

LEG. FINANCE - BILLS 1983 - 1984 2074

SB 247 cont. - SB 255 2074

**BOON TO WORKING PARENTS:** Fox Chase Day Care center (opposite page photo) provides worry-free convenience to parents employed at the Medical Center. At right, medical professional takes time to admire Christmas tree with her child.



FOX CHASE DAY CARE CENTER

ance of the child care center at Fox Chase.

The concept of an employer-sponsored child care center for the children of all employees of the medical center was formulated over several years; a period which clearly marked a greater public awareness of

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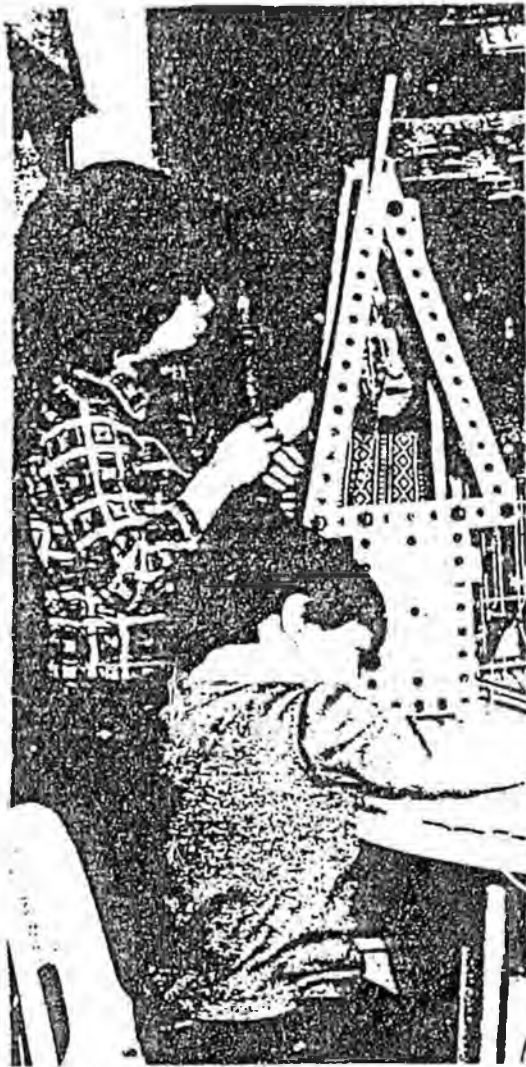
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the evolving roles of women at the workplace. According to Mary Dixon, director of personnel and employee relations at Fox Chase, requests to the administration for child care "trickled in" at first. However, soon requests greatly increased, voiced by nurses, physicians, scientists, and virtually all other health and support staff personnel.

Ms. Dixon recalls that one mother, a research scientist dedicated to her work and motherhood, felt that the best way to care for her new baby was to bring the child to work with her until satisfactory ar-

rangements could be made. Because of the constraints of such an arrangement, the need for a child care center, on or near the Fox Chase Medical Center, crystallized.

F. J. McKay, a senior administrator at the Medical Center, summed up the Fox Chase philosophy: "The child care program was a marriage of important employee and institutional needs. In research and health care, the pursuit of excellence is crucial. By responding to employees' child care needs, institutions help themselves by enlarging the pool of available talent. In adminis-



AZWA CHILD DAY CARE AND HEALTH CENTER

**WORKPLACE CHILD CARE:** Employers and unions offer 'family security' as a new benefit.



tration, we can pursue excellence by supporting medical and scientific staff in every way possible."

Thomas Garvey, associate administrator of the medical center, in analyzing the institution and its needs, said that Fox Chase employs 1,800 people, 60 percent of whom are women, who work in all sectors of the center. This includes a large percentage of women who are of child-bearing age, as well as single parents and dual career parents. Garvey explained some of the factors considered in analyzing the need for a child care center at Fox Chase.

- Improved ability to recruit high-caliber staff members. The day care program would serve as an attractive fringe benefit, but would also demonstrate the Center's commitment to quality programs and staff well-being.
- Reduced turnover and improved retention. The day care program would enable well-trained staff

members, particularly professional women, to remain on the staff. This would in turn contribute to the enlarged pool of available talent, as well as demonstrate actual cost savings from reduced recruiting efforts.

