

**SB**

**161**

SFIN

FILE

# SENATE FINANCE COMMITTEE REPORT

REPORTED OUT  
MAY 03 2001  
SENATE FINANCE  
COMMITTEE

DATE: 4/23/01

FURTHER:

DATE TURNED IN TO OFFICE: 4 May 2001

Finance Committee considered

SENATE BILL NO. 161

NO PAY FOR JUDGES UNTIL DECISION

"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."

and recommends:

- be replaced with CS SB 161 (FIN)
- adopt previous CS - CS forthcoming - ( )
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
  - new title
- House Bill:**
- same title
  - technical title
  - new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
Court	9/3/01		✓	

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>[Signature]</i>	✓			
<i>[Signature]</i>			X	
<i>[Signature]</i>			X	
<i>[Signature]</i>			✓	
<i>[Signature]</i>	✓			
<i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			
COCHAIR: <i>[Signature]</i>	✓			

# FISCAL NOTE

**STATE OF ALASKA  
2001 LEGISLATIVE SESSION**

**BILL NO. CSSB 161 (FIN)**

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>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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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)

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



Official Business

# Alaska State Senate

## Senate Finance Committee

Mail Stop 3100  
State Capitol  
Juneau, Alaska 99801-1182

### FAX COVER SHEET

DATE: 5/3/01 TIME: 7:30 pm

TO: Legal Services

NUMBER OF PAGES, INCLUDING COVER SHEET: 1

FROM: MINDY ROWLAND  
SENATE FINANCE COMMITTEE SECRETARY  
PHONE: 465-4935  
FAX: 465-2187

NOTES: Final Please  
CS SB 101 (FIN)  
22-LS0009 X  
5/3/01  
no changes  
Thx  
Mindy

22-LS0009\X  
Luckhaupt  
5/3/01

**CS FOR SENATE BILL NO. 161( )**

IN THE LEGISLATURE OF THE STATE OF ALASKA  
TWENTY-SECOND LEGISLATURE - FIRST SESSION

BY

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, 2004.

# 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 (Jud) (1/23/01)

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

CS SB 161(Jud) 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 six months of oral argument, or if there is no oral argument, within six months of the filing of the last responsive document. It also requires appellate courts to issue decisions within twelve months of the oral argument or filing of the last responsive document. Salary warrants of the affected judges are withheld if the decisions are not rendered within that time period.

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(Jud) clarifies that this time period begins either when oral arguments are concluded, or if there are no oral arguments, when the last responsive document is filed. At the appellate court level, the time period is extended an additional six months for final decisions by the entire Court of Appeals or Supreme Court. The legislation also provides a 2-month extension to the 12-month deadline for the Court of Appeals and Supreme Court when a new justice is appointed to the court.

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 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.

The timeliness in which judges make their decisions 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. CSSB 161(Jud) 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 election pamphlet would be required to explain the procedure and indicate any judicial officer not issued one or more salary warrants.

**SENATE COMMITTEE REPORT  
First Committee of Referral**

DATE: 3/23/01

FURTHER:

Date of 5-Day Notice: \_\_\_\_\_  
(in accordance with Uniform Rule 23)

DATE TURNED  
IN TO OFFICE: 4-20-01

Judiciary Committee considered SENATE BILL NO. 161

NO PAY FOR JUDGES UNTIL DECISION

"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."

and recommends:

- be replaced with CS SB 161 (Jud)
- adopt previous CS \_\_\_\_\_ (\_\_\_\_)
- attached amendment(s)
- adopt Letter of Intent by \_\_\_\_\_ Committee
- further referral to \_\_\_\_\_ Committee

**Senate Bill:**

- same title
- new title

**House Bill:**

- same title
- technical title
- new: SCR # \_\_\_\_\_

**NEW FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#
<i>CS</i> ACS	4/20/01	✓		12
<i>SB</i> ACS	4/4/01	✓		1

**PREVIOUS FISCAL NOTE(S):**

Department	Date	Fiscal	Zero	FN#

APPROPRIATION - no fiscal note

SIGNATURES AND RECOMMENDATIONS:	DO PASS	DO NOT PASS	NO REC	AMEND
<i>John J. Callahan</i>			✓	
<i>John J. Callahan</i>		✗		
<del>John J. Callahan</del>				
<i>John J. Callahan</i>	✓			
<i>John J. Callahan</i>			x	
CHAIR: <i>John J. Callahan</i>	✓			

SENATE FINANCE COMMITTEE

SIGN-IN

SB 161-NO PAY FOR JUDGES UNTIL DECISION

NAME: CHRIS CHRISTENSEN Subject/Bill No: SB 161  
Co./Dept./Title: DEPUTY ADMINISTRATIVE DIRECTOR/COURT SYSTEM Phone: 463-4736  
Address: 820 W. 4TH AVE ANCH Zip: 99501  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions

NAME: \_\_\_\_\_ Subject/Bill No: \_\_\_\_\_  
Co./Dept./Title: \_\_\_\_\_ Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ Zip: \_\_\_\_\_  
Do you wish to testify?  Yes  No  Respond To Questions