

HB443

(11)

Date Referred: February 28, 1992

HOUSE COMMITTEE REPORT

FURTHER REFERRALS:

Date of Committee Action: 3/16/92

The FINANCE Committee considered:

HB 443

HOUSE BILL NO. 443

CHANGING NUMBER OF JUDGES IN 4TH DISTRICT

"An Act increasing the total number of superior court judges from 30 to 31, increasing the number of superior court judges in the fourth judicial district from five to six, and decreasing the number of district judges in the fourth judicial district from four to three; and providing for an effective date."

- RECOMMENDATIONS:] the same title
 be replaced with _____] a new title
-] have attached amendments(s)
] do pass
] do not pass
] no recommendations
] individual recommendations
] additional referral to the _____ Committee

ADOPTS: _____ letter of Intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____
] fiscal impact _____
] zero fiscal note _____

APPROVES PREVIOUS: (Dept/Date) _____
] fiscal note(s) AY Court 2/28/92
] zero fiscal note(s) Admin 2/28
Admin 2/28
Law 2/28

SIGNING <u>DO</u> PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
EP McBean		RECEIVED		✓	
Mike Yarnall	✓				
Mark Boyer					
Lay Brown	✓				
W. Brown	✓				
W. Brown	✓				
Bert Sharp	✓				
Ronald J. Larson	(S)				
A. W. ...	✓				
Michael Barnes	X				

Mike Y. 501 1

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 3
Bill Version: HB 443
(r., Publish Date: 2-28-92)

Revision Date: _____
Title: "An Act increasing the total number of superior court judges from 30 to 31."
Sponsor: House Judiciary
Requestor: House Judiciary

Department Affected: Administration
BRU: Public Defender Agency
Component: Public Defender Agency

COMPONENT SERIAL NO.

1	6	3	1
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE AND SOURCE:	0	0	0	0	0	0
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ENDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
OTHER GENERAL FUNDS	0	0	0	0	0	0
OTHER REVENUE SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

Estimated impact of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.) This bill eliminates a district court judge position and adds a superior court judge position in the 11th judicial district.

The impact is likely to be minimal as concerns the Public Defender Office in that location.

Prepared by: John Salemi, Public Defender
Public Defender Agency

Phone: 279-7541
Date: February 12, 1992

Reviewed by Commissioner: Nancy Bear Usera
Administration

Date: 2/21/92

Printed by (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

No. 2
Bill Version: HB 443
(H) Publish Date: 2-28-92

Revision Date: _____
Title: An Act increasing the number of Superior Court judges
and decreasing the number of District Court judges
Sponsor: House Judiciary
Requestor: House Judiciary

Department Affected: Administration
BRU: Office of Public Advocacy
Component: Office of Public Advocacy

COMPONENT SERIAL NO.

		4	3
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	0	0	0	0	0	0
TRAVEL	0	0	0	0	0	0
CONTRACTUAL	0	0	0	0	0	0
SUPPLIES	0	0	0	0	0	0
EQUIPMENT	0	0	0	0	0	0
LAND & STRUCTURES	0	0	0	0	0	0
GRANTS, CLAIMS	0	0	0	0	0	0
MISCELLANEOUS	0	0	0	0	0	0
TOTAL OPERATING	0	0	0	0	0	0

CAPITAL	0	0	0	0	0	0
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REVENUE FUND SOURCE:	0	0	0	0	0	0
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ENDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
GENERAL FUNDS	0	0	0	0	0	0
OTHER FUND SOURCE:	0	0	0	0	0	0
TOTAL	0	0	0	0	0	0

POSITIONS:

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

State of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

Prepared by: Brant McGee, Public Advocate
Office of Public Advocacy

Phone: 274-1684
Date: February 13, 1992

Reviewed by Commissioner: Nancy Bear Usher
Administration

Date: 2/13/92

Approved by (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

No. _____
 Bill Version: HB 443
 (H) Publish Date: 2-28-92

FISCAL NOTE

**STATE OF ALASKA
 1992 LEGISLATIVE SESSION**

Revision Data: _____ Department Affected: Alaska Court System
 Title: An Act increasing the total number of BRU: Trial Courts
superior court judges... Components: _____
 Sponsor: Judiciary by request
 Requestor: Judiciary COMPONENT SERIAL NO. 000 | 000 | 000 | 788

