

"An Act relating to payments for judicial services by political subdivisions; and providing for an effective date."

COMMITTEE REPORT

3/25/75

HOUSE

Mr. Speaker:

Date April 1 1975

The Committee on FINANCE has had HB 170

under consideration. A Majority of the members of the Committee

recommends it DO PASS

recommends it DO NOT PASS

recommends it DO PASS WITH ATTACHED AMENDMENT(S)

recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

"and" recommends it BE REFERRED TO THE _____

COMMITTEE

reports it back WITHOUT RECOMMENDATION

"other"

Members signing the Majority report:

<u>George "Dykes"</u>	_____	_____
<u>Thompson " "</u>	_____	_____
<u>Edwards " "</u>	_____	<u>House Do Pass</u>
<u>Richard T. ...</u>	<u>Do Pass</u>	_____

Members NOT concurring in the Majority report:

<u>Richard ...</u>	recommends: <u>no rec</u>
_____	recommends:
_____	recommends:
_____	recommends:
_____	recommends:

J. Malone Chairman

Introduced: 2/18/75
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY GRUENING AND COWPER

2 HOUSE BILL NO. 170

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to payments for judicial services by
7 political subdivisions; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 22.15.270 is amended to read:

11 Sec. 22.15.270. RETENTION OF FINES, ETC., BY POLITICAL SUB-
12 DIVISIONS. All fines, penalties and forfeitures resulting from viola-
13 tions of ordinances of political subdivisions shall be returned to the
14 political subdivision whose ordinance is involved in the manner provided
15 by rule of the supreme court. [THE POLITICAL SUBDIVISION SHALL PAY TO
16 THE STATE ADMINISTRATIVE DIRECTOR OF THE COURT FOR TRANSFER TO THE
17 GENERAL FUND OF THE STATE SUCH SUMS AS WILL PAY FOR THE JUDICIAL SERVICES
18 RENDERED TO THE POLITICAL SUBDIVISION BY THE DISTRICT JUDGE OR MAGI-
19 STRATE RENDERING THE SERVICES.] Fines, penalties and forfeitures imposed
20 after appeals accrue to the state, unless the appeal is prosecuted by
21 the political subdivision.

22 * Sec. 2. This Act takes effect July 1, 1975.
23
24
25
26
27
28
29

COMMITTEE REPORT

4/18/75

SENATE

Mr. President:

Date 5/26/76

The Committee on FINANCE has had HB 170 relating to payments for judicial services by political subdivisions under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- () recommends it BE REPLACED WITH CS FOR _____ AND THAT CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____ COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- (X) "other" *Individual recommendations*

Members signing the Majority report:

<u>[Signature]</u>	<u>DO PASS</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>✓</u>	<u>[Signature]</u>
<u>[Signature]</u>	<u>in Rec.</u>	<u>0</u>
<u>[Signature]</u>	<u>in Rec.</u>	<u>_____</u>

Members NOT concurring in the Majority report:

- _____ recommends:
- _____ recommends:
- _____ recommends:
- _____ recommends:
- _____ recommends:

[Signature] Chairman

March 16, 1976

Mr. Fermin Gutierrez
Administrator
City & Borough of Sitka
P. O. Box 79
Sitka, Alaska 99835

Dear Rocky:

This is to acknowledge receipt of your letter concerning HB 170. I will again attempt to bring this up before the committee, interjecting your ideas to assist it in possible passage from the Finance Committee.

I can certainly sympathize with you concerning overstaffing by the Court System, but as you know they are autonomous in their budget and can do whatever they wish.

Sincerely,

- ANSWER -
City and Borough of Sitka

P.O. BOX 79 · SITKA, ALASKA · 99835



11 March 1976

Senator Bill Ray
State Capitol
Pouch V
Juneau, Alaska 99811

Dear Senator Ray:

The City and Borough of Sitka would appreciate your support of HB 170. We have been informed the enactment of HB 170 would cost the State of Alaska \$600,000, which we do not agree with. For starters, I do not believe the State has taken into consideration the costs of the administrative staff required to make collections.

