

HOUSE FINANCE COMMITTEE
February 18, 2022
1:36 p.m.

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CALL TO ORDER

Co-Chair Foster called the House Finance Committee meeting to order at 1:36 p.m.

MEMBERS PRESENT

Representative Neal Foster, Co-Chair
Representative Kelly Merrick, Co-Chair
Representative Dan Ortiz, Vice-Chair (via teleconference)
Representative Bryce Edgmon
Representative Andy Josephson
Representative Bart LeBon (via teleconference)
Representative Sara Rasmussen (via teleconference)

MEMBERS ABSENT

Representative Ben Carpenter
Representative DeLena Johnson
Representative Steve Thompson
Representative Adam Wool

ALSO PRESENT

John Skidmore, Deputy Attorney General, Criminal Division, Department of Law; Cori Mills, Deputy Attorney General, Civil Division, Department of Law; Doug Wooliver, Deputy Administrative Director, Alaska Court System.

PRESENT VIA TELECONFERENCE

Amber LeBlanc, Administrative Services Director, Department of Law.

SUMMARY

HB 281 APPROP: OPERATING BUDGET/LOANS/FUNDS

HB 281 was HEARD and HELD in committee for further consideration.

HB 282 APPROP: MENTAL HEALTH BUDGET

HB 282 was HEARD and HELD in committee for further consideration.

PRESENTATION: DEPARTMENT OF LAW: OVERVIEW

PRESENTATION: JUDICIARY OVERVIEW

Co-Chair Foster reviewed the meeting agenda.

#hb281

#hb282

HOUSE BILL NO. 281

"An Act making appropriations for the operating and loan program expenses of state government and for certain programs; capitalizing funds; amending appropriations; making reappropriations; making supplemental appropriations; making appropriations under art. IX, sec. 17(c), Constitution of the State of Alaska, from the constitutional budget reserve fund; and providing for an effective date."

HOUSE BILL NO. 282

"An Act making appropriations for the operating and capital expenses of the state's integrated comprehensive mental health program; making capital appropriations and supplemental appropriations; and providing for an effective date."

^PRESENTATION: DEPARTMENT OF LAW: OVERVIEW

[1:38:11 PM](#)

JOHN SKIDMORE, DEPUTY ATTORNEY GENERAL, CRIMINAL DIVISION, DEPARTMENT OF LAW, introduced himself and the PowerPoint presentation "Department of Law: Department Overview" (copy on file). He began with slide 2 which indicated that the Department of Law's (DOL) mission was to provide legal services to the state government and to prosecute crimes. He advanced to slide 3 which showed photos of DOL's management team. He noted that the department had one of the smallest ratios of administrative support to department size.

Co-Chair Foster noted Representative Edgmon had joined the meeting.

Mr. Skidmore noted that there had been some recent changes in the administrative team. He added that although the new hires were highly qualified, the turnover illustrated the department's challenges with recruitment and retention.

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Mr. Skidmore continued to slide 4 which showed the two requests included in DOL's FY 23 budget. The first request was for the addition of 19 new positions to the Criminal Division. The second request was made by the Civil Division and was for a \$4 million multi-year appropriation to address statehood defense issues.

Representative Edgmon welcomed Mr. Skidmore to the meeting. He wondered how the recruitment efforts were going for the 19 new prosecutors. He understood that there was no guarantee that those positions would actually be filled.

Mr. Skidmore indicated he would be discussing the topic later on in the presentation. He relayed that eight of the ten prosecutor positions had been filled already. However, recruitment and retention issues remained pressing.

Mr. Skidmore moved to slide 5 which showed the department's estimated budget from FY 19 through FY 23. He noted that it was relatively flat over the years.

Mr. Skidmore moved to slide 6 and relayed that the mission of the Criminal Division was to seek justice, promote public safety, and further public respect for government through prompt, effective, and compassionate prosecution. The division did not prosecute federal or municipal crimes or investigate criminal conduct.

