resumes participation in the federal social security system;

* Sec. 10. Notwithstanding AS 22.25, a magistrate who had credited service under the Public Employees' Retirement System (AS 39.35) as a magistrate before July 1, 1988, and who has less than five years credited service as a member of the Judicial Retirement System (AS 22.25) when the

member retires or leaves state service may transfer the credited service under the Judicial Retirement System to the Public Employees' Retirement System by making a written election to receive retirement coverage and benefits under the Public Employees' Retirement System rather than under the Judicial Retirement System. The written election is irrevocable.

* Sec. 11. To be consistent with the changes made by this Act, wherever in AS 22.25 of the Alaska Statutes and in regulations adopted under that chapter the terms "justices or judges" or "justices and judges" are used, they shall be read as referring to a "member." Under AS 01.05.031, the revisor of statutes shall implement this section in the statutes and under AS 44.62.125(b)(5), the regulations attorney shall implement this section in the administrative regulations.

* Sec. 12. Sections 1 - 4 and 9 - 11 of this Act take effect July 1, 1988."

A M E N D M E N T 3

Offered in the SENATE

By Binkley

TO: SB 285

Page 1, line 6, after "judges":

Insert "; retirement for justices, judges, and the administrative director of the court system; and providing for an effective date"

Page 3, after line 2:

Insert new bill sections to read:

"* Sec. 4. AS 39.35.680(21) is amended to read:

(21) "member" or "employee"

(A) means a person eligible to participate in the system and who is covered by the system;

(B) includes

(i) active member;

(ii) inactive member;

(iii) vested member;

(iv) deferred vested member;

(v) non-vested member;

(vi) disabled member;

(vii) retired member;

(C) does not include

(i) former members;

(ii) persons compensated on a contractual or fee basis;

(iii) casual or emergency workers or nonpermanent employees as defined in AS 39.25.200;

(iv) persons covered by the Alaska Teachers' Retirement System;

(v) employees of the division of marine transportation engaged in operating the state ferry system who are covered by a union or group retirement system to which the state makes contributions; and

(vi) [JUSTICES OF THE SUPREME COURT OR JUDGES OF THE COURT OF APPEALS OR OF THE SUPERIOR OR DISTRICT COURTS OF ALASKA;

(vii) THE ADMINISTRATIVE DIRECTOR OF COURTS APPOINTED UNDER ART. IV, SEC. 16 OF THE STATE CONSTITUTION UNLESS THE DIRECTOR BECOMES A MEMBER UNDER AS 39.35.158; AND

(viii)] members of the elected public officers' retirement system (former AS 39.37);

(D) may include employees of the division of marine transportation excluded under (C)(v) of this paragraph provided that

(i) the State of Alaska formally agrees to their inclusion through the process of collective bargaining; and

(ii) no collective bargaining agreement has the effect of obligating contributions made by the state under AS 39.30.150 in the event the state resumes participation in the federal social security system;

* Sec. 5. AS 22.25 is repealed.

* Sec. 6. Sections 4 and 5 of this Act apply to a justice, judge, or administrative director of the Alaska court system first appointed to a position that would have been covered by the former Judicial Retirement System on or after July 1, 1988.

* Sec. 7. Notwithstanding the repeal of AS 22.25 contained in sec. 5 of this Act, a person who was a member of or was receiving benefits under the Judicial Retirement System on June 30, 1988, shall continue to participate in the Judicial Retirement System under AS 22.25 as the chapter existed on June 30, 1988.

* Sec. 8. Sections 4 - 7 of this Act take effect July 1, 1988."