

# FISCAL NOTE

**STATE OF ALASKA**  
**2004 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSHB 132(STA)  
 (H) Publish Date: 3/31/04

Revision Date/Time (Note if correction): \_\_\_\_\_ Dept. Affected: LAW  
 Title "An Act relating to the duties of the attorney general; RDU CIVIL  
requiring the attorney general to participate in all actions...." Component Natural Resources  
 Sponsor Representative Weyrauch  
 Requester House State Affairs Component No. \_\_\_\_\_

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

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

OPERATING EXPENDITURES	FY 2005	FY 2006	FY 2007	FY 2008	FY 2009	FY 2010
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>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						
1005 GF/Program Receipts						
1007 Interagency Receipts						
1141 RCA Receipts						
<b>TOTAL</b>	*****	*****	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>	<b>0.0</b>

Estimate of any current year (FY2004) cost: 0.0  
 Mark this box (X) if funding for this bill is included in the Governor's FY 2005 budget proposal:

**POSITIONS**

Full-time						
Part-time						
Temporary						

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

This bill would require the attorney general to intervene in any judicial proceeding involving the management and jurisdiction of the natural resources of the state. Furthermore, the bill requires the attorney general ensure through such interventions that management and jurisdiction of the natural resources are not diminished or ceded to another government or sovereign.

Passage of this legislation has the potential to have a significant fiscal impact on the Department of Law. The attorney general would no longer have the discretion to stay out of a case between private parties when the cost of participation far outweighs any potential impact on the natural resources. Examples of these types of cases include small trespass cases on tidelands and access cases. The attorney general would also have to weigh in on cases where the facts are not in the state's favor,

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 Agency Department of Law

## FISCAL NOTE #2

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BILL NO. CSHB 132(STA)

### ANALYSIS CONTINUATION

the timing to present a particular issue is not in the state's best interest, or the case is proceeding in a venue that is less supportive of the state's position than we would prefer.

We estimate an average case that proceeds to summary judgment will incur approximately 300 hours of attorney time, about \$32,400 using FY 2005 rates. If the case proceeds to trial, the cost will likely double from increased attorney time and witness expenses. Even cases resolved at summary judgment are usually appealed to the Alaska Supreme Court, usually involving another 150 hours of attorney time, or \$16,200. So just one case might cost \$46,000 at a minimum, or up to \$75,000 if it proceeds to trial. Appeals to federal court only add to this cost.

Unfortunately, the department has no way of knowing how many of the cases involving private parties occur in a given year. Unless a party in one of these cases asks the state to intervene, the department does not necessarily know about them. We also cannot quantify how often the attorney general chooses not to pursue one case because another case may present better facts to suit that particular legal issue. It is clear, however, that it would not take very many of these actions to cause an annual cost in the range of \$300,000 or more.