If HB 170 is not enacted, I am convinced that political subdivisions will commence filing State charges instead of municipal for most offenses in which case the State is solely responsible for all costs of the court. In addition, it then becomes the responsibility of the State to prosecute all such cases which will require the services of another district attorney. The State would also pay for the public defender and jury costs, which are now paid for by the political subdivisions. Of course the State would be entitled to all fines and forfeitures if State instead of municipal charges are filed, but I hardly think the State is in a position to provide and pay for the additional services required for the sum of \$20,000 which represents a year's receipts of fines and forfeitures. Based on the aforesaid, I am sure you must agree the State is not going to lose \$600,000.

AS Sec. 22.15.270 as now reads, is extremely unfair to political subdivisions in that we are required to pay for a service over which we have no control. I personally believe the Sitka court is overstaffed, and judges throughout Alaska are overpaid. To make my point on the overstaffing, I enclose a copy of a letter addressed to yourself from Chief Justice Boochever, dated March 3, 1976. I have underlined Chief Justice Boochever's statement, "There was not enough work for two judges at Sitka". Nothing has changed; there is still not sufficient work for two judges in Sitka, but the court still retains the same number of clerks and supportative services for which we are demanded to pay a percentage of the costs.

The municipality of Sitka does not enjoy the luxury of overstaffing and overpaying within the municipal government, and we do resent the fact the State has legislated us into condoning and paying for same for the State.

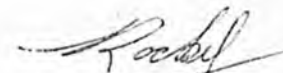
Senator Bill Ray

-2-

11 March 1976

Senator Bili, it is tough enough finding sufficient funds to operate a municipality without subsidizing the State Court System. I assure you that if the State insists on charging political subdivisions for judicial services, it will cost the State more than it collects in addition to the ill will created.

Very truly yours,



Fermin Gutierrez
Administrator

FG:mm



Supreme Court

State of Alaska

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

March 3, 1976

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

The Hon. Bill Ray, Chairman
Senate Finance Committee
Alaska State Senate
Pouch V
Juneau, Alaska 99811

Re: SB 670

Dear Senator Ray:

I am in receipt of a letter from Senator Ziegler advising me that you were under the impression that I do not favor SB 670 which would create a new superior court position for the First Judicial District. The purpose of the legislation, as you know, is to authorize the appointment of a superior court judge to reside at Sitka in place of the district court judge now authorized.

When Judge Carlson received the appointment to the Third Judicial District and applications were solicited for his replacement, some members of the Sitka bar and municipal government advocated the location of a superior court judge at Sitka in addition to the district court judge residing there. This would, in effect, place the third Southeastern superior court judge at Sitka in the same manner that was attempted when Judge Carlson was initially appointed. There just was not enough work for two judges at Sitka, and there was urgent work for an additional superior court judge at Juneau and assisting in other areas of the state. I therefore did not support the concept of the third superior court judge residing at Sitka in addition to a district court judge resident there.

Subsequently, the suggestion was made to have a superior court judge at Sitka in lieu of the district court judge and as an additional superior court judge for the

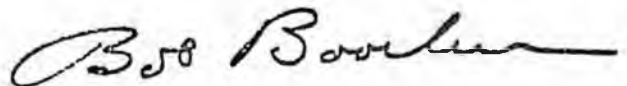
The Hon. Bill Ray
March 3, 1976
Page 2

First Judicial District. The Judicial Council held well attended hearings in Sitka on this matter, and the proposal was strongly endorsed by practically everybody attending the meeting. The Judicial Council endorsed the concept of an additional First Judicial District superior court judge to reside at Sitka with the elimination of the district court position there. This position was also endorsed by the Supreme Court with Justice Erwin dissenting.

I firmly believe that the additional superior court judge for the First Judicial District to reside at Sitka will result in improved judicial service and should either involve little additional expense to the state or possibly even result in a savings. A savings may be possible by elimination of a clerical position at Sitka which was required when two judges were serving the City coupled with the elimination of the travel time of the superior court judges who resided elsewhere and were required to travel to Sitka at regular intervals.

I hope that this letter clarifies my position on the matter, and I regret if there has been any confusion based on the prior history. Thank you for your consideration of the request for an additional superior court judge.

Sincerely yours,



Robert Boochever
Chief Justice

cc: Senator Robert H. Zieglaegier.
Senator Pete Meland ✓
Mr. Arthur H. Snowden, II

PWT WITH BILL -

MEMO January 23, 1976
FROM SENATOR ZIEGLER
TO SENATOR RAY
RE HOUSE BILL 170

Dear Bill--Attached hereto is a copy of a letter I just received from Judge Schulz in Ketchikan. The Status of Bills indicates that House Bill 170 currently reposes in Senate Finance.

