

HB

188

SENATE COMMITTEE REPORT

FURTHER

5/4/89

DATE TURNED INTO OFFICE 2/2/90

Mr. President:

Finance

Committee considered HB 188

increasing the number of superior court judges designated for the Third Judiciary District to provide an additional superior court judge at Kenai; efd

and recommended

- replace with S CS HB 188 (Finance)) same title
- or adopt _____ CS _____) new title
- attached amendment(s) and technical title change (HB only)
- _____ letter of intent adopted

do pass

do not pass

no recommendation

individual recommendations

further referral to _____

- FISCAL NOTE(S)** zero ^{Courts 190.4} fiscal impact appropriation no FN
- new updated previous
- same as previous fiscal note(s) published _____

MEMBERS SIGNING DO PASS

OTHER RECOMMENDATIONS

[Signature]

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[Signature]

[Signature]

Chair... signature and recommendation

Committee Backup attached

FISCAL NOTE

REQUEST:

Revision Date: 1/30/90 Agency Affected: Alaska Court System
 Title: An Act changing the # of superior court judges in the 3rd judicial district BRU: Trial Courts
 Sponsor: Navarre, Swackhammer, Gruenberg Components: _____
 Requestor: Senate Finance

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 90	FY 91	FY 92	FY 93	FY 94	FY 95
Personal Services		188.4	188.4	188.4	188.4	188.4
Travel						
Contractual						
Supplies						
Equipment		2.0				
Land & Structures						
Grants & Claims						
TOTAL OPERATING	0.0	190.4	188.4	188.4	188.4	188.4

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

General Funds	0.0	190.4	188.4	188.4	188.4	188.4
Federal Funds						
Other						
TOTAL	0.0	190.4	188.4	188.4	188.4	188.4

POSITIONS:

Full-time		4.0	4.0	4.0	4.0	4.0
Part-time		(2.0)	(2.0)	(2.0)	(2.0)	(2.0)
Temporary						

ANALYSIS: (Attach a separate page if necessary)

See attached analysis.

Prepared by: Robert G. Fisher, Manager, Fiscal Operations

Phone: 264-8215

Division: Alaska Court System

Date: 01/30/90

Approved by: Arthur H. Snowden, II, Administrative Director

Date: 01/30/90

Agency: Alaska Court System

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management & Budget
 Impacted Agency(ies)

Changes in SCS HB 188 (Fin)
 have no fiscal impact.
 This fiscal note is
 appropriate. 2/2/90 [Signature]

Adopted

ALASKA COURT SYSTEM

Fiscal Analysis

HB 188 - Number of Superior Court Judges

Personal Services:

<u>Position Title</u>	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Superior Court Judge, Kenai PFT, 12 months	\$82,716	\$50,901	\$133,617
Law Clerk I, Kenai PFT, 12 months, range 13D	31,476	11,564	43,040
In-Court Clerk, Kenai PFT, 12 months, range 12A	26,604	10,493	37,097
Secretary II, Kenai PFT, 12 months, range 12A	26,604	10,493	<u>37,097</u>
Total Personal Services			250,851

Adjustments to Personal Services Costs:

Offset of existing funding for PPT pro tempore Judge and PPT secretary in Kenai (1)		<u>(62,500)</u>
Net Personal Services		188,351

Equipment: (for Law Clerk position, one-time cost)

Desk, chair, typewriter, statutes, rules of court	<u>1,962</u>
Total Cost (first year - full year cost)	<u>\$190,313</u>
Total Cost (on-going)	<u>\$188,351</u>

(1) Calculation of Existing Funding:

	<u>Amount</u>	<u>Total</u>
FY 82 - Original funding (Free Conference Committee)	\$57,200	\$57,200
FY 83 - 5% salary increase	2,900	60,100
FY 85 - 5% salary increase (funded at 80% of actual)	2,400	62,500

ALASKA COURT SYSTEM

HB 188 - ANALYSIS

A new superior court judge in Kenai will require a staff consisting of a law clerk, in-court clerk and secretary. Because a pro tem judge and staff have been budgeted to provide judicial and staff services, the cost of a new judge and staff will be reduced by the amount that the court system would expect to pay for the pro tem judge and staff. The only equipment needed is that required by the law clerk.

