

HB

154

<TARGET><BILL>HB 154</BILL><SUBJECT>HB
154</SUBJECT><COMM>HFIN29</COMM></TARGET>

Fiscal Note

State of Alaska
2015 Legislative Session

Bill Version:	HB 154
Fiscal Note Number:	1
(H) Publish Date:	4/8/2015

Identifier: HB154-ACS-TRC-03-20-15
 Title: CIVIL LEGAL SERVICES FUND
 Sponsor: EDGMON
 Requester: House Judiciary Committee

Department: Judiciary
 Appropriation: Alaska Court System
 Allocation: Trial Courts
 OMB Component Number: 768

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below. (Thousands of Dollars)

	FY2016	Included in	Out-Year Cost Estimates				
	Appropriation Requested	Governor's FY2016 Request	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
OPERATING EXPENDITURES	FY 2016	FY 2016	FY 2017	FY 2018	FY 2019	FY 2020	FY 2021
Personal Services							
Travel							
Services							
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Fund Source (Operating Only)

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

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Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
 If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:	Nancy Meade, General Counsel	Phone:	(907)463-4736
Division:	Alaska Court System	Date:	03/20/2015 12:00 PM
Approved By:	Nancy Meade for Christine Johnson, Administrative Director	Date:	03/20/15
Agency:	Alaska Court System		

FISCAL NOTE ANALYSIS

STATE OF ALASKA
2015 LEGISLATIVE SESSION

Analysis

House Bill 154 would allow the legislature to appropriate, from the general fund, up to 25% of the filing fees received by the Court System during the previous fiscal year to the Civil Legal Services Fund.

This bill does not impact the court system. The court system turns over all filing fees (and all other fees and monies) that it collects to the state's general fund; the legislature appropriates from that fund as it deems appropriate. The court system's budget would not be impacted by the amount the legislature may choose to appropriate to the Civil Legal Services Fund under this bill.

The court system therefore submits this zero fiscal note.

29th Alaska State Legislature

Session:
State Capitol, Room 410
Juneau, AK 99801
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Interim:
716 W 4th Avenue
Anchorage, AK 99501
Phone: (907) 269-0250
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Representative Bryce Edgmon

SPONSOR STATEMENT

House Bill 154

Version A

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

This bill will safeguard low-income Alaskans’ access to the civil justice system by creating a stable and sustainable mechanism for funding the Alaska Legal Services Corporation (ALSC). It allows the Legislature to appropriate up to 25 percent of filing fees paid to the Alaska Court System during the previous fiscal year into the already existing Civil Legal Services Fund.

The Alaska Legal Services Corporation—established in 1966—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.

ALSC strives to serve a growing number of poverty-level applicants. Since 1984, the number of Alaskans eligible for legal services has more than doubled, from 41,000 to over 100,000. Yet currently, the state’s contribution to ALSC is only a fraction of what it was 30 years ago.

House Bill 154 aims to stabilize ALSC funding and help ensure that civil legal representation is available to Alaska’s most needy population.



Alaska Legal Services Corporation

SB49: Amending the Civil Legal Services Fund

SB49 seeks to amend AS 37.05.590 (the statute creating the Civil Legal Services Fund) so that up to 25% of Court System filing fees can be appropriated by the Legislature to the Civil Legal Services Fund each year to provide access to the civil legal aid for low-income Alaskans with critical legal needs.

Why is Adequate Funding for Civil Legal Aid Important?

Civil legal aid ensures fairness for all in the justice system. It provides access to legal help for people who cannot afford it otherwise, to protect their livelihood, their health or their family. Access to the justice should not depend on how much money you have. We need civil legal aid to ensure that the very principle our founding fathers envisioned remains alive: justice for all, not the few who can afford it.

SB49 is Needed to Bridge Alaska’s Growing Justice Gap

The “justice gap” is the difference between the level of legal assistance available and the level that is necessary to meet the needs of low-income individuals. At **current funding levels, ALSC turns away hundreds of families seeking assistance each year due to resource limitations.**



There is only one ALSC staff attorney available for every



3,465 Low Income Alaskans.

Current Funding

The amount available for appropriation into the fund depends on whether the state has collected any punitive damages, which has not happened for the last three years.

State appropriations to ALSC steadily declined from a high of \$1.2 million in 1984 to \$550,000.