Mind you, I make no assertions as an expert, but it does seem to me that what Tom has to say makes sense.

Perhaps you and I can discuss the legislation when you have a free moment.

RHZ/pkz

enc.



Superior Court

State of Alaska

FIRST JUDICIAL DISTRICT
415 MAIN STREET, ROOM 402
KETCHIKAN, ALASKA 99901

Chambers of
THOMAS E. SCHULZ, Judge

January 20, 1976

Hon. Robert H. Ziegler, Sr.
Alaska State Senate
Pouch V
Juneau, Alaska 99801

Hon. Oral Freeman
House of Representatives
Pouch V
Juneau, Alaska 99801

Hon. Terry Gardner
House of Representatives
Pouch V
Juneau, Alaska 99801

Gentlemen:

I am writing to ask each of you to support H.B. 170, the effect of which is to eliminate the charge to cities for services provided by the court system. As I understand the new arrangement between the court system and the various municipalities, the court system is required to keep detailed time records of the time spent on municipal cases and bill the city according to the time spent. This, of course, requires the personnel in the Clerk's office as well as the District Judges to attempt to keep some kind of records on the amount of time spent on these city misdemeanor cases. For the amount of money realized out of the effort, and I do not believe the court system really knows how much the State gets, the extra time and effort involved seems to be counter-productive. Further, it seems odd to me that we provide for a unified court system and require the municipalities to use the court system and then charge them for the service.

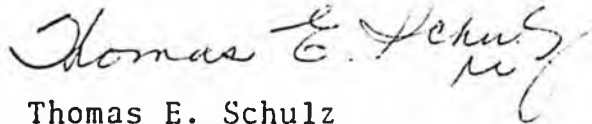
Hon. Robert H. Ziegler, Sr.
Hon. Oral Freeman
Hon. Terry Gardner

January 20, 1976

Page 2

General practice is to have the taxpayer pay for the service only once, and I believe we ought to make the same effort regarding the court system services. In any event, I would appreciate your support of H.B. 170.

Very truly yours,

A handwritten signature in cursive script that reads "Thomas E. Schulz". The signature is written in dark ink and is positioned above the typed name.

Thomas E. Schulz
Superior Court Judge

TES:ri

Suggested by Court System

AS 22.15.270 is amended to read:

Sec. 22.15.270. RETENTION OF FINES, ETC., BY POLITICAL SUBDIVISIONS. (a) All fines, penalties and forfeitures resulting from violations of ordinances of political subdivisions shall be returned to the political subdivision whose ordinance is involved in the manner provided by rule of the supreme court. [THE POLITICAL SUBDIVISION SHALL PAY TO THE STATE ADMINISTRATIVE DIRECTOR OF THE COURT FOR TRANSFER TO THE GENERAL FUND OF THE STATE SUCH SUMS AS WILL PAY FOR THE JUDICIAL SERVICES RENDERED TO THE POLITICAL SUBDIVISION BY THE DISTRICT JUDGE OR MAGISTRATE RENDERING THE SERVICES.] Fines, penalties and forfeitures imposed after appeals accrue to the state, unless the appeal is prosecuted by the political subdivision.

(b) Judicial services provided by the state court system for cases charging violations of ordinances of political subdivisions shall include only the services of a judge or magistrate, the services of clerical personnel, use of courtrooms and other physical facilities, use of equipment and supplies, and jury fees. All other services, including attorney fees for indigent defendants, indigency investigations, bail investigations, and other ancillary services, shall be provided by the political subdivision.

Introduced: 2/18/75
Referred: Judiciary and
Finance

1 IN THE HOUSE

BY GRUENING AND COWPER

2 HOUSE BILL NO. 170

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to payments for judicial services by
7 political subdivisions; and providing for an effective
8 date."