STATE OF ALASKA
1989 LEGISLATIVE SESSION

BILL VERSION: HB 198
PUBLISH DATE: HOUSE 4/26/89

FISCAL NOTE

REQUEST:

Revision Date: _____
Title: "An Act increasing the number of
superior court judges at Kenai..."
Sponsor: Rens Navarre, Swackhammer, Gruenberg
Requestor: House Judiciary and Finance

Agency Affected: Dept. of Administration
BRU: Public Defender Agency
Components: Third Judicial District

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES						
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	-0-	-0-	-0-	-0-	-0-	-0-

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
FEDERAL FUNDS						
OTHER						
TOTAL	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME	-0-	-0-	-0-	-0-	-0-	-0-
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

(See Attachment)

Prepared by: John B. Salemi, Public Defender
Division: Public Defender Agency

Phone: 279-7541
Date: 4-7-89

Approved by Commissioner: John Andrews
Agency: Department of Administration

Date: 3/10/89

Distribution (by preparer):
Legislative Finance
Legislative Sponsor
Requestor
Office of Management and Budget
Impacted Agency(ies)

Changes in SCS HB 188 (Fin)
have no fiscal impact.
This fiscal note is
appropriate. 2/2/90 vmm

No fiscal impact is
projected through 1996.

Adopted

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 188

HB 188 adds one additional superior court judge at Kenai, Alaska. With this addition Kenai would have two superior court judges and one acting district court judge. While there would be no immediate fiscal impact on the Kenai Public Defender office, it is expected the numbers of criminal prosecutions would go up with a commensurate caseload increase at the Public Defender Agency. We would be taking a "wait and see" approach to any fiscal impact of this bill on the Public Defender Agency.

FISCAL NOTE

REQUEST:

Revision Date: _____
 Title: "An Act increasing the number of superior court judges at Kenai..."
 Agency Affected: Administration
 BRU: Office of Public Advocacy
 Sponsor: Rep. Navarre, et. al.
 Requestor: House Judiciary & Finance
 Components: _____

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 89	FY 90	FY 91	FY 92	FY 93	FY 94
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT						
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER						
TOTAL	0	0	0	0	0	0

POSITIONS:

FULL-TIME	0	0	0	0	0	0
PART-TIME						
TEMPORARY						

ANALYSIS : (Attach a separate page if necessary)

Prepared by: Philip McGee, Public Advocate
 Division: Office of Public Advocacy
 Phone: 274-1684
 Date: 3/7/89
 Approved by Commissioner: John Andrews
 Agency: Department of Administration
 Date: 3/10/89

Distribution (by preparer):

Legislative Finance
 Legislative Sponsor
 Requestor
 Office of Management and Budget
 Impacted Agency(ies)

Changes in SCS HB 188 (Fin)
 have no fiscal impact.
 This fiscal note is
 appropriate. 2/2/90 ymw

No fiscal impact is projected through 1996.

Adopted

CONTINUATION of FISCAL NOTE ANALYSIS

No. 4
HB 188
HOUSE 4/26/89

For Bill/Resolution No. HB 188

HB 188 adds one additional superior court judge at Kenai, Alaska. With this addition Kenai would have two superior court judges and one acting district court judge. While there would be no immediate fiscal impact on the Office of Public Advocacy, it is expected the numbers of criminal prosecutions would go up with a commensurate caseload increase to OPA's Kenai contractor. We would be taking a "wait and see" approach to any fiscal impact of this bill on the Office of Public Advocacy.

Original sponsor(s): REP. NAVARRE, Swackhammer, Gruenberg

1 IN THE HOUSE

BY THE FINANCE COMMITTEE

2 SENATE CS FOR HOUSE BILL NO. 188 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act increasing the number of superior court
7 judges designated for the Third Judicial District to
8 provide an additional superior court judge at Kenai;
9 and providing for an effective date."

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

11 * Section 1. INTENT. It is the intent of the legislature that the
12 additional superior court judge authorized by this Act be assigned to
13 Kenai.

