

SB

62

<TARGET><BILL>SB 62</BILL><SUBJECT>SB
62</SUBJECT><COMM>SJUD27</COMM></TARGET>

SENATE COMMITTEE REPORT First Committee of Referral

DATE: 1/24/11

FURTHER: Finance

Date of 5-Day Notice: _____
(in accordance with Uniform Rule 23)

DATE TURNED
IN TO OFFICE: _____

Judiciary Committee considered SENATE BILL NO. 62

SB 62-CIVIL LEGAL SERVICES FUND

"An Act allowing appropriations to the civil legal services fund from court filing fees."

and recommends:

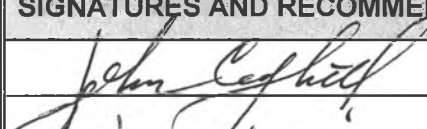

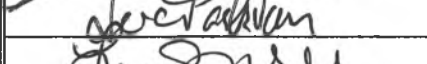


- be replaced with CS _____ (_____) Same Title New Title
- adopt previous CS _____ (_____) Same Title New Title
- attached amendment(s)
- adopt _____ Letter of Intent
- further referral to _____ Committee

| Dept Abbr. | |
|------------|-----|
| ADM | LEG |
| CED | LAW |
| COR | LWF |
| CRT | MVA |
| EED | DNR |
| DEC | DPS |
| DFG | REV |
| GOV | DOT |
| DHS | UA |

| NEW FISCAL NOTE(S) | | | | |
|--------------------|--------|--------|------|------|
| Dept. | Fiscal | Indet. | Zero | FN # |
| COR | | | ✓ | |
| LAW | | | ✓ | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

| PREVIOUS FISCAL NOTE(S) | | | | |
|-------------------------|--------|--------|------|------|
| Dept. | Fiscal | Indet. | Zero | FN # |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |
| | | | | |

APPROPRIATION - no fiscal note

| SIGNATURES AND RECOMMENDATIONS: | PRINTED LAST NAME | Do PASS | Do NOT PASS | NO REC | AMEND |
|---|-------------------|---------|-------------|--------|-------|
|  | Cochran | | | ✓ | |
|  | Wieschowski | ✓ | | | |
|  | PASKIN | X | | | |
|  | McGuire | X | | | |
| | | | | | |
| | | | | | |
| CHAIR:  | French | ✓ | | | |

Alaska State Legislature



Session:
State Capitol
Suite 125
Juneau, AK 99801
Phone: (907) 465-2995
Fax: (907) 465-6592


Interim:

716 W 4th Avenue, Suite 300
Anchorage, AK 99501-2133
Phone: (907) 269-0250
Fax: (907) 269-0249

Senator Lesil McGuire

DATE: February 1, 2011

TO: Senator Hollis French, Chair Senate Judiciary Committee

FR:  Senator Lesil McGuire

RE: Request to Schedule SB 62: "An Act allowing appropriations to the civil legal services fund from court filing fees."

Dear Senator French,
Please schedule SB 62 for a hearing in the Senate Judiciary Committee at your earliest convenience.

Attached is a bill packet that contains the following:

1. Sponsor Statement
2. Current Version of the Bill: SB 62
3. Fiscal Note
4. Supporting Documents
 - a. Alaska Legal Services Corporation handouts

To Testify:

Nikole Nelson
Executive Director of Alaska Legal Services Corp
(907) 222-4508 Testifying from Anchorage LIO

Vance Sanders
ALSC Board President. 586-1648.
He is Juneau based and will testify in person.

Michele Sharp,
ALSC client, 884-0141. Testifying from Anchorage LIO.

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Senator Lesil McGuire

SPONSOR STATEMENT for Senate Bill 62

“An Act allowing appropriations to the civil legal services fund from court filing fees.”

This bill is designed to help fund civil legal services for low-income Alaskans. Senate Bill 62 will provide a mechanism for funding the Alaska Legal Services Corporation (ALSC), by allowing the legislature to appropriate up to 25 percent of filing fees paid to the Alaska Court System during the previous fiscal year into the Civil Legal Services Fund.