- More effective training. By retaining well-trained staff members, institutions continue to receive the value of prior training, and build on that training to improve the value of staff members to the Center and to themselves.
- Migration of full-time homemakers to the workplace has greatly reduced an available pool of traditional, informal child care providers (neighbors, friends, relatives).
- Local and federal child care programs are losing funding.
- Growth of private child care programs has slowed due to economic factors.
- Competitive posture for nonprofit institutions (as far as direct compensation is concerned) has traditionally been lower than that of profit-making institutions.
- Good fringe benefits have typically been an asset in hiring personnel in the nonprofit sector.

When the idea for the child care project moved through executive management to board-level management, cost effectiveness emerged as a significant factor in validating its adoption. Retirement programs can cost from 8-10 percent of total direct payroll, and basic family dental plans will generally range from 1-1.5 percent of the same payroll base. In contrast, the child care program at Fox Chase is expected to draw .5 percent of direct payroll in first year operating costs, plus approximately .3 percent of payroll for initial seed money. If this program significantly decreases turnover, increases retention, and increases effectiveness of training,

### Potential Cost Factors In Center Operation

**Space:** Capital costs for land and building, development, utility fees, taxes, rental fees, insurance.

**Equipment:** Classroom, outdoor playground, office furnishings, telephone, maintenance, kitchen equipment.

**Staff:** Administrator, teachers, aides, clerical, custodial, cook, driver, substitutes. In addition to salaries, related costs and benefits should be taken into account—social security taxes, workers' compensation, unemployment and medical insurance, holiday and vacation pay.

**Consumable supplies:** Teaching supplies, food, maintenance, office and clerical.

**Transportation:** Van or bus may be needed unless parents are required to provide transportation for children.

**Communication:** Printing, postage, telephone, publicity and advertising, parent education.

**Staff development:** In-service training, professional publications and association memberships, workshops and seminars.

**Social services:** Consultations with medical, social service, and psychological personnel.

**Miscellaneous:** Legal, accounting, public relations, liability insurance, emergency funds (equivalent to two months operating expenses).

then the cost-benefit ratio would be great indeed.

One of the many supportive board members at Fox Chase said it best: "Organized labor has long recognized the need for job security. If you read a collective bargaining agreement, you will find the job security clause to be most prominent. If we interpret this concept more broadly to mean 'family security,' we have what many industry observers consider the key to the successful Japanese model: attention to and provisions for the family security of their employees." The labor-intensive institutions at Fox Chase have taken a long step towards total employee-family security, and toward fulfillment of human potential—both male and female. Employee-employer support of child care has thus created a new partnership for industry today.

### Company and family life merge

The scenario at Fox Chase is being played out nationwide, as radical changes in lifestyles are felt by individuals, families, and by employers. Dual career families, working mothers, and single parents have become part of the American way of life. Present societal factors indicate that little will occur in the near future to alter this pattern.

A significant trend emerging from the above factors is the merger of work and family life. Dr. Stanley Nollen of Georgetown University's School of Business Administration states that "no longer can work and family life be treated as separate entities." He cites a 1977 survey of workers that indicated that 25 percent of their problems involved conflict between work and family, as compared with only one percent

cited in a 1969 survey. According to Nollen, "The new worker is bringing a new set of concerns to the workplace that may highlight tension between work and family." As a result, corporations may no longer be insulated from these problems.

The Department of Labor reports that women between the ages of 18-64 represent 67 percent of the full-time labor force in the United States. Of the 67 percent cited, 60 percent are in their prime middle years, ages 25-54, and for women college graduates in the same category, the total number is over 70 percent. Married women with children under the age of six represent 47 percent of the current labor force, as compared with 32 percent in 1970.

True, the number of children in the United States has been declining due to falling birth rates, but current statistics indicate that the number of children with working mothers is increasing rapidly. There are 7.5 million children under the age of six with mothers in the labor force and, by 1990, there will be an estimated 10.4 million children under age six with working mothers. In addition, studies substantiate what the administration at Fox Chase cited: As more women enter the workplace, the availability of informal child care arrangements, such as dependence on neighbors, relatives, or friends, will be greatly reduced.

### Encouraging company response

Not only at Fox Chase Medical Center, but nationwide, many employers have responded enthusiastically to contemporary lifestyles. These employers have been resourceful and creative in meeting changing needs of individuals and families. A growing number of major

corporations have implemented programs for employees' children that may help reduce potential conflict between work and family, thereby creating more satisfied, productive employees.

In the last decade, nearly the same number of employer-sponsored child care centers were established as in the 20 years preceding. A survey conducted by the Child Care Alliance indicated that most centers are located on-site, either within the institution itself or on the grounds. Care is available for children ranging from infants to school age, and hours of operation correspond with the needs of employees.