Co-Chair Merrick asked for an explanation of compassionate prosecution.

Mr. Skidmore responded that compassionate prosecution meant acknowledging that individuals experienced a vast array of circumstances. He noted that sometimes good people made mistakes, and sometimes the mistakes were criminal. It meant the department looked at each case individually and

tried to determine what was best for the involved individuals.

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Mr. Skidmore moved to a map of Alaska on slide 7. The map showed all nine of the physical district attorney offices across the state and an additional four satellite offices. He highlighted that there had been significant changes and turnover within the offices listed on the slide. He wanted to further illustrate the ongoing recruitment and retention issues experienced by the department.

Mr. Skidmore advanced to slide 8 which showed the increment update for the Criminal Division. He explained that eight of the new prosecutor positions had been filled. However, the positions were predominantly filled by individuals who had already been working in other positions within the department, which left their old positions vacant. Individuals elected to transfer into one of the new positions because there was a lower caseload associated with the new positions. However, there were six paralegals and three law office assistants hired from outside the department, which was a positive step forward in recruitment and retention.

Mr. Skidmore continued to slide 9 which provided a snapshot of the recruitment and retention numbers within DOL. He reported that there were currently 22 vacant attorney positions. Due to the significant number of vacancies, the department had begun to engage in hiring practices it had not utilized before. The department had extended offers to law students and judicial clerks who could not begin work immediately because they had to first graduate from school or finish their clerkship. He explained that 11 of the 22 attorney positions were already filled using this methodology and therefore only the 11 positions that remained were in active recruitment. The rest of the attorneys currently on staff had to manage the workload until the new hires were able to start work.

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Representative Edgmon noted the committee had heard from the Department of Public Safety (DPS) that there was a \$20,000 bonus available to new Alaska State Trooper hires. He wondered if DOL could offer something similar.

Mr. Skidmore responded that the department could not offer bonuses. There was a capital appropriation in 2021 provided by the legislature which included an investigation into recruitment and retention. He indicated that the department brought in an outside firm to evaluate recruitment and retention and the firm identified several issues in the department. One of the five issues that were identified was pay.

Representative Edgmon commented that he had been seeing great difficulty in meeting workforce demands from agency to agency. He thought it was a key issue that needed to be addressed quickly. He was concerned that vacancies in the state such as positions in DOL, the heavy equipment operator vacancies within the Department of Transportation and Public Facilities (DOT), and vacant teacher positions would remain unfilled if the issue was not addressed.

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Mr. Skidmore indicated the department had extended 34 offers in FY 21 for attorney positions, and eight declined because the pay was too low. In FY 22, the department had already made 26 offers. There was a continual effort by the department to hire, but there were many challenges. He relayed that DOL was experiencing the highest vacancy rate it had experienced within the last decade. He noted that half of the people in filled positions had less than five years of experience.

Co-Chair Merrick asked if any analysis had been done on compensation offered to state attorneys as compared to private sector attorneys.

Mr. Skidmore responded in the affirmative. The department found there was around a 30 percent difference in the pay offered by the state versus the private sector. The real problem was the difference in pay between public sector and public sector. Many attorneys left the state to work for the United States Attorney's Office or for state agencies in other states. He was aware that pay was an issue.

Mr. Skidmore returned to slide 9. He relayed that the right half of the slide showed the vacancies in the Civil Division. He highlighted that the division had 15 attorney vacancies but it was actively recruiting for 18 attorneys. The division was aware that there were three attorney

positions that would be vacant in the near future and there were proactive recruitment efforts for the positions. He passed the presentation off to Ms. Cori Mills.

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CORI MILLS, DEPUTY ATTORNEY GENERAL, CIVIL DIVISION, DEPARTMENT OF LAW, introduced herself and began on slide 11. She reported there were now 20 vacant attorney positions that were in recruitment in the Civil Division, meaning there were five attorneys leaving within the next three months. She noted that attorneys were being recruited for across all divisions within the department. Since 2018, the Civil Division had 19 percent of its attorneys retire, 10 percent had moved out of state, 10 percent transferred to another agency, 10 percent transferred to the private sector, and another 10 percent transferred to federal jobs.