The Alaska Legal Services Corporation was established in 1966 to address the civil legal aid needs of low-income Alaskans. ALSC is not a state agency, but is instead a nonprofit charitable 501(c)(3) whose funding comes from a variety of state, federal, and private sources. Over the last several years ALSC funding has dwindled, from \$4.2 million as of 1987 to less than \$3.1 million as of 2010, while it struggles to serve a growing number of poverty-level applicants. Appropriations from the State of Alaska that were once as high as \$1.2 million in FY84 are currently at \$350,000. Senate Bill 62 aims to correct this lack of funding and helps ensure civil legal representation for Alaska’s most needy population.

Alaska Legal Services Corporation

Serving Alaska Communities and Families for over 40 years

Who we are:

- ◆ Alaska Legal Services Corporation (ALSC) is a private, non-profit law firm that provides free legal services to seniors and low-income Alaskans.

Our Mission:

- ◆ To provide meaningful access to justice in resolving civil legal problems for low-income clients, thus promoting family stability and reducing the legal consequences of poverty.

Who We Serve:

- ❖ Alaskans below 125% of the Alaska poverty ceiling
- ❖ Seniors --- over 600 per year
- ❖ Children --- nearly 1/2 of those assisted have children in their households
- ❖ Domestic Violence Victims --- over 400 cases per year
- ❖ Rural residents --- 38% of all clients served resided in rural communities
- ❖ Veterans---preventing homelessness and assuring access to healthcare

Community Need:

- ◆ An estimated 88,000 Alaskans live below the poverty ceiling. At present, there is only one ALSC attorney for every 4,000 Alaskans living in poverty.
- ◆ In 2009, ALSC received over 3,400 inquiries and 2,834 applications for legal help.
- ◆ We turned away over 500 families that could have been helped if we had the resources.
- ◆ Many more did not apply, knowing our resource limitations.

Providing Statewide Access To Justice With Offices In:

| | | | | |
|-----------|-----------|------------|-----------|--------|
| Anchorage | Bethel | Dillingham | Fairbanks | Juneau |
| Kenai | Ketchikan | Kotzebue | Nome | Palmer |

Strong Local Support:

- ◆ Nearly all of our offices enjoy local financial support. Each office sets its own case acceptance priorities based on local needs.

Our Services:

| | | |
|-----------------------------|----------------------|------------------|
| Legal Advice and Counseling | Court Representation | Advocacy |
| Community Legal Clinics | On-line Self-Help | Pro Bono program |

Types of Cases:

| | | |
|-------------------------------|-----------------|---------------------|
| Domestic Violence Protection | Foreclosures | Family Law |
| Wills & Healthcare Directives | Public Benefits | Consumer Protection |
| Housing Protection | Debtor Relief | |
| Health care Advocacy | Employment | |
| Probates & Estates | | |
| Veteran's Benefits | | |



Alaska Legal Services Corporation

Serving Victims of Domestic Violence



Who we are:

- ◆ ALSC is a non-profit civil legal aid agency, providing free legal services to Alaska's poor. We are by far the largest provider of legal services to domestic violence victims in Alaska. We served over 400 families experiencing domestic violence last year alone. Children were present in 80% of these households.
- ◆ ALSC has provided legal assistance, including representation to domestic violence victims, for over 40 years, with a particular emphasis on service delivery in Alaska's rural areas.

Community need:

- ◆ In 2009, ALSC saw a 15% increase in requests for assistance from victims of abuse. Our ability to help is limited by available resources, forcing us to turn away over 500 families each year.
- ◆ The Governor's initiative funds stronger criminal efforts but relies on pro bono efforts to increase civil representation. The lack of dedicated funding for increased civil representation is a weak link in this initiative.

What we do:

- ◆ ALSC attorneys provide advice and/or representation aimed at increasing victims' safety and long term stability by keeping or securing housing, obtaining orders of protection and assisting with income maintenance issues such as securing child support and public benefits.

Why we do what we do:

- ◆ Alaska's rates of domestic violence and sexual assault are among the highest in the nation. A 2003 study seeking to explain a decline in domestic violence found the provision of civil legal services to victims significantly lowers the incidence of abuse and was the only service designed to help victims having this impact.
- ◆ Domestic Violence is the number one precursor to child abuse and neglect. Services to victims also protect children.
- ◆ Legal services address practical matters that make leaving abusive relationships a realistic alternative.