Companies such as Zale Corporation in Dallas, Texas; Neuvill's-Mobil Sox in Hickory, North Carolina; Red Rope Industries in Bristol, Pennsylvania; ABT Associates in Cambridge, Massachusetts; Intermedics Inc. in Freeport, Texas; and Corning Glass Works in Corning, New York have

established child care facilities within, adjoining, or near to their physical plants. Degree of support, which varies in each of the centers depending on operational design, may range from total subsidization to contribution of expertise, equipment, or operating funds.

Polaroid Corporation in Cambridge, Massachusetts supports quality child care in a different way, by using an employer voucher system, which subsidizes a percentage of an employee's child care costs at any licensed family day care home or center.

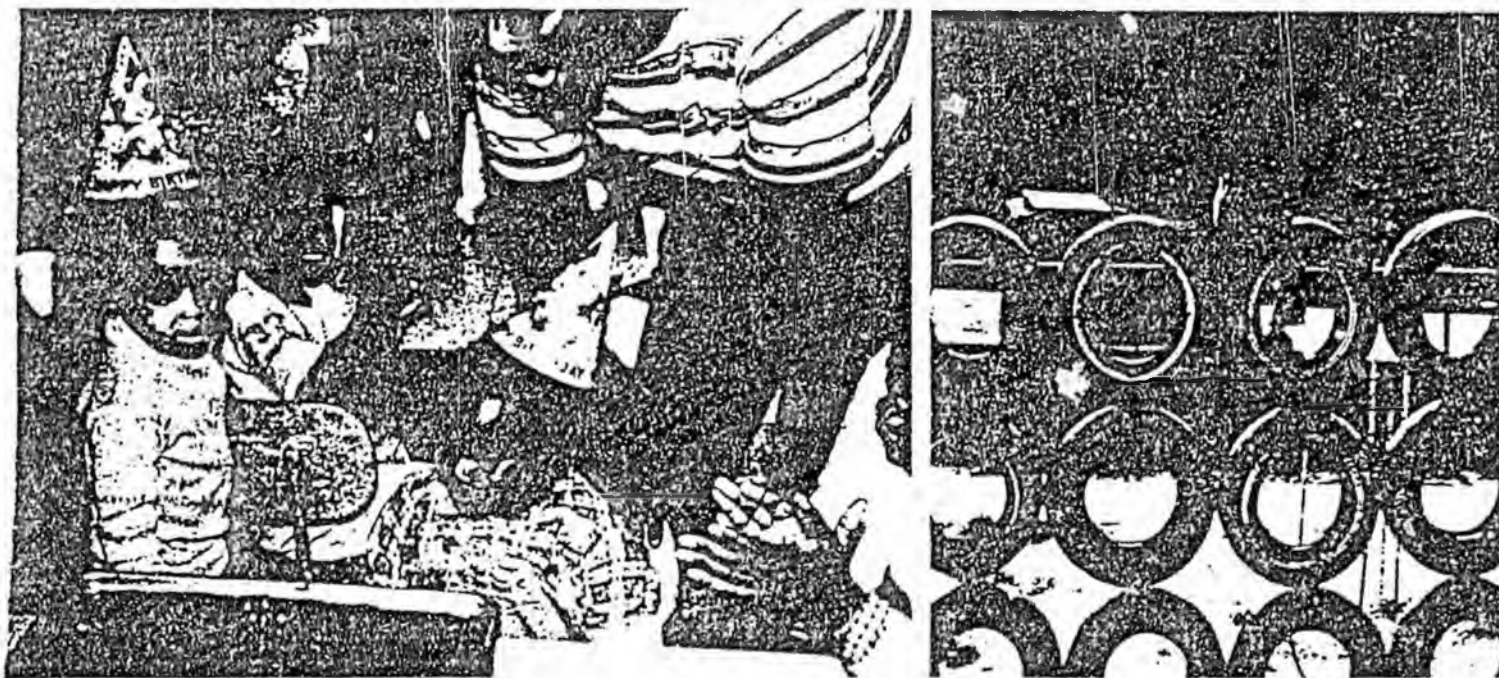
Some companies have expanded their objectives to include the community at large. For example, Stride Rite Shoe Company of Boston opened the Stride Rite Children's Center in 1971 "in response to a growing need among large numbers of Stride Rite employees and the surrounding community." Stride Rite President Arnold Hiatt indicates that

Stride Rite's center is working "due in large part to the decisions made at the onset of the program, company sponsorship, parent participation, careful staffing, and outside sources of funding."