Ms. Mills continued to slide 10 to review the core services of the division. The core services were as follows:

- Protecting Alaskans' safety and financial well-being
- Fostering conditions for responsible development of our natural resources
- Protecting the fiscal integrity of the State, and
- Promoting good governance

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Vice-Chair Ortiz asked if DOL was larger than it had been 10 years ago or if growth had been relatively flat.

Ms. Mills responded that the Civil Division had experienced a 36 percent budget reduction since about 2014. The division had never needed to let people go, but it had historically refrained from filling positions due to attrition. The division had fewer attorneys, but the workload was the same as it had been prior to the reductions.

Mr. Skidmore had not looked at the most recent population statistics but suspected that there was a population increase in the last decade. He explained that there had been a similar downsizing effort in the Criminal Division. The division had increased its resources within the last few years, but the workload was larger than it was 10 years ago.

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Ms. Mills moved to slide 11. The slide showed the breakdown of the areas of focus of attorneys within the Civil Division. An example of a focus area was protecting Alaskans, which involved occupational licensing, human services, and child protection. The division was in a rebuild mode in all of its sections. The largest workload was child protection appeals, which had only been increasing over the years. In 2021, there was slight decrease because children had less contact with mandatory reporters, but she expected the number to go up again.

Ms. Mills added that promoting good governance was another area of focus, which involved advising the governor. The area of focus also included items like labor and state affairs, information and project support, and public corporations and government services.

Ms. Mills relayed that the last area of focus was protecting fiscal integrity and fostering economic development, which included natural resources, oil and gas, environmental efforts, and workers' compensation. One of the duties of attorneys in the environmental section was to advise the Department of Environmental Conservation (DEC). She explained that workers' compensation attorneys defended the state in workers' compensation cases.

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Representative Josephson asked about the scarcity of assistant attorney generals in the state and the need to contract within the workers' compensation section.

Ms. Mills indicated that the division had never had to procure outside counsel to assist with workers' compensation duties before. However, there were so few workers' compensation attorneys and there were about 270 cases, so the division had to procure outside help to complete the workload. She was happy to report that one attorney had recently been hired for the workers' compensation work and there was one additional position left to fill.

Ms. Mills moved to slide 12 and explained she divided the Civil Division's budget into three "buckets" to show the various areas of appropriation. The three buckets were

child protection, good governance, and statehood rights. The division's increment request was a multi-year appropriation and fell within the statehood rights category. In 2021, the legislature provided \$4 million in a multi-year appropriation for FY 22 through FY 25.

Ms. Mills advanced to slide 13 which explained the appropriation in detail. She explained that it would be used by the division for litigation relating to the defense of rights to develop and protect the state's natural resources, to access land, to manage its fish and wildlife resources, and to protect state sovereignty. The division thought the \$4 million was a good start, but after looking at the details she determined that \$4 million was unlikely to be sufficient. She suggested another \$4 million would be necessary to address the substantial workload that seemed to be incoming to the division. Generally, it took two to four years to complete litigation.

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Co-Chair Foster commented that statehood defense was not a new issue, but that the line item for statehood defense and the appropriation for it in the budget was new. He asked where the funds came from in prior years.

Ms. Mills responded that the funds usually came through the natural resources line item. The requested appropriation for statehood defense in particular was intended to get the division over a "hump." The department was not planning on increasing its personnel, but rather trying to utilize outside counsel and get through the increased workload that had compounded over time. Litigation was being layered on top of litigation but there was never a final resolution. The hope was to use the appropriation to reach a resolution and receive clarity from the courts. It would allow the division to start over with a blank slate and manage tasks internally rather than seeking outside counsel.

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Representative Josephson understood that the DOL subcommittee had learned that only \$260,000 of the \$4 million multi-year appropriation had been spent.

