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4182

SENATE FINANCE COMMITTEE REPORT

DATE: 3/12/90

FURTHER:

DATE TURNED INTO OFFICE: 3/26/90

The Finance Committee considered

SB 482

"An Act relating to the judiciary."

and recommended:

- replace with \_\_\_\_\_ CS \_\_\_\_\_
  - or adopt \_\_\_\_\_ CS SB 482 (TUD)
  - attached amendment(s)
  - \_\_\_\_\_ letter of intent adopted
- same title
  - new title
  - technical title change (HB only)

- do pass
- do not pass
- no recommendation
- individual recommendations
- further referral to \_\_\_\_\_

ATTACHES NEW FISCAL NOTE(S):

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

zero fiscal note(s) \_\_\_\_\_

appropriation-no fiscal note

APPROVES PREVIOUS:

fiscal note(s) \_\_\_\_\_ Dept/Date: \_\_\_\_\_

zero fiscal note(s) 2/23/90  
Court System

SIGNING DO-PASS:

*Jim Duncan*

*Frank*

OTHER RECOMMENDATIONS:

*Paul Gil (Do Not Pass unless amended)*

1. *John B. ...* No Rec  
Co-Chairs' Signatures and Recommendations

2. *Paul ...* (No Rec)

STATE OF ALASKA  
1990 LEGISLATIVE SESSION

Bill Version: <sup>CS</sup> SB 482 (JW0)  
Publish Date: 3/12/90

FISCAL NOTE

REQUEST:

Revision Date: \_\_\_\_\_ Agency Affected: Alaska Court System  
 Title: An Act relating to the judiciary BRU: Trial Courts  
 Sponsor: Faiks Components: \_\_\_\_\_  
 Requestor: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Funds	0.0	0.0	0.0	0.0	0.0	0.0
Federal Funds						
Other						
<b>TOTAL</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

POSITIONS:

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

No fiscal impact.

Prepared by: Jan Strandberg, General Counsel  
 Division: Alaska Court System  
 Approved by: Arthur H. Snowden, II, Administrative Director  
 Agency: Alaska Court System

Phone: 264-8228  
 Date: 02/23/90  
 Date: 02/23/90

Distribution (by preparer):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management & Budget  
 Impacted Agency(ies)

Changes in CS SB 482 (JW0)  
 have no fiscal impact. This  
 fiscal note is appropriate.  
 Projections of no fiscal impact  
 would continue through 1996. *CK*

Original sponsor(s): SEN. FAIKS

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 482 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act amending the jurisdiction of the district  
7 court, and increasing the period during which a  
8 district court judge serves under an initial appoint-  
9 ment before being subject to voter approval."

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

11 \* Section 1. AS 15.35.100(a) is amended to read:

12 (a) Each district judge shall be subject to approval or re-  
13 jection at the first general election held more than two years [ONE  
14 YEAR] after the judge's appointment under the provisions of AS 22.15.-  
15 170. If approved, the judge shall thereafter be subject to approval  
16 or rejection in a like manner every fourth year.

17 \* Sec. 2. AS 22.15.030(a) is amended to read:

18 (a) The district court has jurisdiction of civil cases, includ-  
19 ing foreign judgments filed under AS 09.30.200 and arbitration pro-  
20 ceedings under AS 09.43.170, as follows:

21 (1) for the recovery of money or damages when the amount  
22 claimed exclusive of costs, interest, and attorney fees does not  
23 exceed \$50,000 [\$35,000];

24 (2) for the recovery of specific personal property, when  
25 the value of the property claimed and the damages for the detention do  
26 not exceed \$50,000 [\$35,000];

27 (3) for the recovery of a penalty or forfeiture, whether  
28 given by statute or arising out of contract, not exceeding \$50,000  
29 [\$35,000];

1           (4) to give judgment without action upon the confession of  
2 the defendant for any of the cases specified in this section, except  
3 for a penalty or forfeiture imposed by statute;

4           (5) for establishing the fact of death of any person in the  
5 manner prescribed in AS 09.55.020 - 09.55.060;

6           (6) for the recovery of the possession of premises in the  
7 manner provided under AS 09.45.070 - 09.45.160 when the value of the  
8 arrears and damage to the property does not exceed \$50,000 [\$35,000];

9           (7) for the foreclosure of a lien when the amount in con-  
10 troversy does not exceed \$50,000 [\$35,000];

11           (8) for the recovery of money or damages in motor vehicle  
12 tort cases when the amount claimed exclusive of costs, interest, and  
13 attorney fees does not exceed \$50,000 [\$35,000];

14           (9) over civil actions for taking utility service and for  
15 damages to or interference with a utility line filed under AS 42.20.-  
16 030;

17           (10) over cases involving injunctive relief for domestic  
18 violence under AS 25.35.010 and 25.35.020.

19 \* Sec. 3. The provisions of AS 15.35.100(a), as amended by sec. 1 of  
20 this Act, apply to district court judges who enter into the duties of the  
21 office on or after the effective date of this Act.

