

HB443

SENATE FINANCE COMMITTEE REPORT

DATE: 4/24/92

FURTHER:

DATE TURNED INTO OFFICE: [redacted]

The Finance Committee considered HB 413

CHANGING NUMBER OF JUDGES IN 4TH DISTRICT

and recommends:

[ ] replace with \_\_\_\_\_ CS \_\_\_\_\_ (FINANCE)

or [ ] adopt previous \_\_\_\_\_ CS \_\_\_\_\_

[ ] attaches amendment(s)

[ ] same title  
[ ] new title  
[ ] technical title change (HB only)

[ ] adopts \_\_\_\_\_ Letter of Intent

[ ] further referral to the \_\_\_\_\_

~~[ ] do pass~~

[ ] do not pass

[ ] no recommendation

[ ] individual recommendations

NEW FISCAL NOTES: Dept/Date

[ ] zero fiscal notes \_\_\_\_\_

[ ] fiscal notes \_\_\_\_\_

[ ] appropriation--no fiscal note

PREVIOUS FISCAL NOTES: Dept/Date

[ ] zero fiscal notes [redacted]

[ ] fiscal notes [redacted]

DO PASS:

OTHER RECOMMENDATIONS:

[Handwritten signatures]

Rich Gehring no fee

1. [Handwritten signature]

Co-Chair: Signature/Recommendation

2. [Handwritten signature]

Co-Chair: Signature/Recommendation

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

NO. 4  
B Version: HB 443  
(h, Publish Date: 2-28-92)

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. Peques, 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.

STATE OF ALASKA  
1992 LEGISLATIVE SESSION

B" Version: HB 443  
(t., 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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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 Usara  
Agency: Administration

Date: 2/21/92

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

STATE OF ALASKA  
 1992 LEGISLATIVE SESSION

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
<b>TOTAL OPERATING</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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
<b>TOTAL</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

**FISCAL NOTE**

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

**STATE OF ALASKA  
 1992 LEGISLATIVE SESSION**

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 | 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						
<b>TOTAL OPERATING</b>	<b>126.2</b>	<b>118.4</b>	<b>118.4</b>	<b>118.4</b>	<b>118.4</b>	<b>118.4</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUNDS	126.2	118.4	118.4	118.4	118.4	118.4
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>126.2</b>	<b>118.4</b>	<b>118.4</b>	<b>118.4</b>	<b>118.4</b>	<b>118.4</b>

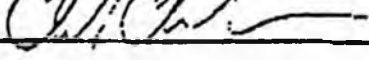

**POSITIONS:**

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  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 443Alaska Court SystemFiscal Impact of Adding a Superior Court Judge and  
Deleting a District Court Judge in the Fairbanks Trial Courts  
HB 443Personal 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>

## 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:

6 \* Section 1. AS 22.10.120 is amended to read:

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

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

14           (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.



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

CHARLES S. CHRISTENSEN III  
Staff Counsel

April 6, 1992

303 K Street  
Anchorage, AK 99501  
(907) 264-8228

The Honorable Rick Halford  
Chairman, Senate Judiciary Committee  
P. O. Box V  
Juneau, Alaska 99811

Dear Senator Halford:

I am writing to 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. 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

The Honorable Rick Halford  
April 6, 1992  
Page 2

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 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.

Very truly yours,

*C. S. Christensen III / bh*

C. S. Christensen III  
Staff Counsel

CSC:bh