Ms. Mills responded that Representative Josephson was correct. To date, about \$267,000 had been spent. She

anticipated that the amount would increase to around \$1 million or more by the end of 2022. She mentioned that the department had just begun litigation and the cases would compound as time went on. She relayed that DOL released a federal laws and litigation report every year. There were 35 litigation matters reported in 2021, and there were 47 matters so far in 2022. Cases that had been ongoing for years were still not closed and there were new cases arising.

Ms. Mills turned to slide 14 to review the department's general strategy. She reiterated that DOL saw statehood defense as its core purpose, which involved protecting oil and gas revenues and the Permanent Fund. When it came to national issues, she thought the best strategy was to partner with other states that experienced the same issues as Alaska. Another option was outsourcing, which the department employed when there was a case specific to Alaska, but the department did not have the resources to properly address it. There were issues that impacted Alaska in a unique way, such as the Clean Water Act, and it was important for the state to have its own resources to ensure that the state's interests were represented.

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Ms. Mills continued to slide 15 to discuss how the multi-year appropriation funding was being used. She relayed that there were certain historical sources of funding under the natural resources line item in the budget and the funding sources would continue to be utilized. However, there were additional cases for which the state did not have enough resources, which were intended to be funded by the multi-year appropriation. She noted that two of the cases funded by the multi-year appropriation funding were also multi-state cases and would not be huge cost-drivers because Alaska would not be bearing all of the costs itself. However, the Fortymile Rivers Quiet Title Actions case alone had absorbed \$200,000 of the \$267,000 that had been spent thus far and she anticipated the number to double by the end of 2022.

Ms. Mills explained there were also cases that were secondarily funded by the multi-year appropriation. There was an existing funding source for the cases, but there was uncertainty that the existing funding within the annual appropriations would be sufficient. The department had

contracted with two outside counsel firms to delegate overflow work for the natural resources cases.

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Ms. Mills continued to slide 16 to go over the matters that were actively being monitored. She noted that an outside firm was employed to manage the federally contaminated sites case. She explained that the sites were contaminated when they were under federal ownership, then the sites were transferred to Native Corporations and the Alaska state government and the sites had still not been cleaned up. There was some anticipated action in the area that was being directed by DEC and could lead to litigation.

Vice-Chair Ortiz asked what the primary source of funding would be for cases secondarily funded by multi-year appropriation.

Ms. Mills responded that there was an allocation within DOL's budget for natural resources, which covered a myriad of items. Some of the allocated money could be used as a primary fund source. Additionally, it was possible that another department would be contributing a certain amount for work that the attorneys or outside counsel did in certain areas. She clarified that when an item was secondarily funded, it simply meant that DOL was not turning to the multi-year appropriation first. Instead, DOL was trying to use its existing sources of money to ensure that multi-year appropriation funds were only utilized when absolutely necessary. She added that there were many sources of possible primary funding, such as money received to protect royalties.

Vice-Chair Ortiz asked for more detail about the money received to protect royalties.

Ms. Mills replied that the department received certain Permanent Fund receipts to protect or take action on items relating to royalties. The most common item was disagreements on oil and gas royalties.

Vice-Chair Ortiz asked if it would be correct to say that the sources of funding ultimately came from state resources.

Ms. Mills responded that Vice-Chair Ortiz was correct.

Vice-Chair Ortiz asked how much the total available funding resources in a given year increased from year to year.

Ms. Mills did not have the figures in front of her and deferred the question to Ms. Amber LeBlanc.

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AMBER LEBLANC, ADMINISTRATIVE SERVICES DIRECTOR, DEPARTMENT OF LAW (via teleconference), would provide a detailed response to the committee in a follow-up email.

Representative LeBon asked if the state had a litigation partnership with the Voice of the Arctic Iñupiat (VAI) organization. He thought a \$1 million grant was offered to the organization.

Ms. Mills only knew about the appropriation through the news. She reported that DOL had no connection with VAI and was not working with the organization.

