

**SB**

**161**

# ALASKA STATE HOUSE OF REPRESENTATIVES

**Interim Address:**

**119 N. Cushman, Suite 211**  
**Fairbanks, AK 99701**  
**(907)-456-5081**  
**Fax# (907)-456-8245**



**Session Contact:**  
**(907)-465-3719**  
**FAX# (907)-465-3258**  
**State Capitol**  
**Room 102**

## REPRESENTATIVE JOHN COGHILL

Date: Sunday, May 06, 2001

To: Tam Cook, Director  
Legal Services

From: Rynnieva Moss, Legislative Aide *RW Moss*

Re: CSSB 161(FIN) Version "W"

---

This bill was heard in House Judiciary today. Representative Coghill had a question in reference to the bill.

Representative Berkowitz stated he felt the intent language in Section 1 of this bill was unconstitutional because it violated the separation of powers. His reasoning is that the legislature can not enact a law that would prohibit the courts from paying a judge if that judge had a workload of cases taken under advisement more than sixty days old.

Could you comment on his opinion?

Thanks.

**LEGAL SERVICES**

DIVISION OF LEGAL AND RESEARCH SERVICES  
LEGISLATIVE AFFAIRS AGENCY  
STATE OF ALASKA

(907) 465-3867 or 465-2450  
FAX (907) 465-2029  
Mail Stop 3101

State Capitol  
Juneau, Alaska 99801-1182  
Deliveries to: 129 6th St., Rm. 329

**MEMORANDUM**

May 7, 2001

**SUBJECT:** Intent Section and Separation of Powers (22-LS0009\W)

**TO:** Representative John Coghill  
Attn: Rynniva

**FROM:** Gerald P. Luckhaupt  
Legislative Counsel

Question Presented: Is section 1 of the bill an unconstitutional invasion by the legislature of the separate powers of the judiciary?

Short Answer: No.

Discussion: Section 1 of this bill merely expresses the intent of the legislature. As intent language it has no substantive force or effect. As such, it does not and cannot invade the province of the judicial branch.<sup>1</sup>

GPL:jhb  
~~01-122-jhb~~

Post-It® Fax Note	7671	Date	Fri	# of pages	1
To	Rynniva	From	Jim Cook		
Co./Dept.	Rep. John Coghill	Co.	LAA - legal		
Phone #		Phone #			
Fax #	9258	Fax #			

<sup>1</sup> Similarly when a court opines that legislative review of a particular subject may be warranted the court is not invading the province of the legislative branch. See, e.g., *Crutchfield v. State*, 627 P.2d 196 (Alaska 1980) where the court in footnote 10 said: "The legislature may wish to review. . ."



*Adopted*

**HOUSE CS FOR CS FOR SENATE BILL NO. 161(JUD)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE HOUSE JUDICIARY COMMITTEE**

**Offered:  
Referred:**

**Sponsor(s): SENATE JUDICIARY COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 **"An Act relating to the withholding of salary of justices, judges, and magistrates;**  
2 **relating to prompt decisions by justices, judges, and magistrates; relating to judicial**  
3 **retention elections for judicial officers; and providing for an effective date."**

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

5 **\* Section 1.** The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 **INTENT.** It is the intent of the legislature that the Alaska Supreme Court adopt rules  
8 sufficient to require the judicial officers of the state to conduct their business promptly, with  
9 the goal that virtually all trial court matters under advisement be decided within six months;  
10 that a majority of appellate cases be decided within six months following the oral argument of  
11 the case or, if there is no oral argument, within six months following the date that the case is  
12 taken under advisement; that virtually all appellate cases be decided within one year following  
13 the oral argument of the case or, if there is no oral argument, within one year following the  
14 date that the case is taken under advisement; and that no appellate case takes longer than two

1 years following the oral argument of the case or, if there is no oral argument, following the  
2 date that the case is taken under advisement.