14 * Sec. 2. AS 22.10.120 is amended to read:

15 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists
16 of 30 [29] judges, five of whom shall be judges in the first judicial
17 district, three of whom shall be judges in the second judicial dis-
18 trict, 17 [16] of whom shall be judges in the third judicial district,
19 and five of whom shall be judges in the fourth judicial district. At
20 the time of submitting the names of nominees to the governor to fill a
21 vacancy on the superior court bench, the judicial council shall also
22 designate the district in which the appointee is to reside and serve.

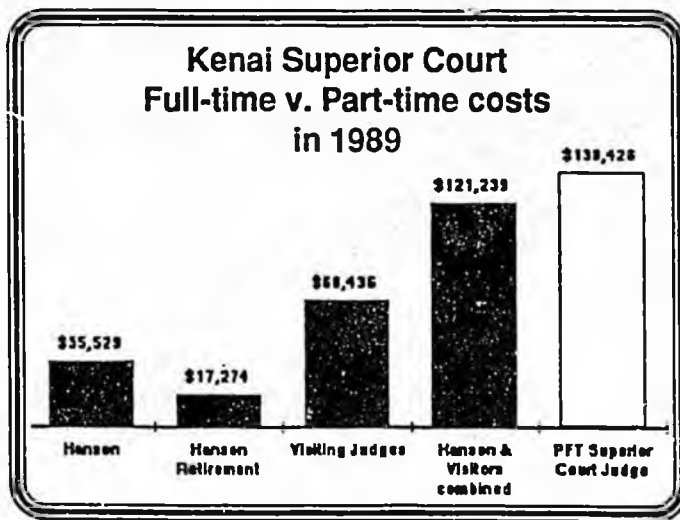
23 * Sec. 3. This Act takes effect immediately under AS 01.10.070(c).
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HB 188 - Additional Superior Court Judge at Kenai

Justification Summary
Rep. Mike Navarre

The Kenai Court:

- * In FY '89 once again had the highest number of total filings per judge in the state, 3930 Palmer had 3827; Anchorage 1925; Valdez 554 (includes District Court filings),
- * In FY '89 had the highest number of Superior Court filings per judge in the state, 970 (Palmer 878, Anchorage 799, Valdez 125)
- * In FY '89 experienced a 57% increase in felony filings, with a 13% increase in violence cases and a 620% increase in drug cases.



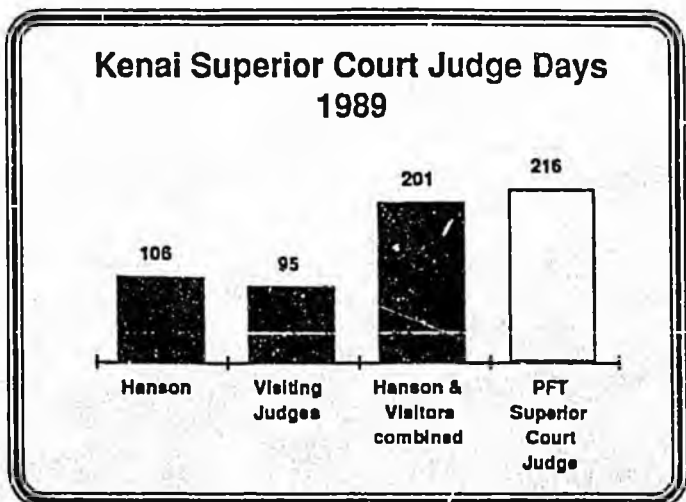
* FY85 - FY88 experienced a 348% increase in children's matters filings, the highest in the state, with another 36% increase for FY '89.

* experienced inordinate delays in routine matters

* assigned all civil trials to visiting judges

* spent almost as much on part-time and visiting judges as on the full-time judge: in 1989, visiting judges cost \$68,436, almost four times their total cost for 1988.