Representative LeBon asked if the department had an available report that summarized litigation partnerships and active cases. He would appreciate any materials the department could provide.

Representative Josephson thought there were some contentious matters being funded by the multi-year appropriation. He thought that about 60 percent of Alaskans opposed the Pebble Mine. He also thought the use of the Tongass National Forest might have been supported in the 1990s, but that Southeast Alaska viewed itself differently than it did years ago. He understood that the attorney general's office was a unique office to the governor and understood that it was vital. He wondered what Ms. Mills would think about the legislature saying that some of the cases were not supported by the majority of Alaskans.

Ms. Mills responded that the legislature had the power of appropriation. She reported that most of the cases had been in existence for years and that a new administration and a new legislature had not changed longstanding cases. She argued that when it came to state's rights, state land, and state management, Alaska knew better. She also pointed out that the cases were not about personal opinion, but about who should be responsible for the management of state

resources. The legislature also had an obligation to adhere to Article 8 of the constitution regarding sustained yield principles and responsible resource development for the maximum benefit of the people. She thought it was an element that should be considered when looking at appropriations. She thought the cases were about the management struggle and ensuring that the state remained economically prosperous.

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Ms. Mills continued to review slide 16 which reflected matters already in litigation. She reiterated that the multi-year appropriation would only cover a fraction of the cases. The matters that were being monitored were projected to come to fruition in the next few years and add for the need for additional resources. The state was trying to encourage the federal government to clean up all of the contaminated sites that had been transferred from the federal government to Native Corporations and to the state. She relayed that the contaminated site transfer was a matter that was actively being monitored. An example of an actively monitored case was the revised statute (RS) 2477s, which were public access rights-of-ways. She explained that it was an evidence heavy matter and time intensive.

Co-Chair Foster had a question about the RS 2477s. He explained that there was public access north of Nome up to Taylor, but in order to get to the popular Serpentine Hot Springs, people had to drive through a national park for six miles. However, there was already a trail in the location, and he thought it could be considered for a RS 2477. He had asked this question several times over the years, and the answer had always been that categorization was on a case-to-case basis. He wished there would be a day where the federal government recognized that all trails could be accessible by the public as long as people stayed on the trails. He understood the matter was evidence-based but thought the fact that the trails could be seen from an aircraft seemed like good evidence that the trails existed. He asked if she would agree that the matter had to be considered on a case-to-case basis.

Ms. Mills responded that unfortunately it was a case-to-case basis. She understood that the trails were visible today but wondered if the trails were visible in the 1930s. It was difficult to show the scope and the use of the

trails. The state needed to set a precedent but could not get the federal government to discuss it properly. She noted that the state was in the final litigation stage in the Chicken Trail RS 2477 and a settlement was about to be reached. She assured the committee that the state was trying to find the best way to set a precedent.

Co-Chair Foster wondered if anything prior to the Alaska Native Claims Settlement Act (ANCSA) included information about the trails. He wondered if something like United States Geological Survey (USGS) maps would suffice as proof of the trails. He commented that he and Ms. Mills could talk privately about the matter.

Ms. Mills thought it was a complicated matter and would be happy to have a conversation about it with Co-Chair Foster outside of the meeting.

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Representative Josephson asked if another difficult element was that sometimes the cases pitted Alaskans against other Alaskans. He offered the Klutina Lake case as an example. Sometimes the vigorous assertion of a RS 2477 caused internal conflicts.

Ms. Mills replied that case law surrounding RS 2477s was not simply a federal government and state issue. There were some cases that the state entered into as a third party after two private parties had begun the case. She noted the Iditarod trail was an example of a successful litigation. The Klutina Lake case was currently in front of the United States Supreme Court under reconsideration.

Co-Chair Merrick asked how often statehood defense cases were successful.

Ms. Mills responded that the cases were not tracked in the database in that way and it was difficult to analyze. She indicated the department had been making positive progress in its active cases. The state and the federal government were not always at odds and in some of the cases, the state was defending the federal government. Success was highly dependent upon the case.

