

**SB**

**172**



**CS FOR SENATE BILL NO. 172(FIN)**

**IN THE LEGISLATURE OF THE STATE OF ALASKA**

**TWENTY-SECOND LEGISLATURE - FIRST SESSION**

**BY THE SENATE FINANCE COMMITTEE**

**Offered: 4/6/01  
Referred: Rules**

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

**A BILL**

**FOR AN ACT ENTITLED**

1 "An Act relating to an annual report by the court system to the public and the  
2 legislature."

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

*Amendment #1*  
*Adopted*  
*delete*

4 \* Section 1. AS 22.20 is amended by adding a new section to article 5 to read:

5 **Sec. 22.20.310. Court system annual report.** The administrative director  
6 shall, not later than March 15 of each year, make available to the public and file with  
7 the senate secretary and the chief clerk of the house of representatives a report  
8 regarding the Alaska Court System. The report must include

9 (1) a profile of the Alaska Court System and its justices, judges, and  
10 magistrates;

11 (2) a summary description of the administration of the court system,  
12 including detailed descriptions of its facilities, programs, and personnel;

13 (3) average, mean, minimum, and maximum time periods between  
14 initial receipt and final disposition of cases classified by courts and by each justice,

1 judge, and magistrate;

2 (4) information identifying each justice, judge, or magistrate who has  
3 had salary withheld under the authority of AS 22.05.140(b), AS 22.07.090(b),  
4 AS 22.10.190(b), or AS 22.15.220(c) and the number of times and the time periods of  
5 the occurrences;

6 (5) other information and data relevant to aiding the public and the  
7 legislature in understanding the organization, administration, caseload, disposition of  
8 cases, and accomplishments of the court system;

9 (6) the travel expenses and per diem for each justice, judge, or  
10 magistrate for the previous calendar year.



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### SPONSOR STATEMENT COMMITTEE SUBSTITUTE FOR SENATE BILL 172 (FINANCE)

**"An Act relating to an annual report by the court system to the public and the legislature"**

The Court System has been voluntarily providing annual reports on its administration and activities since 1961. This report has been well received and informative, containing useful data for both the public and legislature to use in analyzing the effectiveness and efficiency of the court system.

Senate Bill 172 insures the future publication of this document by statutorily requiring the Court System to continue producing and distributing the report on an annual basis. The legislation is drafted to maintain the compilation of information currently contained in the report such as the profile of the court system and its justices, summaries of the system's administration, facilities, programs and personnel, and statistical summaries on the filings, dispositions and pending caseloads of the different court levels.

Additionally, this legislation requires the court system to include time periods between the initial receipt and final disposition of the cases and between the final arguments and final disposition of cases for the different classes of courts and specific judges. It also requires the inclusion of information on judges and justices who have had their pay withheld for failure to comply with AS 22.05.140(b), 22.07.090(b), 22.10.190(b) or 22.15.220(c), all of which pertain to disposing of cases within a 6-month timeframe. Finally, it requires that travel of Supreme Court justices, appellate court judges and district court magistrates be included in the report. This would provide all relevant information in one central publication.

This additional information is useful to the legislature and the public in analyzing the effectiveness and efficiency of the court system in general as well as individual judges and justices. The data on individual judges is normally available only for those individuals up for retention elections. Including this information in the annual report provides a more current and accessible source for review.

By placing the requirement for an annual report in statute, the state avoids the possibility of it being eliminated for any reason. Differing politics, philosophies, revenues and numerous other factors can always affect an agency's decision on what type of information to provide. Committee Substitute for Senate Bill 172 (Fin) secures this report's continuation and insures the public retains a consistent source of the valuable information.

# FISCAL NOTE

STATE OF ALASKA  
2001 LEGISLATIVE SESSION

Bill Version: SB 172  
(S) Publish Date: 4/6/01

Revision Date/Time (Note if correction) 5-Apr-01 Dept. Affected \_\_\_\_\_  
 Title An act relating to an annual report by the BRU Alaska Court System  
court system Component Trial Courts  
 Sponsor Senate Finance  
 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						
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CHANGE IN REVENUES ( )						
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**FUND SOURCE** (Thousands of Dollars)

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)

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 4/5/01  
 Agency Alaska Court System

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**Collateral references.** — Validity and application of statute regarding prohibition of judge from practicing law. 17 ALR4th 829.

