

SJR

12

ALASKA STATE LEGISLATURE

Rep. Lesil McGuire, Chair
Rep. Tom Anderson, Vice-Chair
Rep. John Coghill
Rep. Nancy Dahlstrom
Rep. Pete Kott
Rep. Les Gara
Rep. Max Gruenberg



State Capitol, Room 120
Juneau, AK 99801-1182
(907) 465-4990
Fax (907) 465-6592

House Judiciary Committee

Memorandum

To: Leg. Legai
From: Vanessa Tondini, Committee Aide
House Judiciary Committee
Date: May 3, 2005
Re: CS Request

Please create a final draft House Judiciary Committee Substitute for work order # 24-LS0553\G, SJR 12, incorporating the attached amendment. The bill was passed out of committee today.

If you have any questions, please call me at 4990.
Thank you!

The information attached to this memo is **CONFIDENTIAL** and/or privileged. It is intended to be reviewed initially by only the individual named above. If the reader of this Memorandum is not the intended recipient or a representative of the intended recipient, you are hereby notified that any review, dissemination, or copying of the information contained herein is prohibited. If you have received this in error, please immediately notify the sender by telephone and return this to the sender at the above address.

Conceptual Amendment #⁵/~~6~~ - PASSED

to CS STR. 12 (JUD)

by Rep. McGuire

Add an additional Whereas clause:
We respect our delegations' individual
decisions on how they encourage coming
to an up or down vote.

Page 2, L. 2-4
Delete all material

to CS STR 12(JUD)
by Rep. Grunberg

Amendment #1 - WITTMER

Amendment #2 - FAILED
to CSSTK 12 (JUD) by Gara
Page 2, Line 3:
Replace "G. W. Bush"
with "any President"

A#1 to A#2 - PASSED
Keep "G. W. Bush" and after
Insert "or any president"

Amendment #3 - FAILED

to CS SJR 12 (Jud)

by Gara

Page 2, L. 7

Delete "G. W. Bush"

Insert "any President"

Amendment #4 - FAILED

to CSSTK12(JUD)

by Gara

Delete Page 1, L.15 to Page 2, Line 1.

Amendment #5 - WITHDRAWN

to C8STR12(JUD)

by Rep. Greenberg

Page 2, Line 12-13:

Delete Sen. Lisa Murkowski from list
of addressees. ~~PD~~

Amendment # 6 - FAILED
to CSSTR12 (JUD) by Rep. Gara
Page 1, Line 1 &
Page 2, Line 6

Delete "quickly"
Insert "thoughtfully"

Amendment # 7 - FAILED
to CJSR 12 (JUD) by Rep. Grunberg

Page 1, Line 1 and
Page 2, Line 6

Delete "quickly"
Insert "responsibly"

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OPINION

COMPASS: *Points of view from the community*

President's nominees deserve a vote

By SEN. LISA MURKOWSKI

The use of the filibuster in the United States Senate and the president's judicial nominations have been popular topics of conversation in recent weeks. Print ads, radio spots and television commercials have all highlighted the irrefutable harm — or unquestionable good, depending on your point of view — that the filibuster represents. What is not often mentioned is the impact this debate could have on other items of importance to the country and Alaska, such as ANWR, the energy bill, health care and the highway bill.

Let me make it clear that I support an up-or-down vote on all nominations brought to the Senate floor, regardless of the president nominating them or which party controls the Senate. These nominees deserve to be considered based on their merits. Under the "advice and consent" process, every senator has the right to vote against a nominee if he or she does not believe the nominee is qualified for the position, but it is not fair to the nominees to have their lives placed on hold — sometimes in excess of two years while the process drags on. Nor is it right to perpetuate the many vacancies in our courts, particularly when we are seeing the caseload exceed the capacity of the sitting judges.

Last Congress, 10 of the president's judicial nominees were filibustered. The impasse over these nominees has led the Senate majority leader to consider the possibility of seeking a ruling that the use of the filibuster on judicial nominees is unconstitutional, thus allowing an up-or-down vote on their confirmation. Some have dubbed this the "nuclear option." Democrats have threatened to shut down the Senate through procedural tactics, such as the fil-



I have encouraged Senate leaders on both sides of the aisle to find another way — to allow for an up-or-down vote on judicial nominees while respecting the traditions of the Senate.

buster, if this ruling is agreed to.

There is plenty of blame to go around as to which side has stopped judges in the past — whether on the floor or in committee. But this misses the point of where we are today. The argument shouldn't be about whether we invoke the constitutional option, or "go nuclear," but how we make the confirmation process work. We need to act together as senators to define what is best for the institution. Constructive dialogue over how we achieve the goal — a fair process to confirm fair judges — is necessary.