The Northside Child Development Center in Minneapolis, like the Fox Chase Center, is a consortium formed by a group of companies to provide child care for company employees and the community. The consortium, including Control Data Corporation, Dayton's Department Store, Farmers and Mechanics Bank, Federal Reserve Bank, Lutheran Brotherhood Insurance Company, Northern States Power Company, Northwestern Bell Telephone Company, and the Pillsbury Company, shares tasks and costs associated with the center.

Funded by the above corporation, monies from Title IVA of the Social Security Act, and the U.S. Department of Agriculture, the

*WORK AND FAMILY LIFE MERGE: Companies are adapting to significant social and economic trends, such as the growing number of working mothers.*





ACWA CHILD DAY CARE & HEALTH CENTER

center is a model of business, government, and community cooperation. Control Data's manager of public affairs, Gary Lohn, states, "Our company got involved and stayed involved in the center because of the benefits to the community and employees."

Merck Sharpe and Dohme in West Point, Pennsylvania found that contributing funds to an existing child care center has helped assure their employees priority at the center. However, Merck's Rahway, New Jersey plant is helping employees establish a parent-run child care facility, which will be in a church located a mile from the plant. Merck will donate "seed money" to cover renovation and other start-up costs and help the program become self-

sustaining. In another approach, Illinois Bell Telephone hired personnel to assist employees in finding adequate child care services.

Unions, such as Amalgamated Clothing Workers of America (A.C.W.A.), are involved in the care of employees' children. Currently, A.C.W.A. child care centers in Virginia, Maryland, Pennsylvania, and Illinois are supported by a percentage of total gross payroll of area clothing manufacturers. Monies are paid to a joint health and welfare fund, and administered by seven representatives from labor and seven from management. The plan has worked successfully to date, and cares for more children than any other private American organization. All union members are eligible, and the large

number of children served in the center indicates that many A.C.W.A. members enjoy the benefits of the program.

#### Planning: A priority

Obviously, there is no one best way for employers and employees to share in a partnership to support child care. The program model selected will certainly influence both start up and operating costs of a program. Employers are well-versed in the importance of careful planning before embarking on a new venture. Planning for employer support of child care requires the same consideration:

- Learn what the models are for employer-support of child care.

- Establish a task force, which should include management, labor representative, knowledgeable employees/parents, and persons with skill in personnel, law, and public relations.
- Assess needs to determine suitability of a child care program and encourage feedback from interested employees. Needs assessment must elicit accurate information; it is crucial that needs assessments be designed for the specific population.
- Communicate results of needs assessment to employees through memos, posters, and group meetings. (This is the employer's chance to state clearly the institution's position. If communication is assumed rather than on-going, a well-intended program for child care may be doomed before it starts.)
- Evaluate existing community services.
- Support a particular model for child care at the work place, based on

highest quality, best tax and financial advantage to those concerned, and least liability for the major contributor.

- Consider hiring an outside consultant to help analyze costs; assist in site selection; develop the program; store information concerning child care philosophy, goals, objectives, policy, and procedures; and evaluate the total proposed program. Consulting services may be cost effective, if those involved are not thoroughly familiar with child care programs.
- Evaluate the effectiveness of the planning process in establishing the program.

For the employer committed to the concept of quality child care at the work place, the accompanying list itemizes both start up and operating costs, as listed by the U.S. Department of Labor in a 1980 report. These items vary, depending on size, location, and decisions about type of program to be implemented.

Investment by employers may not be readily measurable in terms of the bottom line, but real benefits of child care to all involved may far outweigh expenditures.

At the employer-employee level, for example, operation of a child care unit helps reduce absenteeism, tardiness, and turnover; while serving to retain valuable employees, it also helps attract new applicants. It demonstrates that company management shares basic concerns of the workers, thus contributing to overall improvement in company-employee relations. In the community, the center is a highly visible charitable contribution and thus a plus for corporate public relations.

Parents (employees) are likely to adopt more positive attitudes toward their jobs; worries about separation from their children are eased by the center's proximity. The parent is available in case of an emergency, giving a better sense of security to the parents and the child.

Family relationships therefore benefit in a variety of ways. The child's day is more structured, and opportunities for child growth and development are improved.

