

HB

443

(7)

HOUSE COMMITTEE REPORT

Date Referred: February 5, 1992

FURTHER REFERRALS:

Finance

Date of Committee Action: 2/26/92

The JUDICIARY 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)

APPROVES PREVIOUS: (Dept/Date)

fiscal impact Court System (Trial Courts)

[] fiscal note(s) _____

zero fiscal note Admin (2), Law

zero fiscal note(s) _____

SIGNING DO PASS	DP	OTHER RECOMMENDATIONS	DNP	NR	AM
<i>J. H. Ellis</i>	<input checked="" type="checkbox"/>	<i>Dave Donley</i>		<input checked="" type="checkbox"/>	
		<i>Mark ...</i>		<input checked="" type="checkbox"/>	
		<i>Terry ...</i>		<input checked="" type="checkbox"/>	
		<i>Keith ...</i>		<input checked="" type="checkbox"/>	

Dave Donley

 CHAIRMAN'S SIGNATURE

FISCAL NOTE

**STATE OF ALASKA
1992 LEGISLATIVE SESSION**

Bill No. HB 443

Revision Date: _____ 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 | 768

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

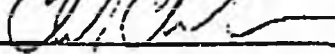
POSITIONS:

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
 Division: Alaska Court System Date: 02/06/92

Approved by: Arthur H. Snowden, II, Administrative Director 
 Agency: Alaska Court System Date: 02/06/92

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

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	12,896	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		<u>\$126,172</u>

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 443

Revision Date: _____
 Title: "...increasing superior court judges...
 decreasing...district judges in the fourth...district..."
 Sponsor: House Judiciary by Request
 Requestor: House Judiciary Committee

Department Affected: Department of Law
 BRU: Prosecution
 Component: Fourth Judicial District

COMPONENT SERIAL

		8	8
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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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FUNDING: (Thousands of Dollars)

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

POSITIONS:

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

Estimate of current year impact: _____

ANALYSIS: (Attach a separate page if necessary.)

Please see the attached analysis.

Prepared by: Richard I. Pegues, Director
 Division: Administrative Services
 Approved by Commissioner: Charles E. Cole, Attorney General
 Agency: Department of Law

Phone: 465-3672
 Date: February 24, 1992
 Date: February 24, 1992

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

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.

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 443

Revision Date: _____

Department Affected: Administration

Title: "An Act increasing the total number of superior court judges from 30 to 31."

BRU: Public Defender Agency

Sponsor: House Judiciary

Component: Public Defender Agency

Requestor: House Judiciary

COMPONENT SERIAL NO.

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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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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL 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

Estimate 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 fourth judicial district.

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

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

Phone: 279-7541
Date: February 12, 1992

Approved by Commissioner: Nancy Bear Usera
Agency: Administration

Date: 2/21/92

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

FISCAL NOTE

STATE OF ALASKA
1992 LEGISLATIVE SESSION

BILL NO. HB 443

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.

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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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FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL 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

Estimate of current year impact: None

ANALYSIS: (Attach a separate page if necessary.)

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

Phone: 274-1684
 Date: February 13, 1992

Approved by Commissioner: Nancy Bear Usura
 Agency: Administration

Date: 2/13/92

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



ARTHUR H. SNOWDEN II
Administrative Director

Alaska Court System

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February 18, 1992

The Honorable Dave Donley
Chairman, House Judiciary Committee
P.O. Box V
Juneau, Alaska 99811

Dear Representative Donley:

I am writing to urgently request that the Judiciary Committee schedule House Bill 443, relating to the number of judges in the fourth judicial district, at its earliest possible convenience. As you know, 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 Dave Donley
February 18, 1992
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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,



Arthur H. Snowden, II
Administrative Director