Ms. Mills advanced to slide 17 which showed the typical cost of cases if internal counsel was utilized. If the

state used outside counsel, the costs would typically double. She compared existing sources of funding with the anticipated costs and arrived at the request of \$8 million.

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Vice-Chair Ortiz asked if the department had done an analysis on the viability of winning a case. He wondered how much consideration was given to the likelihood of winning.

Ms. Mills responded that the attorneys advised and gave the best and most candid advice possible to the clients. However, it was important to consider at which level the state could succeed. The state might win a case at the district court level, win on an appeal, or win at the U.S. Supreme Court. The state might lose at every level except for the U.S. Supreme Court, and it was important to take each level into account. There were other cases where vital state's rights were threatened, and even if the state did not win, litigation might slow the process or cause the perpetrator to think twice about taking additional action.

Co-Chair Foster thanked the presenters.

^Presentation: Judiciary Overview

[2:47:02 PM](#)

DOUG WOOLIVER, DEPUTY ADMINISTRATIVE DIRECTOR, ALASKA COURT SYSTEM, introduced the PowerPoint presentation "Alaska Court System Overview" (copy on file) and reviewed the mission of the department beginning on slide 2. The Alaska Court System (ACS) intended to integrally and expeditiously resolve cases in accordance with the law.

Mr. Wooliver advanced to slide 3 and reported that there were a couple of things that set ACS apart from other courts. For example, ACS was unified because there were no county courts or municipal courts in Alaska. He remarked that unification made it easier for the legislature to set state policies and made it easier for individuals within the judicial system to work together.

Mr. Wooliver turned to slide 4 to discuss the factors that impacted the workloads of the courts, such as population, police, economy, and statutory changes. Some statutory

changes had a small impact and others had a large one. There were also other unpredictable factors to consider such as the COVID-19 pandemic.

Mr. Wooliver advanced to slide 5 and indicated that most of the court system was comprised of clerical staff. The slide showed the composition of the 766 authorized positions within ACS.

Mr. Wooliver continued to slide 6, which showed a map of the locations of the courts in the state in FY 22. There were four judicial districts in Alaska, but the number of employees within each district varied dramatically. The second judicial district encompassing the northern parts of the state had 34 employees while the third judicial district encompassing Anchorage, the Matanuska-Susitna Valley, and the surrounding areas had almost 400.

Co-Chair Merrick asked what determined which district a case would be tried.

Mr. Wooliver responded the location of the crime.

Mr. Wooliver turned to slide 7 that showed a pie chart of all the sources of funding for the department.

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Mr. Wooliver turned to slide 8 which reviewed the number of Alaskans served in 2021. He relayed that the slide came about years ago to better report how many people were impacted by ACS in a single year. There were 102,237 new cases filed in 2021 and 1.7 million CourtView searches.

Mr. Wooliver noted the impacts of the pandemic on slide 9. He relayed that ACS had taken steps to implement new safety protocols for the public and for employees and that ACS had always relied on technology more than other courts around the country. Many courts in the country still did not allow telephonic testimony, while Alaska's courts would not be able to operate without telephonic testimony. He emphasized that ACS never closed due to the pandemic and never stopped conducting emergency and essential proceedings. He relayed that jurors had been selected through Microsoft Zoom and deliberations had taken place remotely.

Mr. Wooliver moved to slide 10 and indicated that court case filings in the state were down from FY 20 across the board. He advanced to slide 11 and reported that FY 21 was the first year in a number of years where there had been a slight decrease in felonies. He noted that slide 12 showed that the same was true for misdemeanor case filings.

Mr. Wooliver spoke about the fiscal impacts of the pandemic as outlined on slide 13. He explained that jury costs for FY 22 were about \$1 million less than costs in FY 17 through FY 19. The court had received funding through the Coronavirus Aid, Relief, and Economic Security (CARES) Act to purchase technology equipment needed to facilitate remote hearings. The court was applying for additional funding through the Federal Emergency Management Agency (FEMA) to reimburse past expenses related to the pandemic. He hoped the funding would amount to around \$500,000.