Sean Parnell, Governor
State of Alaska

GOVERNOR'S COUNCIL ON DISABILITIES AND SPECIAL EDUCATION

P.O. Box 240249 • Anchorage, Alaska 99524-0249 • Phone: 907-269-8990 • Fax: 907-269-8995 • Toll Free 888-269-8990

February 8, 2011

Senator Lesil McGuire
State Capitol room 125
Juneau, AK 99801

Dear Senator McGuire,

The Governor's Council on Disabilities and Special Education supports Senate Bill 62, "*An Act allowing appropriations to the civil legal services fund from court filing fees.*" As we understand it, this bill will provide a funding mechanism for the Alaska Legal Services Corporation. ALSC is an important entity in so much as they provide legal representation for low income Alaskans, many of whom are persons with disabilities.

The Council is particularly supportive of the work of the Alaska Legal Services Corporation around the issue of domestic violence victims, especially in light of alarming statistics around victimization of persons with disabilities. For instance, reports and studies show:

- Persons with a disability had an age-adjusted rate of rape or sexual assault that was more than twice the rate for persons without a disability (2007 Bureau of Justice Report, Crime Against Persons with Disabilities)
- Persons with a cognitive functioning disability had a higher risk of violent victimization than persons with any other type of disability (2007 Justice Report)
- 85% of women with disabilities will experience domestic violence (Feuetstein, 1997)
- More than 90% of people with developmental disabilities will experience physical or sexual abuse at some point in their lives (Valenti-Hein & Schwartz, 1995)
- 97-99% of abusers are known and trusted by the victim who has developmental disabilities (Baladerian, 1991)

While these statistics are alarming, the reality is the Alaska Legal Services Corporation is unable to keep pace with its growing caseload without additional financial support. In 2009 they received over 3,400 inquiries and 2,834 applications for legal help, yet had to turn away over 500 families for lack of resources. SB 62 provides an effective and reasonable approach to funding this severely underfunded agency. Please support the passage of SB62.

Sincerely,

Millie Ryan e/s

Millie Ryan, Executive Director
Governor's Council on Disabilities and Special Education

Cindy Smith

From: Doug Wooliver [dwooliver@courts.state.ak.us]
Sent: Friday, February 04, 2011 9:38 AM
To: Cindy Smith
Subject: SB 62

Good morning Cindy. I will be in Anchorage on Monday and will not be able to attend the Judiciary hearing on SB 62. I though I would explain why we have a zero fiscal note on the bill. All filing fees collected by the court system (and all other monies collected by the court as well) are deposited in the state's general fund and are not retained by or otherwise earmarked for the court. They are just general fund dollars like any other and if the legislature elects to identify some percentage of them for a particular purpose then they are allocating money that does not "belong" to us. This is similar to the way youth courts are now funded with a percentage of court fines collected. Again, those are just general fund dollars that are not in some way "ours." Hope this helps. Doug

Advisory Board on Alcoholism
and Drug Abuse



Alaska Mental Health Board

ALASKA MENTAL HEALTH BOARD
ADVISORY BOARD ON ALCOHOLISM AND DRUG ABUSE
431 NORTH FRANKLIN STREET, SUITE 200
JUNEAU, ALASKA 99801
(907) 465-8920

February 7, 2011

Senator Lesil McGuire
Alaska State Legislature
Capitol Building, Room 125
Juneau, Alaska 99801

Re: SB 62 – Civil Legal Services Fund

Dear Senator McGuire,

On behalf of the Alaska Mental Health Board and Advisory Board on Alcoholism and Drug Abuse, I would like to express our appreciation of your support for legal services for Alaska's indigent and vulnerable citizens. For individuals experiencing mental health and substance use disorders, the non-profit public interest firms are often the only source of legal assistance. Ensuring these firms' ability to serve their clients ensures that Alaskans with disabilities and families affected by substance abuse are able to access the legal system when in need.

Alaska Legal Services, the Disability Law Center, and the Alaska Network on Domestic Violence and Sexual Assault all provide services imperative to the health and safety of vulnerable Alaskans. Without the high quality services offered by their lawyers, paralegals, advocates and staff, many seniors, victims of violence and people experiencing disabilities would be left alone and without recourse when faced with unfair or unjust treatment.

The Boards' appreciate your advocacy on behalf of these agencies, but more importantly, on behalf of their clients and the entire justice system in Alaska.