# Alaska State Legislature



## Senate Judiciary Committee

March 23, 1990

### MEMORANDUM

TO: Senator Rick Uehling, Co-Chairman  
Senator John Binkley, Co-Chairman

FROM: Senator Jan Faiks, Chairman  
Senate Judiciary Committee

SUBJECT: SB 482 "An Act relating to the judiciary."

CSSB 482 (Jud) revises the jurisdictional amount of the district court, and changes the time for holding the initial retention election of a district court judge.

As you may know, the district court has jurisdiction in civil cases not exceeding \$35,000; cases exceeding that amount must be tried in superior court. Section two of CSSB 482 (Jud) would raise the jurisdictional amount to \$50,000.

The jurisdictional amount of the district court for many years was \$10,000. In 1985, the Legislature raised this to \$25,000, and in 1987 it was raised to the current level. For years there has been significant support for raising the jurisdictional amount to \$50,000; however, it was felt that the civil justice system would be better served if the level was raised in increments.

The primary effect of raising the jurisdictional amount to \$50,000 would be to move many marginal cases from superior court to district court. This is advantageous for several reasons. First, general civil cases come to trial more quickly in district court than in superior court. For example, in Anchorage the time to disposition of a civil case (excluding small claims) in district court is 286 days; in superior court it is 453 days.

Second, and more importantly, there has been a reduction in the district court caseload in recent years, while the superior court caseload has remained steady or increased. For example, the district court caseload in Anchorage was down 10% in 1989, while the superior court civil caseload remained

steady, and its felony and children's caseload increased. CSSB 482 (Jud) will increase the efficiency of the court system by allowing many civil cases to be heard in the court with the declining caseload.

Sections one and three of CSSB 482 (Jud) change the time for holding the initial retention election of a district court judge. Currently, the law requires a district court judge to stand for retention at the first general election held more than one year after appointment to the bench. CSSB 482 (Jud) provides that a district court judge is subject to approval or rejection at the first general election held more than two years after appointment.

The Judicial Council requested this change because of the conflict current law has with the council's retention evaluation of district court judges. The one year period was established in 1967, and it was intended that a judge would serve at least one full year before his or her performance was "evaluated" at the polls by the voters; in 1975, however, the council was authorized to evaluate judges for retention, to provide guidance to the voters. Results of this evaluation must be submitted to the lieutenant governor by August 7 preceding the election. Since the council's evaluation takes six months, this means that it is possible for the council to start evaluating a district court judge for retention after he or she serves only two or three months on the bench. This defeats the purpose of the one year evaluation time period set up in 1967. By changing this period to two years, a judge will serve at least one full year before the council begins its evaluation.

The changes made by CSSB 482 (Jud) serve the interests of justice by increasing the efficiency of the court system, and authorizing a reasonable time for the Judicial Council to evaluate the performance of a new judge. If you have any questions or comments about this legislation, please do not hesitate to contact my office.



# alaska judicial council

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December 12, 1989

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CHAIRMAN, EX OFFICIO  
Warren W. Matthews  
Chief Justice  
Supreme Court

## M E M O R A N D U M

TO: Judicial Council

FROM: Staff *[Signature]*

RE: District Court Judges' Terms (AS 15.35.100)

The purpose of this memo is to suggest that the Judicial Council consider sponsoring legislation to increase the length of district court judges' probationary terms in order to allow more adequate time for evaluation. At present, district court judges must stand for retention at the first general election more than one year after appointment, and every four years thereafter.

These terms were established in 1967, some years preceding the 1975 legislation that authorized the Council to evaluate judges standing for retention. At that time, judges would have been "evaluated" by the electorate at the polls one to two years after their appointment. Today, however, the Council conducts an evaluation of each judge that takes about six months. The results of this evaluation must be submitted to the Lieutenant Governor by August 7 preceding the election for publication in the Official Election Pamphlet. The result is that some district court judges have served less than a year before their evaluation begins.

Two district court judges, Michael Wolverton of Anchorage and Peter Froelich in Juneau, are standing for retention in 1990 for the first time. Judge Wolverton was appointed in August of 1988 and under the proposed change would still stand for retention at this election. He will have been on the bench for about 13 months at the time evaluation starts in February of 1990. Judge Froelich was appointed in June of 1989. He will have been on the bench for just under eight months in February. Under the proposed change, he would not stand for retention until 1992.

Memorandum

Re: District Court Judges' Terms (AS 15.35.100)

December 12, 1989

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Hypothetically, a judge could have an even shorter time before evaluation. A judge appointed on November 5, 1989, for example, would probably not actually start work until a month or so later. The judge could have only two or three months on the bench before being evaluated. This does not seem to be the intent of the legislature in setting the "more than one year after appointment" initial term. Presumably they intended that the judge would be evaluated on the basis of twelve or more months' experience on the bench.

AS 15.35.100 could be revised to make a district court judge "subject to approval or rejection at the first general election held more than two years [one year] after [his] appointment...." This proposal should not create any costs or any other difficulties. A fiscal note of \$0 should be submitted with proposed legislation.

Please let us know your thoughts on this suggestion.