3 \* Sec. 2. AS 15.58.020 is amended to read:

4 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

5 (1) photographs and campaign statements submitted by eligible  
6 candidates for elective office in the region and the following explanation concerning  
7 AS 15.58.050(2) for each judicial officer who has not been issued a salary  
8 warrant:

9 This judicial officer was not issued one or more salary warrants. In order  
10 for each judicial officer to receive a salary, state law requires the judicial officer  
11 to file an affidavit that no matter has been uncompleted or undecided by the  
12 judicial officer for a period of more than six months;

13 (2) information and recommendations filed under AS 15.58.050 on  
14 judicial officers subject to a retention election in the region;

15 (3) a map of the house district or districts of the region;

16 (4) sample ballots for house districts of the region;

17 (5) an absentee ballot application;

18 (6) for each ballot proposition submitted to the voters by initiative or  
19 referendum petition or by the legislature,

20 (A) the full text of the proposition specifying constitutional or  
21 statutory provisions proposed to be affected;

22 (B) the ballot title and the summary of the proposition prepared  
23 by the director or by the lieutenant governor;

24 (C) a neutral summary of the proposition prepared by the  
25 Legislative Affairs Agency;

26 (D) statements submitted that advocate voter approval or  
27 rejection of the proposition not to exceed 500 words;

28 (7) for each bond question, a statement of the scope of each project as  
29 it appears in the bond authorization;

30 (8) a maximum of two pages of material submitted by each political  
31 party;

1 (9) additional information on voting procedures that the lieutenant  
2 governor considers necessary;

3 (10) for the question whether a constitutional convention shall be  
4 called,

5 (A) a full statement of the question placed on the ballot;

6 (B) statements not to exceed 500 words that advocate voter  
7 approval or rejection of the question;

8 (11) under AS 37.13.170, the Alaska permanent fund annual income  
9 statement and balance sheet for the two fiscal years preceding the publication of the  
10 election pamphlet.

11 \* Sec. 3. AS 15.58.050 is amended to read:

12 **Sec. 15.58.050. Information and recommendations on judicial officers.**

13 No later than August 7 of the year in which the state general election will be held, the

14 (1) judicial council shall file with the lieutenant governor a statement  
15 including information about each supreme court justice, court of appeals judge,  
16 superior court judge, and district court judge who will be subject to a retention  
17 election; the [. THE] statement must [SHALL] reflect the evaluation of each justice  
18 or judge conducted by the judicial council according to law and must [SHALL]  
19 contain a brief statement describing each public reprimand, public censure, or  
20 suspension received by the judge under AS 22.30.011(d) during the period covered in  
21 the evaluation; each [. A] statement may not exceed 600 words;

22 (2) administrative director of the Alaska Court System shall file  
23 with the lieutenant governor information about the timeliness of opinions or  
24 decisions in matters referred to each supreme court justice, court of appeals  
25 judge, superior court judge, and district court judge who will be subject to a  
26 retention election and the number of times each justice or judge has not been  
27 issued a salary warrant due to the operation of AS 22.05.140(b), AS 22.07.090(b),  
28 AS 22.10.190(b), or AS 22.15.220(c).

29 \* Sec. 4. AS 22.05.140(b) is amended to read:

30 (b) A salary warrant may not be issued to a justice of the supreme court until  
31 the justice has filed with the state officer designated to issue salary warrants an

1 affidavit that (1) no matter referred to the justice for opinion or decision has been  
2 uncompleted or undecided by the justice for a period of more than six months  
3 following the oral argument of the matter or, if there is no oral argument, for a  
4 period of more than six months following the date the matter is taken under  
5 advisement. The affidavit must be submitted under oath, must be in a form  
6 approved by the Department of Administration, and must contain a statement  
7 that the affiant is aware that making a false statement in the affidavit is  
8 punishable as perjury under AS 11.56.200.