In April 2003, I joined with all of my fellow freshmen senators in writing to Majority Leader Bill Frist and then-Minority Leader Tom Daschle expressing our concern about the breakdown in the federal judicial nomination and confirmation process. We expressed our hope for a "bipartisan solution that will protect the integrity and independence of our nation's courts, ensure fairness for judicial nominees, and leave the bitterness of the past behind us."

What happens if we cannot reach that agreement? At stake for Alaska is much more than whether a judicial nominee is confirmed or not. For the first time in 10 years, the Senate has included a provision in the budget resolution to open ANWR. The House passed an energy bill that in-

cludes ANWR along with a number of other provisions that will benefit Alaska. The Senate has taken up the highway bill that contains a considerable amount of federal dollars for Alaska's infrastructure development. But if the Senate is paralyzed because of the dispute over judicial nominees, none of these bills become law and Alaska does not see the benefits. Alaska has a tremendous opportunity this year in terms of developing our resources, our economy and our future. None of this, however, will matter much if the Senate is locked in partisan wrangling over judicial nominations.

I remain committed to a constructive solution and have encouraged Senate leaders on both sides of the aisle to find another way — to allow for an up-or-down vote on judicial nominees while respecting the traditions of the Senate. It is my sincere hope that we will be able to reach a compromise to enact legislation to stimulate our economy, protect national security and promote the national welfare, and to provide advice and consent, and to vote on the president's nominations.

■ Sen. Lisa Murkowski was appointed to the U.S. Senate in 2002 and elected in 2004. She previously served in the state House of Representatives.

IR VIEW

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islave salaries nerous and clear

up in Juneau last week when cost formulas caused a drop in the aska legislators from \$204 to \$156. ably and not unreasonably, made geted for one amount and the cut he rate went up to \$189 per day for f basing per diem on federal cost d in 1994, the rate has gone up

rcil was mulling a proposal to hold m sudden drops in the federal for- he people of Alaska harmless from illy and politically, that would be a ward ratchet that looks and is en-

hether Alaska pays its citizen leg- ther the public is getting good value wks could be reduced, and the public mpler and more honest system.

makers have had it both ways: my by taking a roughly half-time sal- at is too loosely considered part-time f themselves nice per diems based hen they work a few hours in a day in a claim a per diem, albeit reduced, for eimbursed for moving costs, official penses. Even setting aside opportu- nities for consulting, tempo- rary or part-time jobs on the side — and the quiet choring of interests with

ould

Alaska State Legislature

SENATOR
GENE THERRIAULT

Mailing Address:
119 N. Cushman, Suite 101
Fairbanks, Alaska 99701
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Fax (907) 488-4271



Senate

While in session
State Capitol
Juneau, Alaska
99801-1182
(907) 465-4797
Fax (907) 465-3884
SENATE DISTRICT F

Memorandum

To: Representative Lesil McGuire / Chair House Judiciary

From: Senator Gene Therriault

Handwritten signature of Gene Therriault, consisting of stylized initials "GT" and a flourish.

Date: April 11, 2005

Re: SJR 12 / Urge vote on Supreme Court Nominees

.....
SJR-12 has been referred to your committee.

I respectfully request scheduling of this measure for committee action at your earliest convenience.

Thank you.

Alaska State Legislature

SENATOR
GENE THERRIAULT

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State Capitol
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Fax: (907) 465-3884
SENATE DISTRICT F

SJR 12

Sponsor Statement

It is imperative, as a matter of honorable and responsible public policy to fill any vacancy in the U.S. Supreme Court as soon as possible.

Unfortunately partisan politics, as evidenced through the exploitation of the filibuster rule in the U.S. Senate, has denied a majority vote and subsequent confirmation of numerous judicial nominees submitted by President Bush.

Absent changes to the filibuster rule, similar obstructionist tactics by the Senate minority members disenfranchising nominees, the Judiciary, and U.S. citizens are anticipated.

SJR 12 encourages the U.S. Senate to overcome such tactics and delays by moving quickly to confirm any nominations to the U.S. Supreme Court.

FISCAL NOTE

STATE OF ALASKA
2005 LEGISLATIVE SESSION

Fiscal Note Number: 1
 Bill Version: CSSJR 12(JUD)
 (S) Publish Date: 3/24/05

Revision Date/Time (Note if correction): _____ Dept. Affected: _____
 Title URGE CONFIRM US SUPREME RDU _____
COURT NOMINEES Component _____
 Sponsor Senator Therriault _____
 Requester Senate Judiciary Committee Component No. _____

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	0.0	0.0	0.0	0.0	0.0	0.0

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						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	0.0	0.0	0.0	0.0	0.0	0.0

Estimate of any current year (FY2005) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2006 budget proposal:

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

Prepared by: SENATE JUDICIARY COMMITTEE Phone _____
 Division _____ Date/Time 3/24/05 9:23 AM
 Approved by: /s/ Senator Seekins, Chair Date 3/24/2005
 Agency _____