Support of child care presents a challenge for the future. Solutions to meet the demands of contemporary lifestyles will not come easily. However, improving the quality of family and work life is necessary to keep pace with a changing workforce in a changing world. Amory Houghton, Jr., chairman of the board of Corning Glass Works noted, "We (at Corning) provide a working environment that is supportive for men and women. The Corning Children's Center helps provide that essential to all family life—the best possible care for children." ◊



**NEW OPPORTUNITY TO SHARE:** Work-site day care enables parents and children to have lunch together, another way in which family relationships can be strengthened.



Susan R. Clark, State Legislative Chair  
1109 C Street, Juneau, Alaska 99801

May 1983

AAUW supports Senate Bill 247 which would include in the architectural plans of major state buildings the space for a child care center for employees, students and other parents who work in the vicinity.

Our society is at a point where economic conditions are forcing parents in greater and greater numbers to seek employment. Only 7 years ago for the first time nationally more women with children were employed than were working at home (a rise from 18% to 54% over the last thirty years). Now in Alaska almost 50% of all women with preschool children are employed. Women seek meaningful employment for the same reasons men do - out of economic necessity and out of a need to lead contributing, independent and challenging lives. Now that we have begun, in Alaska at least, to outlaw discrimination against women in education and employment, women have increased opportunity and are taking that opportunity to pursue professional goals - goals that must of necessity for many include less time spent exclusively parenting. Women who do choose parenting also realize that raising children usually occupies but one-third of their adult life, and that they must prepare themselves at least educationally for the economic security of that other two-thirds.

In addition to an increase in the need for two-parent incomes, we have a high percentage of single parents whose lack of alternatives for child care while they are earning a living or studying to earn one is often acute. I point out these facts to underscore the knowledge that the need for day care for infants, preschoolers, and before and after school is now a fact of life in our society as a whole and even more so in Alaska where almost one-half of all our families have pre-schoolers. But even though more parents are working outside the home, satisfactory child care arrangements are something to be envied, and in no way taken for granted. Given our need and self-interest as citizens to assure that the next generation is adequately nurtured as well as educated, we must as citizens concern ourselves with the availability of affordable, reliable, accessible quality child care for parents who must also earn a living.

The issues in the excellent proposal before you are 1) the quality of child care while parents are employed, and 2) support of families as they assume their responsibility in raising their children. That a benefit also exists to an employer in terms of lower absenteeism and reduced employee turnover, is but delightful fallout to the basic issues of quality child care in and outside the family.

On-site child care speaks to all of these issues. Picture the average employed family with young children. Depending on where parents can find a vacancy in adequate preschool care that they can afford; depending on the number of children in the family needing different kinds of care (a school child, for example, usually must receive care near the school); depending on the location of



each parent's job, the severity of rush hour traffic, and whether all this scheduling and transportation must be done in a single family car or even on public transportation, then the resulting daily logistics can easily add one hour or more to each end of the 8 hour day. For a pre-school child whose waking day is normally 12 hours, the result is the limitation of possible child-parent interaction to two hours that are traditionally ones where both parent and child are tired, hungry and rushed. Latest figures show that the average parent spends but 17 minutes a day actually interacting with his or her child - 14 minutes of which are spent in directing the child to do something. Fathers generally spend more time shaving than they do with their children!

On-site child care reduces drastically the transportation logistics giving parents the maximum time with their child before and after work, but also adds an important additional factor - parents whose children are accessible to their place of employment are provided with the important option of 1) spending additional time with their child during scheduled breaks in the work day or at lunch, and 2) being able to observe first hand and at various times during the day the adequacy or quality of the care program. For too many parents, the only knowledge they really have of their children's day care situation is what they see through the front door at drop-off and pick-up time, and given the lack of options many parents have, many just trust to luck that the arrangement is satisfactory.

These two points (time with the child and observation of the program), however, not only benefit the parent-child interaction, but also help at the same time to raise the quality of the program in general. Studies have conclusively proven that high parental involvement in any child-care program produces the highest quality of care. Not only do parents using on-site care know more fully what their children are doing during the day thereby exerting more control, but through visitation they also help to increase the staff-child ratio during parts of the day, which thus increases the amount of individual attention each child can receive.

Benefits to the employer or school result not only from parents' increased peace of mind, but from the consequent stable child care situation. Parents relying on sitters find that even the most reliable ones have sick days or other commitments and the turnover of family day care home providers is startlingly high. A substantial number of work days are consumed not in caring for a sick child, but in providing care when the regular provider can not or when that person abruptly seeks other employment or respite.