9 \* Sec. 5. AS 22.07.090(b) is amended to read:

10 (b) A salary warrant may not be issued to a judge of the court of appeals until  
11 the judge has filed with the state officer designated to issue salary warrants an  
12 affidavit that (1) no matter referred to the judge for opinion or decision has been  
13 uncompleted or undecided by the judge for a period of more than six months  
14 following the oral argument of the matter or, if there is no oral argument, for a  
15 period of more than six months following the date the matter is taken under  
16 advisement. The affidavit must be submitted under oath, must be in a form  
17 approved by the Department of Administration, and must contain a statement  
18 that the affiant is aware that making a false statement in the affidavit is  
19 punishable as perjury under AS 11.56.200.

20 \* Sec. 6. AS 22.10.190(b) is amended to read:

21 (b) A salary warrant may not be issued to a superior court judge until the  
22 judge has filed with the state officer designated to issue salary warrants an affidavit  
23 that no matter referred to the judge for opinion or decision has been uncompleted or  
24 undecided by the judge for a period of more than six months following the trial,  
25 hearing, or oral argument of the matter or, if there is no trial, hearing, or oral  
26 argument, for a period of more than six months following the date the matter is  
27 taken under advisement. The affidavit must be submitted under oath, must be in  
28 a form approved by the Department of Administration, and must contain a  
29 statement that the affiant is aware that making a false statement in the affidavit  
30 is punishable as perjury under AS 11.56.200.

31 \* Sec. 7. AS 22.15.220(c) is amended to read:

1 (c) A salary warrant may not be issued to a district judge or magistrate until  
2 the judge or magistrate has filed with the state officer designated to issue salary  
3 warrants [,] an affidavit that no matter referred to the judge or magistrate for opinion  
4 or decision has been uncompleted or undecided by the judge or magistrate for a period  
5 of more than six months following the trial, hearing, or oral argument of the  
6 matter or, if there is no trial, hearing, or oral argument, for a period of more  
7 than six months following the date the matter is taken under advisement. The  
8 affidavit must be submitted under oath, must be in a form approved the  
9 Department of Administration, and must contain a statement that the affiant is  
10 aware that making a false statement in the affidavit is punishable as perjury  
11 under AS 11.56.200.

12 \* Sec. 8. AS 22.20.300 is amended by adding a new subsection to read:

13 (b) Annually not later than January 31, the administrative director of the  
14 Alaska court system shall report to the legislature on the number of matters in all the  
15 courts of the state that have been (1) referred to a judicial officer for opinion or  
16 decision and that have been uncompleted or undecided for a period of more than six  
17 months following the oral argument of the matter or, if there is no oral argument, for a  
18 period of more than six months following the date the matter is taken under  
19 advisement, and (2) undecided for a period of more than one year following the oral  
20 argument of the matter or, if there is no oral argument, for a period of one year  
21 following the date the matter is taken under advisement. The administrative director  
22 shall also provide a list of appellate cases decided during the preceding calendar year  
23 that were undecided for a period of more than one year following the oral argument of  
24 the case or, if there was no oral argument, for a period of more than one year  
25 following the date the case was taken under advisement. This list shall include case  
26 names, case numbers, and relevant and appropriate statistical information for each  
27 case.

28 \* Sec. 9. AS 39.25.080(b) is amended to read:

29 (b) The following information is available for public inspection, subject to  
30 reasonable regulations on the time and manner of inspection:

31 (1) the names and position titles of all state employees;

- 1 (2) the position held by a state employee;
- 2 (3) prior positions held by a state employee;
- 3 (4) whether a state employee is in the classified, partially exempt, or
- 4 exempt service;
- 5 (5) the dates of appointment and separation of a state employee;
- 6 [AND]
- 7 (6) the compensation authorized for a state employee; and
- 8 (7) whether a salary warrant has been withheld from a justice,
- 9 judge, or magistrate under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b), or
- 10 AS 22.15.220(c).

11 \* Sec. 10. This Act takes effect January 1, 2002.

*Amended  
effective date*

**CS FOR SENATE BILL NO. 161(FIN)  
IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered: 5/4/01  
Referred: Rules**

**Sponsor(s): SENATE JUDICIARY COMMITTEE**

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to the withholding of salary of justices, judges, and magistrates;  
2 relating to prompt decisions by justices, judges, and magistrates; relating to judicial  
3 retention elections for judicial officers; and providing for an effective date."