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Mr. Wooliver continued to slide 14 and reported ACS was continuing to resolve cases and conduct trials through Zoom. There had been 27 criminal jury trials and three civil trials since the beginning of 2022. The court system had used expanded teleconference hearings as well, and while it had incurred increased costs, it had allowed proceedings to continue. Additionally, ACS was livestreaming jury trials which allowed for increased public access.

Co-Chair Merrick asked if any regulatory changes were made to allow for trials to be conducted via Zoom.

Mr. Wooliver replied in the negative. The court was permitted to conduct remote trials under the existing rules.

Mr. Wooliver continued to slide 15 and relayed that ACS was resuming in-person trials, however it had been a challenging task. He indicated there had been high rates of unplanned leave due to COVID-19, staff vacancies, and turnover.

Representative LeBon asked Mr. Wooliver to comment on the outcome of the 2020 cyber-attack that targeted ACS.

Mr. Wooliver indicated that the attack had a huge impact on the court for a short period of time. He was grateful that the hackers were caught quickly, otherwise the impacts could have been long-term. The court was able to purchase more advanced security software and he thought the system was robust, however software updates were never-ending and expensive.

Representative LeBon was glad to hear the system withstood the attack and that the court was prepared for any future attacks.

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Mr. Wooliver moved to slide 16 which showed the proposed operating budget increment requests for ACS. One of the requests was for \$150,000 for evidence management software to ease the process without sacrificing privacy or posing a security risk. The largest increment request of \$1.1 million was for funding to cover increasing the working hours of ACS staff. About half of the court's workforce was returning to a full 37.5 hour workweek to address the backlog of cases that had built up over the pandemic. The court was also asking for more funding for software subscriptions and maintenance. Other increments included facilities, operating and maintenance costs, and janitorial and security costs. The \$789,500 decrease shown on the side was ACS's share of the Public Employees' Retirement System (PERS) savings.

Mr. Wooliver moved to the supplemental request for offsite trials on slide 17. He relayed that a supplemental request was not common for the court system and that the supplemental request would be amended in the fall of 2022. The idea was that there were some offsite trials in locations where the courtrooms were not large enough to offer social distancing. He relayed that ACS was working with the Legislative Finance Division and the Office of Management and Budget to ensure that the request for funds for offsite trials was a multi-year appropriation. The money would simply lapse if there were not enough offsite trials.

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Representative Josephson asked when Mr. Wooliver would know if the multi-year appropriation was approved.

Mr. Wooliver had never done a supplemental before. He was unsure when the supplemental budget request would be amended, but he knew it would be amended at some point.

Representative Josephson had heard there had been significant turnover. He asked Mr. Wooliver to describe what the turnover was like in ACS.

Mr. Wooliver agreed that there had been significant turnover as well as difficulty retaining current employees. Many positions were not vacant, but the employees were on leave due to COVID-19 related issues or childcare. The court system had implemented some incentive programs and had expanded its recruitment efforts to address the difficulties in recruitment and retention. He reported that a couple of judicial assistants had recently left ACS for the private sector because the pay in the private sector was substantially higher than wages paid by the state. In FY 19, ACS had 35 vacancies and there were currently 62 vacancies.

Representative Josephson asked if ACS had to go through the Department of Administration when implementing pay raises. He thought ACS determined pay by looking at trends in other departments.

Mr. Wooliver replied that the pay for ACS employees was statutorily required to be similar to pay for employees with similar duties and job descriptions. The legislature had generally allowed for the same pay raises and cost of living adjustments to be given to non-covered ACS employees who did not participate in the collective bargaining agreement offered to covered employees.

Co-Chair Merrick thanked the presenters and reviewed the agenda for the following meeting.

ADJOURNMENT

[3:12:57 PM](#)

The meeting was adjourned at 3:12 p.m.