EXPENDITURES/REVENUES: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
PERSONAL SERVICES	118.4	118.4	118.4	118.4	118.4	118.4
TRAVEL						
CONTRACTUAL						
SUPPLIES						
EQUIPMENT	7.8					
LAND & STRUCTURES						
GRANTS & CLAIMS						
TOTAL OPERATING	126.2	118.4	118.4	118.4	118.4	118.4

CAPITAL						
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REVENUE						
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FUNDING: (Thousands of Dollars)

GENERAL FUNDS	126.2	118.4	118.4	118.4	118.4	118.4
FEDERAL FUNDS						
OTHER						
TOTAL	126.2	118.4	118.4	118.4	118.4	118.4

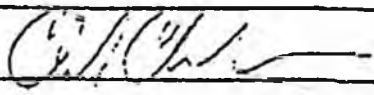

POSITIONS:

FULL-TIME	2.0	2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary)

See attached fiscal analysis.

Prepared by: C. S. Christensen III, Staff Counsel  Phone: 264-8228
 Position: Alaska Court System Date: 02/06/92
 Approved by: Arthur H. Snowden, II, Administrative Director  Date: 02/06/92
 Agency: Alaska Court System

Distribution (by preparer): Legislative Finance, Legislative Sponsor, Requestor, OMB, & Impacted Agency(ies).

COMMITTEE COPY

No 1
HB 443

Alaska Court System

Fiscal Impact of Adding a Superior Court Judge and
Deleting a District Court Judge in the Fairbanks Trial Courts

HB 443

Personal Services

	<u>Salary</u>	<u>Benefits</u>	<u>Total</u>
Cost difference between a Superior Court Judge and a District Court Judge			\$22,812
Law Clerk I, Fairbanks, permanent full-time, 13D	36,684	14,156	50,840
Secretary II, Fairbanks, permanent full-time, 12B	31,824	12,898	44,720
Total Personal Services			<u>118,372</u>

Equipment (one-time cost)

Office equipment for Law Clerk (personal computer, desk, chair, statutes and filing cabinet)			4,100
Office equipment for Secretary (personal computer, desk, chair, and filing cabinet)			3,700
Total Equipment			<u>7,800</u>

Total Costs \$128,172

FISCAL NOTE

No. 4

B³ Version: HB 443

(h, Publish Date: 2-28-92)

STATE OF ALASKA
1992 LEGISLATIVE SESSION

Revision Date: _____

Department Affected: Department of Law

Title: "...increasing superior court judges...
decreasing...district judges in the fourth...district..."

BRU: Prosecution

Sponsor: House Judiciary by Request

Component: Fourth Judicial District

Requestor: House Judiciary Committee

COMPONENT SERIAL

		R	R
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Expenditures/Revenues: (Thousands of Dollars)

OPERATING	FY 93	FY 94	FY 95	FY 96	FY 97	FY 98
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 FUND SOURCE:						
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ENDING: (Thousands of Dollars)

GENERAL FUND	-0-	-0-	-0-	-0-	-0-	-0-
GENERAL FUNDS						
OTHER FUND SOURCE:						
TOTAL						

POSITIONS:

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

Estimated impact of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

by: Richard I. Pegues
Administrative Services

Phone: 465-3672

Date: February 24, 1992

by Commissioner: Charles E. Cole
Department of Law

Date: February 24, 1992

Prepared by (by preparer): Leg. Fin., Legislative Sponsor, Requestor, OMB/DBR, Gov. Legis. Ofc., & Impacted Agency(ies).