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

5 \* Section 1. The uncodified law of the State of Alaska is amended by adding a new section  
6 to read:

7 INTENT. It is the intent of the legislature that the Alaska Supreme Court adopt rules  
8 sufficient to require the judicial officers of the state to conduct their business promptly, with  
9 the goal that virtually all trial court matters under advisement be decided within six months;  
10 that a majority of appellate cases be decided within six months following the oral argument of  
11 the case or, if there is no oral argument, within six months following the date that the case is  
12 taken under advisement; that virtually all appellate cases be decided within one year following  
13 the oral argument of the case or, if there is no oral argument, within one year following the  
14 date that the case is taken under advisement; and that no appellate case takes longer than two

1 years following the oral argument of the case or, if there is no oral argument, following the  
2 date that the case is taken under advisement.

3 \* Sec. 2. AS 15.58 020 is amended to read:

4 **Sec. 15.58.020. Contents of pamphlet.** Each election pamphlet must contain

5 (1) photographs and campaign statements submitted by eligible  
6 candidates for elective office in the region and the following explanation concerning  
7 AS 15.58.050(2) for each judicial officer who has not been issued a salary  
8 warrant:

9 This judicial officer was not issued one or more salary warrants. In order  
10 for each judicial officer to receive a salary, state law requires the judicial officer  
11 to file an affidavit that no matter has been uncompleted or undecided by the  
12 judicial officer for a period of more than six months;

13 (2) information and recommendations filed under AS 15.58.050 on  
14 judicial officers subject to a retention election in the region;

15 (3) a map of the house district or districts of the region;

16 (4) sample ballots for house districts of the region;

17 (5) an absentee ballot application;

18 (6) for each ballot proposition submitted to the voters by initiative or  
19 referendum petition or by the legislature,

20 (A) the full text of the proposition specifying constitutional or  
21 statutory provisions proposed to be affected;

22 (B) the ballot title and the summary of the proposition prepared  
23 by the director or by the lieutenant governor;

24 (C) a neutral summary of the proposition prepared by the  
25 Legislative Affairs Agency;

26 (D) statements submitted that advocate voter approval or  
27 rejection of the proposition not to exceed 500 words;

28 (7) for each bond question, a statement of the scope of each project as  
29 it appears in the bond authorization;

30 (8) a maximum of two pages of material submitted by each political  
31 party;

1 (9) additional information on voting procedures that the lieutenant  
2 governor considers necessary;

3 (10) for the question whether a constitutional convention shall be  
4 called,

5 (A) a full statement of the question placed on the ballot;

6 (B) statements not to exceed 500 words that advocate voter  
7 approval or rejection of the question;

8 (11) under AS 37.13.170, the Alaska permanent fund annual income  
9 statement and balance sheet for the two fiscal years preceding the publication of the  
10 election pamphlet.

11 \* Sec. 3. AS 15.58.050 is amended to read:

12 **Sec. 15.58.050. Information and recommendations on judicial officers.**

13 No later than August 7 of the year in which the state general election will be held, the

14 (1) judicial council shall file with the lieutenant governor a statement  
15 including information about each supreme court justice, court of appeals judge,  
16 superior court judge, and district court judge who will be subject to a retention  
17 election; ~~the~~ [ . THE] statement must [SHALL] reflect the evaluation of each justice  
18 or judge conducted by the judicial council according to law and must [SHALL]  
19 contain a brief statement describing each public reprimand, public censure, or  
20 suspension received by the judge under AS 22.30.011(d) during the period covered in  
21 the evaluation; each [ . A] statement may not exceed 600 words;

22 (2) administrative director of the Alaska Court System shall file  
23 with the lieutenant governor information about the timeliness of opinions or  
24 decisions in matters referred to each supreme court justice, court of appeals  
25 judge, superior court judge, and district court judge who will be subject to a  
26 retention election and the number of times each justice or judge has not been  
27 issued a salary warrant due to the operation of AS 22.05.140(b), AS 22.07.090(b),  
28 AS 22.10.190(b), or AS 22.15.220(c).