**Sec. 22.05.140. Compensation.** (a) Except as provided in (d) of this section, the monthly base salary of the chief justice is \$9,203 and for each other justice, the monthly base salary is \$9,159.

(b) A salary warrant may not be issued to a justice of the supreme court until the justice has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the justice for opinion or decision has been uncompleted or undecided by the justice for a period of more than six months.

(c) In addition to the monthly salary, each justice is entitled to receive a geographic cost-of-living adjustment under AS 22.35.010, based on the location of the primary office assignment. Retirement contributions and benefits shall be computed only on the monthly base salary not including the geographic cost-of-living adjustment.

(d) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the chief justice and the other justices shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change in AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 14 ch 50 SLA 1959; am § 4 ch 115 SLA 1965; am § 2 ch 83 SLA 1967; am § 1 ch 101 SLA 1969; am § 1 ch 193 SLA 1970; am § 1 ch 34 SLA 1974; am § 1 ch 205 SLA 1975; am § 2 ch 148 SLA 1976; am § 3 ch 263 SLA 1976; am § 4 ch 80 SLA 1978; am §§ 3, 18 ch 3 SLA 1980; am §§ 53, 54 ch 59 SLA 1982; am §§ 1, 2 ch 54 SLA 1990; am §§ 1, 2 ch 19 SLA 1991; am § 2 ch 4 1996 FSSLA)

**Cross references.** — For geographic cost-of-living adjustment, see AS 22.35.010.

**Effect of amendments.** — The 1996 amendment, effective July 1, 1996, in subsection (a), substituted "\$9,203" for "\$8,333" and "\$9,159" for "\$8,292."

**Editor's notes.** — Chapter 205, SLA 1975, which

amended this section, was submitted to the voters by referendum and was rejected. Under § 45, ch. 4, FSSLA 1996, the provisions of that act, which amended subsection (a), are not severable, notwithstanding AS 01.10.030.

**Sec. 22.05.150.** [Renumbered as AS 22.20.300.]

**Sec. 22.05.160. Recording districts.** [Repealed, § 4 ch 118 SLA 1976. For current law, see AS 44.37.020(b) and 44.37.025.]

## Appellate Court Judges

**Sec. 22.07.090. Compensation.** (a) Except as provided in (c) of this section, the monthly base salary of a judge of the court of appeals is \$8,652. The compensation of a judge may not be diminished during the term of office, unless by a general law applying to all salaried officers of the state.

(b) A salary warrant may not be issued to a judge of the court of appeals until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

(c) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the judges of the court of appeals shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change to AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 1 ch 12 SLA 1980; am § 3 ch 54 SLA 1990; am §§ 3, 4 ch 19 SLA 1991; am § 3 ch 4 1996 FSSLA)

**Effect of amendments.** — The 1996 amendment, effective July 1, 1996, substituted "\$8,652" for "\$7,833" at the end of the first sentence in subsection (a).

**Editor's notes.** — Under § 45, ch. 4, FSSLA 1996, the provisions of that act, which amended subsection (a), are not severable, notwithstanding AS 01.10.030.

## Superior Court Judges

**Sec. 22.10.190. Compensation.** (a) Except as provided in (d) of this section, the monthly base salary for each superior court judge is \$8,469.

(b) A salary warrant may not be issued to a superior court judge until the judge has filed with the state officer designated to issue salary warrants an affidavit that no matter referred to the judge for opinion or decision has been uncompleted or undecided by the judge for a period of more than six months.

(c) In addition to the monthly salary, each superior court judge is entitled to receive a geographic cost-of-living adjustment under AS 22.35.010, based on the location of the primary office assignment. Retirement contributions and benefits shall be computed only on the monthly base salary not including the geographic cost-of-living adjustment.