* Kenai's retired judge, James Hanson, was budgeted to work pro tem 2 weeks a month but frequently worked another 1 or 2 weeks. In 1988, he worked 161 days, or 75% of full-time. In the first six months of 1989 (at which point he fully retired), he worked 106 days, or 85% of the full-time judge's actual working days. In the first half of 1989 Hanson and visiting judges worked more days than Kenai's full-time judge did, and for all of 1989 turned in enough days to nearly match a full-time position (93% of PFT).



Excerpts from letters and publications supporting an additional judge:

"Judge Cranston spends so much time on the bench hearing disputed criminal and civil cases that he has almost no time to deal with motions and other court proceedings which are generally done in his office. Court matters are so tightly scheduled that there is little ability to meet emergencies or [for lawyers] to simply make an expanded presentation because of the time constraints. Parties and attorneys wait patiently to be heard because they know that a 10 to 12 hour day by Judge Cranston is the normal working day.

However, the delays are piling up, and it is not unusual to wait several months for a court response to a simple motion in a civil case. The delays add to the cost of the litigation."

-- Robert C. Erwin, Anchorage (former Supreme Court Justice)

"...the current caseload of the Superior Court judge in Kenai does not allow the judge to devote sufficient time to properly analyze what are often complex legal issues...Further, because of the priority of the criminal docket, civil matters are often delayed. Due to the delays and the problem of inadequate time to properly handle cases, the Borough finds itself in the position of accepting these problems or preempting the local judge in order to try to have the case assigned to a judge who has more time. That generally requires the Borough to travel to Anchorage."

-- Thomas R. Boedecker, Soldotna (Kenai Peninsula Borough Attorney)

"The system is inefficient because it requires Anchorage judges to block out a week of their calendar to attend to Kenai matters with which they have no familiarity before their arrival in town. The system is unfair to local litigants because it frequently results in the scheduling of substantive hearing, on shortened notice, in Anchorage with the parties being required to bear the expense of transporting themselves and their attorneys to Anchorage for such hearings...civil litigants are always uncertain when their case will actually be tried and this uncertainty differs markedly from the date certain calendaring which prevails in Anchorage...It is simply unreasonable, in this day and age, to expect that one superior court judge can handle all judicial proceedings to criminal cases to complex civil litigation and domestic relations for a population in excess of 20,000 [actually 44,000]"

-- Peter F. Mysing, Kenai

"The persons needing assistance are particularly affected. Children's matters, custody and juvenile proceedings, injunctive actions and scheduling expedited motions all overburden the system at present and harm those who can least afford it."

-- Martin Friedman, Homer

"The court backlog in Kenai makes it virtually impossible for citizens of the Peninsula to have adequate and fair access to our judicial system."

-- Robinson, Belwenger & Ehrhardt, Soldotna

"Under the current administrative directives, the local judge handles the criminal cases, and the civil matters are given to whichever judge happens to be on the one-week-per-month circuit to Kenai.

I don't want to be misunderstood, as we do appreciate having circuit riding judges...However, it is not fair to the litigants themselves, their attorneys, the circuit judges, or the system, for a single divorce case to have three-five different judges."

-- Phil N. Nash, Kenai

"Our jury expenses have doubled for FY86 to FY87 and doubled again from FY87 to FY88, indicating that much more time and judicial resources are being spent in actual trials. Trials, by the way, are the most intensive drain of all on everyone involved, including the Court and the support staff. There is little time left to do anything else and what little is done must be rushed. The net result is the diminution of the quality of judicial work and decisions, poorer and less predictable decisions, inadvertent injustice, and diminished respect for the Court and the State."

-- Joseph L. Kashi, Kenai (President, Kenai Peninsula Bar Association)

"The Kenai court continues to experience heavy filings and suffer from insufficient judicial resources. The Anchorage Court has established a schedule to send a superior court judge to Kenai approximately once a month to assist with the court's civil caseload."

-- Alaska Court System 1988 Report

"With limited judicial staff, the increased activity has adversely impacted the coverage of the other courts in the Third District. Also, travel costs are mounting and are affecting the court's circuit travel budget. Consequently, this approach to covering the judicial needs of Kenai may not be sustainable over the long term."

-- Robert G. Fisher, Manager of Fiscal Operations, Alaska Court System