29 \* Sec. 4. AS 22.05.140(b) is amended to read:

30 (b) A salary warrant may not be issued to a justice of the supreme court until  
31 the justice has filed with the state officer designated to issue salary warrants an

1 affidavit that (1) no matter referred to the justice for opinion or decision has been  
2 uncompleted or undecided by the justice for a period of more than six months  
3 following the oral argument of the matter or, if there is no oral argument, for a  
4 period of more than six months following the date the matter is taken under  
5 advisement. The affidavit must be submitted under oath, must be in a form  
6 approved by the Department of Administration, and must contain a statement  
7 that the affiant is aware that making a false statement in the affidavit is  
8 punishable as perjury under AS 11.56.200.

9 \* Sec. 5. AS 22.07.090(b) is amended to read:

10 (b) A salary warrant may not be issued to a judge of the court of appeals until  
11 the judge has filed with the state officer designated to issue salary warrants an  
12 affidavit that (1) no matter referred to the judge for opinion or decision has been  
13 uncompleted or undecided by the judge for a period of more than six months  
14 following the oral argument of the matter or, if there is no oral argument, for a  
15 period of more than six months following the date the matter is taken under  
16 advisement. The affidavit must be submitted under oath, must be in a form  
17 approved by the Department of Administration, and must contain a statement  
18 that the affiant is aware that making a false statement in the affidavit is  
19 punishable as perjury under AS 11.56.200.

20 \* Sec. 6. AS 22.10.190(b) is amended to read:

21 (b) A salary warrant may not be issued to a superior court judge until the  
22 judge has filed with the state officer designated to issue salary warrants an affidavit  
23 that no matter referred to the judge for opinion or decision has been uncompleted or  
24 undecided by the judge for a period of more than six months following the trial,  
25 hearing, or oral argument of the matter or, if there is no trial, hearing, or oral  
26 argument, for a period of more than six months following the date the matter is  
27 taken under advisement. The affidavit must be submitted under oath, must be in  
28 a form approved by the Department of Administration, and must contain a  
29 statement that the affiant is aware that making a false statement in the affidavit  
30 is punishable as perjury under AS 11.56.200.

31 \* Sec. 7. AS 22.15.220(c) is amended to read:

1 (c) A salary warrant may not be issued to a district judge or magistrate until  
2 the judge or magistrate has filed with the state officer designated to issue salary  
3 warrants [,] an affidavit that no matter referred to the judge or magistrate for opinion  
4 or decision has been uncompleted or undecided by the judge or magistrate for a period  
5 of more than six months following the trial, hearing, or oral argument of the  
6 matter or, if there is no trial, hearing, or oral argument, for a period of more  
7 than six months following the date the matter is taken under advisement. The  
8 affidavit must be submitted under oath, must be in a form approved the  
9 Department of Administration, and must contain a statement that the affiant is  
10 aware that making a false statement in the affidavit is punishable as perjury  
11 under AS 11.56.200.

12 \* Sec. 8. AS 22.20.300 is amended by adding a new subsection to read:

13 (b) Annually not later than January 31, the administrative director of the  
14 Alaska court system shall report to the legislature on the number of matters in all the  
15 courts of the state that have been (1) referred to a judicial officer for opinion or  
16 decision and that have been uncompleted or undecided for a period of more than six  
17 months following the oral argument of the matter or, if there is no oral argument, for a  
18 period of more than six months following the date the matter is taken under  
19 advisement, and (2) undecided for a period of more than one year following the oral  
20 argument of the matter or, if there is no oral argument, for a period of one year  
21 following the date the matter is taken under advisement. The administrative director  
22 shall also provide a list of appellate cases decided during the preceding calendar year  
23 that were undecided for a period of more than one year following the oral argument of  
24 the case or, if there was no oral argument, for a period of more than one year  
25 following the date the case was taken under advisement. This list shall include case  
26 names, case numbers, and relevant and appropriate statistical information for each  
27 case.

