

FISCAL NOTE

STATE OF ALASKA
2006 LEGISLATIVE SESSION

Fiscal Note Number: 9
 Bill Version: CSSB 237(FIN)
 (H) Publish Date: 4/27/06

Revision Date/Time (Note if correction): 4/3/06 6:27 p.m. Dept. Affected: Administration
 Title: An Act increasing the number of superior court RDU: Legal and Advocacy Services
judges designated for the third and fourth..... Component: Office of Public Advocacy
 Sponsor: Senate Rules Committee
 Requester: Governor Component No. 43

Expenditures/Revenues (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2007	FY 2008	FY 2009	FY 2010	FY 2011	FY 2012
Personal Services	194.0	194.0	194.0	194.0	194.0	194.0
Travel						
Contractual	74.6	74.6	74.6	74.6	74.6	74.6
Supplies	4.0	4.0	4.0	4.0	4.0	4.0
Equipment	13.4	2.0	2.0	2.0	2.0	2.0
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	286.0	274.6	274.6	274.6	274.6	274.6

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	286.0	274.6	274.6	274.6	274.6	274.6
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type--Do not abbreviate)						
TOTAL	286.0	274.6	274.6	274.6	274.6	274.6

Estimate of any current year (FY2006) cost: 0.0

Mark this box (X) if funding for this bill is included in the Governor's FY 2007 budget proposal:

POSITIONS

Full-time	2	2	2	2	2	2
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

This legislation adds six new superior court judges: two in Anchorage, two in Palmer, one in Kenai, and one in Fairbanks. This will greatly improve the efficiency of the court, allowing for more timely motion rulings, hearings, and trials. The increased efficiency of the court system in processing both criminal and civil matters will put pressure on OPA's resources -- requiring more timely processing of motions, and resulting in a greater number of hearings and trials occurring simultaneously.

See attached page for further analysis.

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 Approved by: Mike Tibbles, Deputy Commissioner
 Agency: Administration

Phone: (907) 269-3500
 Date/Time: 4/3/06 at 6:27 pm
 Date: 4/4/2006

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BILL NO. CSSB 237(FIN)

ANALYSIS CONTINUATION

Initially, when this legislation would have created four (4) additional superior court judgeships, OPA submitted an indeterminate fiscal note as the agency did not feel it was possible to estimate with any precision the increased costs. However, under this amended legislation, two (2) additional superior court judgeships will be created and an indeterminate fiscal note does not adequately reflect the financial demands this will place on OPA.

CSSB 237 (FIN) doubles the superior court judicial capacity in the Mat-Su Valley. This is the busiest court in the state, and the busiest OPA office.

In FY '05, the two superior court judges in Palmer handled 655 cases. This resulted in 2,390 events being scheduled. An event is counted each day that it is scheduled and includes arraignments, bail, adjudication, disposition, evidentiary, and representation hearings, as well as jury trials. Doubling this judicial capacity at the felony level will require additional resources at the OPA Palmer office to ensure coverage of the aforementioned hearings and to ensure adequate preparation for civil (CINA, probate, juvenile delinquency, custody) and criminal cases as they move forward at a more efficient pace. Thus, where the backlog was tenable in terms of workload for OPA staff attorneys, when there were only two superior court judges as they could only be in two places at one time, doubling this capacity to four judges will require additional resources to keep pace with the increase judicial capacity and efficiency.

OPA will need one new attorney in Palmer with a split criminal/civil caseload. This position would be expected to carry half a criminal caseload and half of a civil case load (parental representation of parents in CINA matters, probate proceedings, custody matters, and juvenile delinquencies). OPA will also need a non-attorney guardian ad litem to handle additional and more timely CINA hearings. (The current GAL in the Valley has a caseload exceeding 100 children and new cases are contracted out or covered by the Anchorage GALs).

Finally, OPA is requesting an additional \$30.0 in contract costs for the Kenai Peninsula where OPA utilizes Palmer staff attorneys for high level felony cases and otherwise contracts with local contractors. (OPA does not have an office on the Kenai Peninsula). Cases on the Peninsula have been spiking, as have costs, and this spike will increase with the addition of a new superior court judge, increasing judicial capacity there by 33% in a venue with similar problems to the Mat-Su Valley.