ALSC State Appropriation		
Year	Total Appropriation to ALSC	Population Below Poverty Level
1984	\$1.2 Million	 41,616
2014	\$0.5 Million	 100,498

Source: 1980 Census of Population, PC80-1-C1 "General Social and Economic Characteristics", table 245.
Source: U.S. Census Bureau, 2011-2013 3-Year American Community Survey.



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

ALASKA COMMISSION ON AGING

P.O. Box 110693
Juneau, Alaska 99811-0693
Main: 907.465.3250
Fax: 907.465.1398

March 6, 2015

Representative Bryce Edgmon
Alaska State Capitol, Room 410
Juneau, AK 99801-1182

Subject: Support for HB 154, Civil Legal Services Fund

Dear Representative Edgmon:

The Alaska Commission on Aging (ACoA) is pleased to offer our support for HB 154, a bill authored by you to establish a mechanism to enhance funding for organizations that provide civil legal services to low-income individuals, veterans and older Alaskans by allowing the Legislature to appropriate up to 25% of filing fees paid annually to the Alaska Court System.

Alaska Legal Services Corporation (ALSC), a nonprofit civil legal aid agency that has provided no-cost civil legal help to low-income Alaskans for over 45 years, is an example of an organization that would benefit from this legislation. ALSC is the sole statewide agency that provides free civil legal assistance to low-income seniors, veterans, and other eligible Alaskans.

Legal assistance for seniors is provided statewide by ALSC and assures that seniors, especially those at greatest social and economic risk, have access to the civil justice system. Last year, Alaska Legal Services provided direct legal aid to more than 850 seniors. ALSC helps seniors establish Miller Trusts, guardianships, conservatorships, advance directives and wills; prevents seniors from losing their housing due to predatory lending practices, illegal foreclosure or eviction, and renter-landlord disputes; and helps seniors obtain and maintain Social Security benefits. Alaska Legal Services employs approximately twenty attorneys statewide.

The Commission supports HB 154 and appreciates your leadership of this legislation. Access to legal information, advice, and assistance helps older Alaskans preserve their financial and personal independence, retain control of their financial and health care decisions, maintain appropriate family relationships, and protect their personal assets and well-being.

Sincerely,

Handwritten signature of Mary E. Shields in black ink.

Mary E. Shields
Chair, Alaska Commission on Aging

Sincerely,

Handwritten signature of Denise Daniello in black ink.

Denise Daniello
ACoA Executive Director

Cc: Representative Max Gruenberg



THE STATE
of **ALASKA**
GOVERNOR BILL WALKER

Department of
Health and Social Services

Senior and Disabilities Services
Governor's Council on Disabilities & Special Education
Patrick J. Reinhart, Executive Director

3601 C Street, Suite 740
Anchorage, Alaska 99503
Main: 907.269.8990
Fax: 907.269.8995

February 24, 2015

Senator Lesil McGuire
Alaska State Legislature
Capitol Building, Room 121
Juneau, Alaska 99801

RE: SB 49: Civil Legal Services Fund

Dear Senator McGuire,

The Governor's Council on Disabilities and Special Education (the Council) would like to extend its support for SB 49. Your sponsorship of this bill is greatly appreciated as we feel that it will positively impact Alaska's most vulnerable populations, including individuals with disabilities.

For low-income Alaskans with disabilities, legal services are primarily received through non-profit public interest firms. Without these vital legal services, low-income Alaskans with disabilities could be at risk of losing their home, healthcare, access to food, or even the ability to be protected from abuse. Such consequences have an obviously disastrous human impact, truly highlighting the imperative need for quality legal services to be available for all those who are in need of them. Without sufficient funding to allow full access to necessary services, individuals could be subject to unfair treatment and would certainly not be able to fully utilize the justice system.

The Council strongly supports SB 49 and the finances it would provide to enhance the provision of civil legal services to low-income Alaskans, including those who experience a disability. A clear disparity exists between the available funding for legal services for low-income individuals and the number of individuals in need of said services. In the past 30 years the number of Alaskans below the poverty level has increased, while the total appropriations for such services have decreased. SB 49 will be a positive step towards meeting the current need. Thank you for working to ensure that the Alaska justice system is fully accessible to all of the residents of this great state.