28 \* Sec. 9. AS 39.25.080(b) is amended to read:

29 (b) The following information is available for public inspection, subject to  
30 reasonable regulations on the time and manner of inspection:

31 (1) the names and position titles of all state employees;

- 1 (2) the position held by a state employee;  
2 (3) prior positions held by a state employee;  
3 (4) whether a state employee is in the classified, partially exempt, or  
4 exempt service;  
5 (5) the dates of appointment and separation of a state employee;  
6 [AND]  
7 (6) the compensation authorized for a state employee; and  
8 (7) whether a salary warrant has been withheld from a justice,  
9 judge, or magistrate under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b), or  
10 AS 22.15.220(c).

11 \* Sec. 10. This Act takes effect ~~January 1, 2004.~~

JAN 1, 2002

THE  
FOLLOWING  
DOCUMENT(S)  
ARE  
POOR  
ORIGINAL  
COPIES

**SENATE JUDICIARY COMMITTEE****SPONSOR STATEMENT  
SENATE BILL 161  
(3/29/01)**

**"An Act relating to the withholding of salary of justices, judges, and magistrates;  
relating to requiring prompt decisions by justices, judges, and magistrates;  
and relating to judicial retention elections for judicial officers."**

SB 161 amends AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b) and AS 22.15.220(c) to require judges to make decisions within four months instead of six months. It also requires Appellate Courts to make decisions within eight months. Additionally, it requires information to be published in the State Voter's Guide regarding the failure of any judge or justice to meet these time requirements.

Currently, under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b) and AS 22.15.220(c), judicial officers are required to file an affidavit that no case or matter has been uncompleted or undecided for a period of more than six months in order to receive their salary. AB 161 would require cases to be completed within four months for justice and judges to receive their salary. At the Appellate Court level, the time frame would be extended an additional four months for final decisions by the entire Court of Appeals or Supreme Court. The election pamphlet would be required to explain the procedure and indicate any judicial officer not issued one or more salary warrants.

The withholding of salary warrants is designed to ensure that justices and judges produce their decisions in a timely manner. Other states have similar laws. Unfortunately, there are Alaska Supreme Court cases that have been pending for over two years. The parties in these cases have completed their oral arguments and/or filing of the documents required and are simply waiting for the Supreme Court to make their decision. Justice delayed is truly justice denied.

This information is critical when voters are making decisions regarding the retention of judges. The public should be made aware of those justices and judges who are consistently late in making their decisions.



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## MEMORANDUM

May 5, 2001

TO: Representative Norm Rokeberg, Chair  
House Judiciary

FROM: Senator Dave Donley, Co-Chair  
Senate Finance Committee

RE: Hearing on CS SB 161 (fin), Timely Judicial Decisions/ Judges' Pay

Thank you for scheduling a Judiciary Hearing on CSSB 161 (Fin). Attached for inclusion in the committee packets is the Sponsor Statement to the legislation.

This legislation promotes timely judicial decisions by adopting legislative intent, clarifying existing statutes, and requiring a report to the legislature regarding the timeliness of decisions issued each year.

Additionally it requires information to be published in the election pamphlet about the number of times individual judges up for retention election have had their salaries withheld as a result of not issuing decisions in a timely manner.

The Court System, and Chief Justice Fabe in particular, was extremely helpful in drafting this legislation so it accomplished the goals desired in a manner consistent with the Court System's policies and procedures.