No.4

CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. HB 443

This bill amends AS 22.10 and AS 22.15 to increase the number of superior court judges in the fourth judicial district from five to six, and to decrease the number of district judges in the fourth judicial district from four to three. The bill will have the effect of increasing the time available to hear felony trials and decreasing the time available to hear misdemeanor trials, to the extent that the time of the two positions involved will be or has been spent on criminal matters. If the time to be spent hearing felony trials is evenly offset by the time that was previously spent hearing misdemeanor trials, there should not be a fiscal impact for the Department of Law.

HOUSE BILL NO. 443

IN THE LEGISLATURE OF THE STATE OF ALASKA
SEVENTEENTH LEGISLATURE - SECOND SESSION

BY THE HOUSE JUDICIARY COMMITTEE BY REQUEST

Introduced: 2/5/92

Referred: Judiciary, Finance

A BILL

FOR AN ACT ENTITLED

1 "An Act increasing the total number of superior court judges from 30 to 31, increasing
2 the number of superior court judges in the fourth judicial district from five to six, and
3 decreasing the number of district judges in the fourth judicial district from four to three;
4 and providing for an effective date."

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

* Section 1. AS 22.10.120 is amended to read:

Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of 31 [30] judges, five of whom shall be judges in the first judicial district, three of whom shall be judges in the second judicial district, 17 of whom shall be judges in the third judicial district, and six [FIVE] of whom shall be judges in the fourth judicial district. At the time of submitting the names of nominees to the governor to fill a vacancy on the superior court bench, the judicial council shall also designate the district in which the appointee is to reside and serve.

* Sec. 2. AS 22.15.020(a) is amended to read:

(a) Except as hereinafter provided, each district court of the state [STATE OF ALASKA]

1 shall have the number of district judges set out below opposite the name of the judicial district
2 over which the court has jurisdiction:

3	First Judicial District 3
4	Second Judicial District 1
5	Third Judicial District 12
6	Fourth Judicial District <u>3</u> [4].

7 * Sec. 3. This Act takes effect July 1, 1992.



303 K STREET
ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
Administrative Director

Alaska Court System

(907) 264-0547
FAX (907) 276-6985

February 28, 1992

The Honorable Mike Navarre, Co-Chair
The Honorable Eileen MacLean, Co-Chair
House Finance Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Navarre and Representative MacLean:

I am writing to urgently request that the Finance Committee schedule House Bill 443, relating to the number of judges in the fourth judicial district, at its earliest possible convenience. This bill was introduced at the request of the Alaska Supreme Court. Its purpose is to correct an imbalance in the number and type of judges in the fourth judicial district.

At the present time, the superior court for the fourth judicial district is authorized to have five judges (including four in Fairbanks and one in Bethel), while the district court is authorized to have four (all in Fairbanks). HB 443 would upgrade one of the district court positions to a superior court judgeship, thus reducing the number of district judges to three, and increasing the number of superior court judges to six.

The supreme court is requesting this statutory change because it believes that the superior court workload in the fourth judicial district is excessive for five judges, and that the changes proposed by HB 443 represent the most practical way to address this problem.

At the present time, the five superior court judges sitting in the fourth judicial district are averaging 60 work hours each per week. They are being assisted by a pro tem judge brought out of retirement, as well as by two district judges who are hearing superior court cases in a pro tem capacity. In spite of this tremendous effort, the superior court has been unable to keep pace with its workload. Because of the high trial rate in the district, we have come close to losing criminal cases that could not be heard in a timely manner. An additional superior court judge is essential.

The Honorable Mike Navarre
The Honorable Eileen MacLean
February 28, 1992
Page 2

The reduction in the number of district judges reflected in this upgrade will necessarily cause some strain on the district court. However, the supreme court is cognizant of the fiscal problems facing the state at the present time. It has chosen to pursue this course of action so as to have as little fiscal impact on the state as possible.

A judicial upgrade in the fourth judicial district is essential if the superior and district courts are to operate efficiently, and provide an adequate level of service to the community. Please let me know if I can provide any additional information.

Sincerely,

A handwritten signature in cursive script that reads "Arthur H. Snowden, II". The signature is written in dark ink and is positioned above the typed name.

Arthur H. Snowden, II
Administrative Director