(d) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the judges of the superior court shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change to AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 30 ch 50 SLA 1959; am § 5 ch 115 SLA 1965; am § 4 ch 83 SLA 1967; am § 2 ch 101 SLA 1969; am § 2 ch 193 SLA 1970; am § 2 ch 34 SLA 1974; am § 2 ch 205 SLA 1975; am § 3 ch 148 SLA 1976; am § 4 ch 263 SLA 1976; am § 5 ch 80 SLA 1978; am §§ 4, 19 ch 3 SLA 1980; am §§ 4, 5 ch 54 SLA 1990; am §§ 5, 6 ch 19 SLA 1991; am § 4 ch 4 1996 FSSLA)

**Cross references.** — For geographic cost-of-living adjustment, see AS 22.35.010.

**Effect of amendments.** — The 1996 amendment,

effective July 1, 1996, substituted "\$8,469" for "\$7,667" at the end of subsection (a).

**Editor's notes.** — Chapter 205, SLA 1975, which

## District Court Judges and Magistrates

**Sec. 22.15.220. Compensation.** (a) Except as provided in (e) of this section, the monthly base salary for each district court judge is \$7,179.

(b) Each magistrate shall receive annual compensation including geographic differential pay to be determined by the supreme court. Salary increases shall be determined on the basis of percentage of pay increase the legislature provides for state employees in the classified service. A magistrate's annual compensation may be payable, at the option of the magistrate, either monthly in 12 equal installments or semi-monthly in 24 equal installments.

(c) A salary warrant may not be issued to a district judge or magistrate until the judge or magistrate has filed with the state officer designated to issue salary warrants, an affidavit that no matter referred to the judge or magistrate for opinion or decision has been uncompleted or undecided by the judge or magistrate for a period of more than six months.

(d) In addition to the monthly salary, each district court judge is entitled to receive a geographic cost-of-living adjustment under AS 22.35.010, based on the location of the primary office assignment. Retirement contributions and benefits shall be computed only on the monthly base salary not including the geographic cost-of-living adjustment.

(e) Beginning January 1, 1991, if the monthly basic salary for Step E, Range 28, of the salary schedule set out in AS 39.27.011 increases, the monthly base salary of the judges of the district court shall increase by the same percentage. The increase takes effect when the salary increase under AS 39.27.011 takes effect and may be retroactive if consistent with the change to AS 39.27.011. The commissioner of administration shall, by regulation, establish the percentage at which the salary is increased and the increased salary amount. (§ 17 ch 184 SLA 1959; am § 1 ch 66 SLA 1962; am § 1 ch 64 SLA 1963; am § 1 ch 137 SLA 1966; am § 5 ch 83 SLA 1967; am § 3 ch 101 SLA 1969; am § 3 ch 193 SLA 1970; am § 1 ch 78 SLA 1971; am § 1 ch 188 SLA 1972; am §§ 3, 4 ch 34 SLA 1974; am § 3 ch 205 SLA 1975; am §§ 4, 5 ch 148 SLA 1976; am § 1 ch 196 SLA 1976; am § 5 ch 263 SLA 1976; am § 6 ch 80 SLA 1978; am §§ 5, 20 ch 3 SLA 1980; am §§ 6, 7 ch 54 SLA 1990; am §§ 7, 8 ch 19 SLA 1991; am §§ 5, 6 ch 4 1996 FSSLA)

**Cross references.** — For cost-of-living adjustment for district court judges, see AS 22.35.010.

**Effect of amendments.** — The 1996 amendment, effective July 1, 1996, in subsection (a), substituted "\$7,179" for "\$6,500" and, in subsection (b), inserted "including geographic differential pay" in the first sentence and deleted the former third sentence, which read "The base salary of a magistrate shall be increased by a percentage equal to three and one-half

percent times the number of step increases provided under AS 39.27.020 that a state employee would receive working in the same election district."

**Editor's notes.** — Chapter 205, SLA 1975, which amended this section, was submitted to the voters by referendum and was rejected.