9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

10 * Section 1. AS 22.15.270 is amended to read:

11 Sec. 22.15.270. RETENTION OF FINES, ETC., BY POLITICAL SUB-
12 DIVISIONS. All fines, penalties and forfeitures resulting from viola-
13 tions of ordinances of political subdivisions shall be returned to the
14 political subdivision whose ordinance is involved in the manner provided
15 by rule of the supreme court. [THE POLITICAL SUBDIVISION SHALL PAY TO
16 THE STATE ADMINISTRATIVE DIRECTOR OF THE COURT FOR TRANSFER TO THE
17 GENERAL FUND OF THE STATE SUCH SUMS AS WILL PAY FOR THE JUDICIAL SERVICES
18 RENDERED TO THE POLITICAL SUBDIVISION BY THE DISTRICT JUDGE OR MAGI-
19 STRATE RENDERING THE SERVICES.] Fines, penalties and forfeitures imposed
20 after appeals accrue to the state, unless the appeal is prosecuted by
21 the political subdivision.

22 * Sec. 2. This Act takes effect July 1, 1975.
23
24
25
26
27
28
29

Some members of the Committee took
exception to the estimates of revenue loss
J. Rhoads


FISCAL NOTE - HB 170

House Bill 170 repeals the requirement that political subdivisions pay the State for judicial services provided to them by the Alaska Court System. Under the provisions of HB 170, therefore, the Alaska Court System would process municipal ordinance violations, local traffic tickets and other municipal criminal cases at no expense to the political subdivisions. Since the Court System is already processing these cases no additional expenditures would be incurred. However, the State would lose the revenue that it presently is receiving as payment for services from the political subdivisions.

The estimated revenue loss for the next five years would be as follows:

	<u>FY 76</u>	<u>FY 77</u>	<u>FY 78</u>	<u>FY 79</u>	<u>FY 80</u>
Revenue Loss:	\$440,000	\$480,000	\$530,000	\$580,000	\$640,000

Note Prepared By:


Richard P. Barrier
Alaska Court System

March 6, 1975



FILE WITH
BILL

Alaska State Legislature
House

JUNEAU ALASKA

9 March 1976

Senator Bill Ray
Chairman
Senate Finance Committee

Dear Senator Ray:

Enclosed is the status of bills from the Alaska Court System to municipalities.

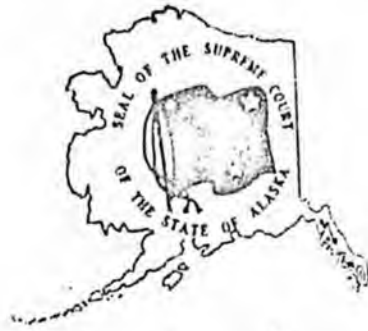
These costs will be picked up by the State in HB 170. Since we have a unified court system, it might be a good idea to pay them.

Sincerely,

A handwritten signature in cursive script, appearing to read "Hugh Malone".

Hugh Malone

Encl
HM/jb



Alaska Court System
State of Alaska

RICHARD P. BARRIER
Manager of Fiscal Operations

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street
Anchorage, Alaska 99501

February 27, 1976

Honorable Hugh Malone
Chairman, Finance Committee
House of Representatives
Pouch WF
Juneau, Alaska 99811

Dear Representative Malone:

I am sending you the information requested by the House Finance Committee concerning the status of bills sent to municipalities for judicial service. If there is other information you need concerning this or other aspects of the Alaska Court System, please let me know.

Sincerely,

A handwritten signature in cursive script, appearing to read "Richard P. Barrier".

Richard P. Barrier
Manager of Fiscal Operations

Attachment

RPB:rw

STATUS OF MUNICIPAL BILLINGS
 For Judicial Services - Fiscal Year 1976
 (Total Billings and Payments through December, 1975)

<u>POLITICAL SUBDIVISION</u>	<u>BILLED</u>	<u>RECEIVED</u>	<u>OUTSTANDING</u>
Skagway	596.05	-0-	596.05
Valdez	3,096.80	3,096.80	-0-
Anchorage Municipality City 1/1-6/30/75	43,333.79	-0-	43,333.79
Anchorage Municipality City 7/1-11/30/75	83,165.79	-0-	83,165.79
Anchorage Municipality Borough	88,423.47	-0-	88,423.47
St. Paul	361.54	-0-	361.54
Haines	241.24	241.24	-0-
Fairbanks	44,428.74	-0-	44,428.74
Juneau	15,917.83	-0-	15,917.83
Soldotna	404.48	-0-	404.48
Kodiak	3,052.31	3,052.31	-0-
Seward	2,371.87	2,371.87	-0-
Kenai	11,711.57	-0-	11,711.57
Sitka	5,175.51	5,171.51	-0-

300,300