Sincerely,

J. Kate Burkhart
Executive Director

The TRUST

February 7, 2011

The Alaska Mental Health Trust Authority

Senator Lesil McGuire
State Capitol room 125
Juneau, AK 99801

Dear Senator McGuire,

The Alaska Mental Health Trust Authority is pleased to support SB62: "An Act allowing appropriations to the civil legal services fund from court filing fees." This bill will assist Alaska Legal Services in providing legal representation for low income Alaskans, a great number of which are beneficiaries of The Trust.

Legal representation for Trust beneficiaries is a critical need given the high percentage of beneficiaries who end up in the Correctional system (estimated 42% of the total correctional population), who are in danger of eviction from their homes without adequate legal representation, and who experience domestic violence. In 2009, Alaska Legal Services saw an increase of 15% in requests for assistance from victims of abuse. It is estimated that 40% of those served by Alaska Legal Services are Trust beneficiaries.

This bill will assist low-income members of all Trust beneficiary groups statewide who have critical legal needs affecting their safety, stability and self-sufficiency. This bill will provide legal assistance that will address factors such as safety, economic stability and self-sufficiency, all of which directly impact beneficiaries' ability to keep and maintain suitable housing. Several studies have documented the connection between homelessness and domestic violence. Legal assistance to beneficiaries facing abuse could obtain protective orders to stop the violence as well as the legal right to residence.

Alaska Legal Services is the only statewide comprehensive civil legal services provider. At present, there is only one ALSC attorney for every 4,000 Alaskans living in poverty. There is an overwhelming need throughout the state for the services provided by Alaska Legal Services. Increasing access to services and quality of life among Trust beneficiaries is a high priority of the Trust. This bill would make it possible for more Trust beneficiaries, as well as other Alaskans and their families, to access legal services that can improve their quality of life. Please support the passage of SB62.

Sincerely,



Jeff Jessee
Chief Executive Officer
Alaska Mental Health Trust Authority



FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

Fiscal Note Number _____
 Bill Version SB062
 () Publish Date _____

Identifier (file name): SB062-LAW-CIV-02-04-11
 Title An Act allowing appropriations to the civil legal services fund from court filing fees. Dept. Affected Law
 Appropriation Civil
 Allocation Labor and State Affairs
 Sponsor Senator(s) McGuire
 Requester (S) JUD OMB Component Number 2718

Expenditures/Revenues (Thousands of Dollars)

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

| | Appropriation Required | Information | | | | | |
|-------------------------------|------------------------|-------------|------------|------------|------------|------------|------------|
| | | FY 2012 | FY 2012 | FY 2013 | FY 2014 | FY 2015 | FY 2016 |
| OPERATING EXPENDITURES | | | | | | | |
| Personal Services | | | | | | | |
| Travel | | | | | | | |
| Services | | | | | | | |
| Commodities | | | | | | | |
| Capital Outlay | | | | | | | |
| Grants | | | | | | | |
| Miscellaneous | | | | | | | |
| TOTAL OPERATING | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |
| CAPITAL EXPENDITURES | | | | | | | |
| | | | | | | | |
| CHANGE IN REVENUES | | | | | | | |
| | | | | | | | |

FUND SOURCE (Thousands of Dollars)

| | | | | | | | |
|--------------------------|------------|------------|------------|------------|------------|------------|------------|
| 1002 Federal Receipts | | | | | | | |
| 1003 GF Match | | | | | | | |
| 1004 GF | | | | | | | |
| 1005 GF/Program Receipts | | | | | | | |
| 1037 GF/Mental Health | | | | | | | |
| Other (please identify) | | | | | | | |
| TOTAL | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 | 0.0 |

Estimate of any current year (FY2011) cost 0.0

POSITIONS

| | | | | | | | |
|-----------|--|--|--|--|--|--|--|
| Full-time | | | | | | | |
| Part-time | | | | | | | |
| Temporary | | | | | | | |

Why this fiscal note differs from previous version (if initial version, please note as such)

Prepared by Eileen Donahue, Division Operations Manager
 Division Administrative Services
 Approved by John J. Burns, Attorney General
Department of Law

Phone 465-5427
 Date/Time 2/4/11 2:30 PM
 Date 2/4/2011

FISCAL NOTE

STATE OF ALASKA
2011 LEGISLATIVE SESSION

BILL NO. SB062

Analysis

This bill would provide an additional source for the civil legal services fund established in AS 37.05.590: an amount from the general fund that is up to 25 percent of the filing fees received by the Alaska Court System during the previous fiscal year.

There is no anticipated fiscal impact to Department of Law.