Sincerely,

A handwritten signature in black ink, appearing to read "Ric Nelson".

Ric Nelson,
Council Chair

A handwritten signature in black ink, appearing to read "Dean Gates".

Dean Gates,
Legislative Committee Chair



March 2, 2015

Senator Lesil McGuire
Alaska State Capitol, Room 121
Juneau, AK 99801-1182

RE: SB 49, Civil Legal Services Fund - clarification re: restrictions on ALSC's cases

Dear Senator McGuire:

At last week's Senate Judiciary hearing there appeared to be some confusion regarding the types of cases that Alaska Legal Services Corporation can provide assistance with. Given this, I wanted to take the opportunity to clarify for the record that there are certain categories of cases that Alaska Legal Services is specifically prohibited by federal law from engaging in. As a recipient of funds from the national Legal Services Corporation, Alaska Legal Services Corporation is **PROHIBITED** by federal law (see 42 U.S.C. 2996 et seq., 45 CFR Part 1610) from participating in any of the following types of cases:

- Criminal cases;
- Abortion related litigation of any kind;
- Representation of undocumented immigrants (except where human trafficking is involved);
- Class Actions;
- Representation of prisoners;
- Representation of those evicted from public housing due to illegal drug use;
- Redistricting activities; and
- Cases where a private attorney would take the case on a contingency fee basis.

ALSC takes these restrictions very seriously and is audited yearly to assure our compliance with these regulations. I hope this information allays any concerns the committee may have that if ALSC were better funded, we would engage in such activities. We are clearly bound by federal law from doing so.

Please let me know if you have any questions. Thank you again for your support of SB 49.

Sincerely,

Nikole Nelson

Nikole Nelson



First Lady Donna Walker
Honorary Chair

Ramona Reeves, *Chair*

Michael Lesmann, *Vice Chair*

Lisa Wimmer, *Treasurer*

Melanie Bahnke, *Secretary*

Diane Kaplan, *Past Chair*

Susan Anderson

Ginger Bain

Elsie Boudreau

Com. Valerie Davidson

Com. Michael Hanley

Carley Lawrence

Tlisa Northcutt

Ivy Spohnholz

William Streur

Marcus Wilson

2 March 2015

Senator Lesil McGuire
Chair Senate Judiciary
Alaska State Legislature
Capitol Building, Room 121

Re: SB49: Civil Legal Services Fund

Dear Senator McGuire,

Alaska Children's Trust (ACT) would to extend its support for SB 49 as the availability of civil legal help that Alaska Legal Services provides is critical to the prevention of child abuse and neglect and ALSC's current resources are far below the amount needed to serve those in need. ACT is the statewide lead focused on the prevention of child abuse and neglect.

ALSC is the largest provider of legal services to families experiencing domestic violence -- each year serving over 500 families, impacting 1,500 persons statewide. Children are present most of these households. Domestic violence can have a profound effect on the upbringing and livelihood of children -- it is the number one precursor to child abuse and neglect. Simply witnessing domestic violence harms children at every stage of their development. All too often, children are present for domestic violence that takes place in the home. We also know that providing legal services to non-offending parents and children is a critical factor in removing children from a potentially abusive situation. Alaska Legal Services provides an essential service for children at risk of abuse by representing them or their non-offending parents in legal matters that help to provide protection from the offending parent and to stabilize families, including protective order proceedings and custody and divorce proceedings. By preventing domestic violence, ALSC is preventing child abuse and neglect.

Furthermore, a recent study found that **each year ALSC achieves \$2.6 million in savings for state and local communities in costs related to domestic abuse**, not only are these services critical to preventing child abuse, they also save the state money.

ACT strongly support SB 49 and the finances it would provide to assure that free civil legal services are available to low-income Alaskans, including victims of domestic violence with children in their households. There is an enormous gap between the available funding for these critical services and those who need them. SB 49 is a positive step towards bridging this justice gap. Thank you for sponsoring this important legislation and protecting Alaska's children.

Sincerely,

Trevor J Storrs
Executive Director





*Working to increase affordable housing
and eliminate homelessness in our great state.*

PO Box 200862
Anchorage, Alaska 99520
907.209.3661

February 18, 2015

Senator Lesil McGuire
Alaska State Legislature
Capitol Building, Room 121
Juneau, Alaska 99801

RE: SB 49 – Civil Legal Services Fund

Dear Senator McGuire,

The Alaska Coalition on Housing and Homelessness would like to express our support for SB 49 which would provide access to civil legal aid for low-income Alaskans with critical legal needs by providing funding for the Civil Legal Services Fund.

