

HB

214

HFIN

FILE

(11)

JUSE COMMITTEE REPORT

Date Referred to Committee: May 3, 1999

FURTHER REFERRALS:

Date of Committee Action: 5/4/99

The FINANCE Committee considered:

HB 214

HOUSE BILL NO. 214

PRISON LITIGATION

"An Act relating to litigation involving correctional facilities; and amending Rules 59(f), 60(b), 62, and 65, Alaska Rules of Civil Procedure."

recommends it be replaced with the following committee substitute CSHB 214 (Jud) the same title a new title

additional referral to _____ Committee
 attached amendment(s)

ADOPTS: _____ Letter of intent

ATTACHES NEW FISCAL NOTE(S): (Dept) _____

APPROVES PREVIOUS: (Dept/Date) _____

fiscal note(s) _____

fiscal note(s) DOC (indeterminate)
5/3/99

zero fiscal note(s) _____

zero fiscal note(s) _____

SIGNING WITH RECOMMENDATIONS		DP	DNP	NR	AM
<i>Gene Therriault</i>	Therriault	X			
<i>Eden Mulder</i>	Mulder	X			
<i>Chris Kohring</i>	Kohring	X			
<i>John Davies</i>	Davies		X		
<i>Ben Grussendorf</i>	Grussendorf	X			
<i>Paul Moses</i>	Moses	X			
<i>Fred Davis</i>	Davis			X	
<i>William Williams</i>	Williams	X			
<i>John Foster</i>	Foster	X			

CHAIR'S SIGNATURE

Gene Therriault *Eden Mulder*

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FISCAL NOTE

Bill Version: CSHB 214 (JUD)

(H) Publish Date: 5/3/99

**STATE OF ALASKA
1999 LEGISLATIVE SESSION**

Revision Date/Time (Note if correction) _____ Dept. Affected Department of Corrections
 Title An Act relating to litigation involving correctional BRU Administration and Operations
facilities; and amending rules 59(f), 60(b), 62, and 65, Alaska.. Component All
 Sponsor Representative Mulder
 Requester House Judiciary Committee Component Serial No. #0694

Expenditures/Revenues (Thousands of Dollars)

Note: Amounts do not include inflation unless otherwise noted below.

OPERATING EXPENDITURES	FY 2000	FY 2001	FY 2002	FY 2003	FY 2004	FY 2005
Personal Services						
Travel						
Contractual						
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
TOTAL OPERATING	****	****	****	****	****	****

CAPITAL EXPENDITURES						
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CHANGE IN REVENUES ()						
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FUND SOURCE (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF						
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type)						
TOTAL	****	****	****	****	****	****

Estimate of any current year (FY99) cost: 0.0

POSITIONS

Full-time						
Part-time						
Temporary						

ANALYSIS: (Attach a separate page if necessary)

The Dept. of Corrections is submitting an indeterminate fiscal note for this legislation because the Department is unable to ascertain its economic impact. Under the terms of this bill, the Department will be able to seek closure of the Cleary class action lawsuit one year following the effective date of the legislation. It is unknown, however, whether the court will act favorably on the Department's motion. Furthermore, even if it is assumed that the court does act favorably on the motion, the Department cannot readily determine the fiscal impact of such a ruling. On the "savings" side, the Department is currently paying for a court-appointed compliance monitor in the Cleary lawsuit. Presumably, these costs will no longer be incurred following termination of the lawsuit. Though not anticipated, it is possible that new litigation could be filed requiring comparable monitoring.

Prepared by Bruce Richards Phone 465-3307
 Division Commissioner's Office Date/Time 4/29/99 8:48 AM
 Approved by Comm. Margaret M. Pugh *Margaret M. Pugh* Date 4/29/99
 Agency Department of Corrections

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SPONSOR STATEMENT

HOUSE BILL 214

“Prisoner Litigation Reform Act”

REPRESENTATIVE ELDON MULDER

Modeled after successful federal legislation, HB 214 provides that court decisions effecting Alaska’s prison system be as direct and unobtrusive as possible to the overall operations of the prison system. Currently, as seen with the Cleary case, judicial judgements are allowed to make broad sweeping requirements of the entire system in order to solve specifically identified, non-systemic problems within the Department of Corrections.

House Bill 214 requires any court orders or consent decrees be limited in scope to include only the specific problems or issues contained in the original complaint. It would also requires the court to take into consideration the overall effect of its decisions on the management and fiscal impact on the department.

The States constitution clearly states that the Legislature has the exclusive right to appropriate. Recent court orders and consent decrees requiring certain levels of funding or services is in direct conflict with the Legislature’s exclusive appropriation powers.

The far reaching effects of recent court orders and consent decrees have also been in conflict with the Administrative branch’s requirement to manage the State facilities and carry out the several constitutional goals of prison administration.

While the legislature recognizes the Judiciary’s ability to ensure the constitutional rights of Alaska’s prison population, it also recognizes that there is a constitutional separation of powers and duties that allows the State to effectively carry out its duties. House Bill 214 will accomplish this goal.