Under § 45, ch. 4, FSSLA 1996, the provisions of that act, which amended subsections (a) and (b), are not severable, notwithstanding AS 01.10.030.

## Judicial Travel

**Sec. 22.20.037. Employment of judicial employees.** (a) Judicial employees shall be employed subject to classification and wage plans based on the merit principle and adapted to the special needs of the judiciary, as determined by the administrative director of courts. Except as otherwise provided by law, all employees of the Alaska court system and the judicial council are subject to the general state laws regarding leave, retirement, and travel.

(b) This section does not deprive employees of the judiciary of the right to participate in the state employees retirement system, a group insurance plan, or any other program, benefits, or rights provided by law or personnel rule for state employees in the classified service.

(c) The administrative director of courts shall conduct a salary survey annually to ensure that employees of the Alaska court system receive salaries consistent with those paid to employees in the classified and partially exempt state service.

(d) The administrative director of the court system shall file a travel and compensation report with the legislature by January 31 of each year. The report must contain detailed information for the previous calendar year of the salaries, per diem, travel expenses, relocation expenses, and any additional allowances for

- (1) each justice of the supreme court;
- (2) each judge of the court of appeals; and
- (3) the administrative director of the court system. (§ 2 ch 78 SLA 1971; Am § 1 ch 83 SLA 1999)

**Effect of amendments.** — The 1999 amendment, effective September 27, 1999, added subsection (d).

**Opinions of attorney general.** — Application to judicial and permanent legislative employees of the general laws of the state covering leave, including the

Department of Administration's regulation on terminal leave, does not infringe upon the power of the judicial and legislative branches to supervise, hire, or discharge personnel, or the power to determine employee salaries. April 9, 1985 Op. Att'y Gen.



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January 31, 2001

The Honorable Dave Donley  
Alaska State Legislature  
State Capitol  
Juneau, Alaska 99801

Dear Senator Donley:

Thank you for your letter of January 11, 2001. I apologize for my delay in responding -- I was out of the office last week to attend the mid-year meeting of the Conference of Chief Justices. I am pleased that you found the FY 2000 report interesting and informative.

Thank you for your specific suggestions about additional information that could be included in our annual report. I am also aware that you are contemplating introduction of legislation on this topic. I have forwarded your request to our Administrative Director, Stephanie Cole, whose office prepares and produces our annual report. I will also share your letter with the rest of the court for their input.

Traditionally, our annual report has served as the official statement from the judicial branch of government to the other two branches and to the public. It has included information about our caseload, our projects, our challenges and our achievements. I will ask court staff to examine annual reports from other state courts, so that we may review and compare the type of information that they have determined to be appropriate for inclusion in their annual reports, in contrast to other statistical reports requested by and provided to the legislature.

In the meantime, I can assure you that we are committed to providing the legislature with any information about court system operations that we have available. As you know, we are somewhat hampered at the present by the state of our current computer system, which cannot easily produce all of the types of data in

The Honorable Dave Donley  
January 31, 2001  
Page 2

which you are interested. We sincerely hope that our new case management system will allow us to provide you with more timely and accurate data and statistics.

Again, I do appreciate that you have taken the time to review our current annual report. I enjoyed our recent meeting, and would like to continue an open dialogue, as appropriate, with you and other members of the legislature. And I am following up on the suggestion that an informal meeting with legislators would be a good adjunct to my presentation of the State of the Judiciary. You will soon be receiving an invitation that I am sending to all legislators, inviting them to an informal reception and continental breakfast on February 23. I believe we will all benefit from more open lines of communication. I hope you will continue to contact the court system about your concerns and needs.