Alaska Legal Services Corporation (ALSC) provides invaluable legal assistance and other services to hundreds of low-income individuals and families in Alaska – who would not have access otherwise. The Coalition appreciates your support for the work of the Alaska Legal Services Corporation for Alaska's most vulnerable.

The mission of the Alaska Coalition on Housing and Homelessness (AKCH2) is to develop strategies to increase the availability of affordable housing and eliminate homelessness in our great state. SB 49 assists greatly toward reaching this goal.

Thanks,

Scott Ciambor, Chair
Alaska Coalition on Housing and Homelessness
<http://www.alaskahousing-homeless.org/>

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 20, 2015

Senator Lesil McGuire
Alaska State Legislature
Capitol Building, Room 121
Juneau, Alaska 99801

Re: SB 49 – 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 support for SB 49. We appreciate your championing of legal services for Alaska's indigent and vulnerable citizens. For individuals experiencing mental health and substance use disorders, these non-profit public interest firms are often the only source of legal assistance. SB 49 preserves access to justice for Alaskans who do not always have a voice, and reinforces the Alaskan value of taking care of our neighbors in need.

Alaska Legal Services, the Disability Law Center, and other public interest law firms 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 veterans, seniors, victims of violence, and people experiencing disabilities would be left alone and without recourse when faced with unfair or unjust treatment.

The Boards support SB 49 and the additional financial support for civil legal services providers serving indigent, elderly, and disabled clients. We appreciate your advocacy on behalf of these agencies, but more importantly, on behalf of their clients and the entire justice system in Alaska.

Sincerely,

A handwritten signature in black ink, appearing to read "Kate Burkhart".

J. Kate Burkhart
Executive Director

cc: Joe Dingman, chairperson, Alaska Mental Health Board
Bob Coghill, chairperson, Advisory Board on Alcoholism and Drug Abuse
Nikole Nelson, executive director, Alaska Legal Services Corporation
David Fleurant, executive director, Disability Law Center

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Pro Bono Office
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Sitka, Alaska 99835
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Fax: (907)747-7547

February 17, 2015

Honorable Lesil McGuire
Alaska State Senate
State Capitol – Room 121
Juneau, AK 99801

Re: SB 49 Letter of Support

Dear Senator McGuire:

On behalf of our 18 member victim service agencies that provide direct services to victims and survivors of domestic violence and sexual assault in Alaska, we thank you for introducing SB 49 to provide a consistent funding stream for civil legal services.

Civil legal services are a critical piece to helping end domestic violence in Alaska. Studies have found that civil legal services are the most effective means of ending violence in victim's lives. When a victim makes a decision to leave their abuser and go to the safety of a friend's house or shelter, it is just the beginning of a long journey to obtain safety and basic needs for the victim and their children. In order to succeed, a victim must meet the basic needs of economic support, protective orders for safety, gaining temporary custody of the children and safe and permanent housing. Without the assistance of an attorney, victims can lose custody of their children and fail to receive economic support. This significantly increases the risk of greater violence when the victim has no other choice but to return to the abuser for economic support and to protect the children from the abuser, who obtains custody.

While there are many attorneys in Alaska that volunteer time and resources to assisting victims, the demand for civil legal services far exceeds the available resources. ANDVSA's Legal Services Program works closely with Alaska Legal Services Corporation to assist victims in finding attorneys, but they are limited by the availability of funding and will likely lose funding this year. SB 49 will insure that a consistent funding stream is available for the legislature, in their discretion, to appropriate to those organizations that serve low-income Alaskans.

Thank you for sponsoring this important piece of legislation.

Sincerely,

Peggy Brown, Executive Director

Member Programs

Anchorage AWAIC, STAR Barrow AWIC Bethel TWC Cordova CFRC Dillingham SAFE
Fairbanks IAC Homer SPHH Juneau AWARE Kenai LeeShore Center Ketchikan WISH Kodiak KWRCC
Kotzebue MFCC Nome BSWG Seward SCS Sitka SAFV Unalaska USAFV Valdez AVV