**Co-Chair: Senate Finance Committee**

**Vice-Chair: Senate Judiciary Committee**

**Member: Legislative Budget and Audit Committee • Legislative Council**

# ALASKA STATE LEGISLATURE

Sen. Robin Taylor, Chairman  
Sen. Dave Donley, Vice-Chair  
Sen. John Cowdery  
Sen. Gene Therriault  
Sen. Johnny Ellis



State Capitol  
Juneau, AK 99801-1182  
(907) 465-3717  
Fax: (907) 465-3922

## Senate Judiciary Committee

### SPONSOR STATEMENT COMMITTEE SUBSTITUTE FOR SENATE BILL 161 (Fin)

**"An Act relating to the withholding of salary of justices, judges, and magistrates;  
relating to prompt decisions by justices, judges, and magistrates;  
relating to judicial retention elections for judicial officers' and providing an effective date"**

CS SB 161(Fin) promotes timely judicial decisions. It first **adopts legislative intent** that the Supreme Court adopt rules that require judicial officers to conduct their business promptly. The intent language specifies that virtually all trial court matters under advisement should be decided within 6 months. For appellate cases, the intent states that a majority of appellate cases should be decided within 6 months, virtually all should be decided within one year and no cases should take longer than 2 years.

Secondly, the legislation **clarifies existing law relating to when a salary warrant of a judge is withheld for failure to issue a decision in a timely manner**. Currently under AS 22.05.140(b), AS 22.07.090(b), AS 22.10.190(b) and AS 22.15.220(c), judicial officers are required to file an affidavit that no case or matter has been uncompleted or undecided for a period of more than six months in order to receive their salary. CSSB 161(Fin) clarifies that this time period begins when oral arguments are concluded, or if there are no oral arguments, the date the matter is taken under advisement.

The withholding of salary warrants is in existing statute and is designed to ensure that justices and judges produce their decisions in a timely manner. Other states have similar laws. Unfortunately, there are Alaska Supreme Court cases that have been pending for over two years and **one case has been pending for over three years**. The parties in these cases have completed their oral arguments and/or filing of the documents required and are simply waiting for the Supreme Court justice to make their decision. Justice delayed is truly justice denied.

Third, CSSB 161(Fin) requires that information regarding the failure of any judge or justice to meet these time requirements be published in the state voter's guide. The timeliness in which judges make their decisions is critical information to voters who are making decisions regarding the retention of judges. The public should be made aware of those justices and judges who are consistently late in making their decisions. The election pamphlet would be required to explain the procedure and indicate any judicial officer not issued one or more salary warrants.

Fifth, this legislation requires the administrative director of the court system to report to the legislature on the timeliness of judge's decisions. The report will include a list of appellate cases decided during the preceding calendar year that were undecided for a period of more than one year and include case names, numbers and relevant statistical information for each case.

Fifth, it ensures public access to information about judicial warrants.

# FISCAL NOTE

No. 3  
 Bill Version: CSSB 161(FIN)  
 (S) Publish Date: 5/4/01

STATE OF ALASKA  
 2001 LEGISLATIVE SESSION

Revision Date/Time (Note if correction) 5/3/01 Dept. Affected \_\_\_\_\_  
 Title No Pay for Judges Until Decision BRU Alaska Court System  
 Component Trial Courts  
 Sponsor Senate Judiciary  
 Requester Senate Finance Component No. 768

**Expenditures/Revenues** (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<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 EXPENDITURES						
----------------------	--	--	--	--	--	--

CHANGE IN REVENUES ( )						
------------------------	--	--	--	--	--	--

**FUND SOURCE** (Thousands of Dollars)

FUND SOURCE	FY 2002	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007
1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	0.0	0.0	0.0	0.0	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
<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>

Estimate of any current year (FY2001) cost: 0.0

**POSITIONS**

Full-time						
Part-time						
Temporary						

**ANALYSIS:** *(Attach a separate page if necessary)*

No fiscal impact.

REPORTED OUT

MAY 03 2001

SENATE FINANCE  
COMMITTEE

Prepared by: C.S. Christensen III, Deputy Administrative Director Phone 463-4736  
 Division Alaska Court System Date/Time \_\_\_\_\_  
 Approved by: Stephanie J. Cole, Administrative Director Date 5/3/01  
 Agency Alaska Court System

For distribution information, call the Governor's Legislative Office