Sincerely,



Dana Fabe  
Chief Justice

DF:jd

Supreme Court Justice, Appellate Court Judges, Court Administrative Director  
Out-of-State Travel 1999 - 2000

Judge	Date	Purpose	Destination	Conf. Fees	Transp.	M&IE	Lodging	Other Reimb Exp	Total
<b>Fabe, Dana</b>									
	7/30/00 - 8/03/00	Conference of Chief Justices	Rapid City, SD	450.00	894.01	68.00	492.48		1,904.49
	10/12/00 - 10/17/00	Law Clerk Interviews	Seattle San Francisco Los Angeles		481.66	70.00	11.36	58.75	1,281.77
	10/18/00 - 10/22/00	Nat'l Ass'n of Women Judges	Los Angeles	375.00	345.52	92.00	935.20	16.02	1,763.74
	1/15/99 - 1/21/99	Conference of Chief Justices	Washington D.C	450.00	1,241.00	55.00	756.00		2,502.00
	10/12/99 - 10/17/99	Nat'l Assoc Women Judges Ann'l Conf	Miami, FL	350.00	888.00	73.00	563.00		1,874.00
<b>Bryner, Alexander</b>									
	10/15/00 - 10/20/00	Law Clerk Interviews	New Haven, Cambridge, D.C.		1,966.82	260.00	701.39	1.57	2,929.78
	8/22/99 - 8/26/99	Judicial Quinto Conf	Gleneden, OR	275.00	544.00	144.00	477.00		1,440.00
<b>Carpeneti, Walter</b>									
	10/12/99 - 10/20/99	Recruiting Trip	Seattle, Portland, Berkeley		1,561.00	250.00	412.00		2,223.00
<b>Cole, Stephanie</b>									
	5/20/00 - 5/24/00	Conf of State Ct Admin. Western Reg'l Mtg	Portland, OR			136.00	381.78		517.78
	7/29/00 - 8/03/00	Conf of State Ct Admin/ Conf of Chief Justices	Rapid City SD	4505.00	767.78	113.00	507.60		5,893.38
	12/6/00 - 12/8/00	Conf of State Ct Admin Mid-year Meeting	Phoenix, AZ	100.00	652.98	100.00	476.49		1,329.47
	7/30/99 - 8/06/99	COSCA Leadership Sem, COSCA/CCJ Annual Mtg	Williamsburg, VA	450.00	1,044.00	154.00	1,087.00		2,735.00
	9/30/99 - 10/1/99	Conf of State Ct Admin. Western Reg'l Mtg	Phoenix AZ	100.00	243.00	75.00	207.00		625.00
	12/2/99 - 12/5/99	Conf of State Ct Admin Mid-year Meeting	Carmel, CA		956.00	139.00	621.00	2	1,718.00
<b>Eastaugh, Robert</b>									
	10/14/00 - 10/19/00	Law Clerk Interviews	Detroit, Chicago		1,049.60	214.00	1,313.87		2,577.47
	10/11/99 - 10/13/99	Law Clerk Interviews	Detroit, Chicago		1,907.00	126.00	335.00	8	2,376.00
	8/20/99 - 8/24/99	Judicial Quinto Conf	Salishan, OR	275.00	636.00	70.00	318.00	1	1,300.00
<b>Matthews, Warren</b>									
	8/01/00 - 8/05/99	Conference of Chief Justices	Williamsburg, VA	450.00	2,204.00	98.00	679.00		3,421.00
	10/11/99 - 10/15/99	Law Clerk Interviews	Plymouth, MA		2,035.00	168.00	314.00		2,517.00
<b>Rabinowitz, Jay</b>									
Rabinowitz, Jay	7/22/99 - 7/26/99	Conf. Comm. On Uniform State Law Mtg	Denver, CO	400.00	1,048.00	201.00	626.00		2,275.00
Rabinowitz, Jay	8/27/99 - 8/28/99	Justice Maddison Retirement Dinner	Whitehorse, YK		360.00	89.00	97.00		546.00

Source: "Schedule of Compensation for Alaska Court System Supreme Court Justices, Appellate Court Judges and Administrative Director" Calendar Years 1999 and 2000, provided by Doug Wooliver, Alaska Court System  
Distributed by Senator Donley with Senate Bill 172 (CourtTravel.xls)

Alaska Court System

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<sup>1</sup>Combination of Magistrates