A national trend toward on-site or adjacent child care has begun. President Reagan even highlighted the need in his State of the Union message this year. Over the last decade the IRS has permitted businesses to deduct the expenses of providing a child care facility, but too few businesses have taken advantage of that provision which may have expired in 1982 (and needs to be reinstated). One intent of this proposed legislation is to enable the state to take a leadership role in on-site child care, encouraging private employers to follow suit.

AAUW strongly supports this bill and urges prompt action.

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National Association  
for the Education  
of Young Children-  
Southeast Alaska

My name is Lynn McKinnon. My husband and I are life-long Alaskans, Juneau residents for three and one-half years and the parents of two boys. I am a member of the Alaskan Association for the Education of Young Children and the volunteer legislative advocate for the Association. I am also the fund-raising chairperson of Capital School and Membership Vice-President for the Juneau Co-operative Preschool.

I am here today to urge you to support Senate Bill 247. I will tell you why I became involved, the steps that took place before this proposal became a bill and what the benefits are for on-site child care.

Quality child care means that children are in a life-safe developmentally healthy environment with caring, competent caregivers. I would like to share with you a quote from a report entitled "Child Welfare: Day Care of Children" by Theresa Lansburgh.

"The fundamental issue in day care is how optimal nurturance of today's children can be provided at a time when both the American family and the society are undergoing vast changes.... This country primarily helps "damaged" children and broken families by providing for foster care or institutionalization. The cost of this policy -- social, financially, and in human terms -- is great. The early nurturance provided children can prevent much of the later trauma, dislocation, and disruption. Since children represent the future of the country, this policy also affects the quality of national life and the country's character and ability to meet the tests of leadership, purpose, and threats to survival. Too many children are now growing up without the opportunity to develop into contributing members of society. High-quality day care services can be an important resource for families and for enriching the development of children during their crucial formative years."

In January I read in the Empire that Governor Sheffield announced plans for new buildings to house state agencies.

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It occurred to me that plans for child care facilities for the children of those employed ought to be included in those plans. I had read several articles about successful corporate on-site child care facilities and the advantages for employers as well as parents and children. I then discovered that bills proposing this idea had been introduced in past legislatures, but had not received the attention they deserved.

With the help of a number of people, successive meetings were held to discuss a freshly written proposal. At these meetings all who would eventually be involved should this legislation become law were able to critique and offer suggestions. Participants included representatives from the Departments of Administration, Community and Regional Affairs, Health and Social Services, Education, and Transportation as well as representatives from the Child Care Coalition. The bill was revised to better reflect the concerns expressed by each of these representatives. I feel strongly that because of the work done in advance by all the people involved that this legislation has an excellent chance of being implemented smoothly. I will volunteer any assistance necessary to help in the implementation of this legislation.

A recent status report on child care in Alaska pointed out, among other needs that:

- 1) Alaska has a greater than average need for child care services.
- 2) Day care is a sound investment for the State, at least in helping the disadvantaged. Day Care Assistance can reduce welfare and the need for other social programs. Young children reap long term benefits from quality programs.

On-site child care facilities would have many advantages to the State which would include:

- 1) Reduced costs due to improved ability to recruit highly skilled workers. An on-site child care facility would draw many professional people to the pool of available personnel.
- 2) Reduced turnover and improved retention of employees. The child care facility would enable well-trained staff members, particularly professional women, to remain on the staff.

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- 3) More effective training. By retaining existing staff the State would build on prior training and improve the value of staff.
- 4) Happier employees who would likely be more productive employees.

Advantages for parents and children include:

- 1) Relief from the anxiety of separation during the workday. Parents' accessibility to the child and availability in case of emergency helps relieve this concern and contributes to peace of mind.
- 2) The convenience of on-site care reduces the inherent stress from scheduling problems and leaves more time for the relationship between parent and child.
- 3) Nearness to the workplace allows for more time during lunch for parent and child to be together.
- 4) Studies have shown that the greater the parent involvement the higher the quality of the child care. A center near the workplace would increase parental involvement.
- 5) Women could return to employment from maternity leave sooner, and if they chose, could continue to nurse their babies.

The structure and lifestyle of the Alaskan family has changed dramatically, economic necessity dictating that many women have passed the point where they have a choice about entering or continuing in the labor force. This legislation would affect all Alaskans by demonstrating a continued commitment from the State in supporting families, and the enrichment of social, physical and intellectual experiences for children. Yes, it will cost the State money initially for the space to be included in building plans. I would like to quote an article about the on-site child care facility at the Fox-Chase Medical Center in Philadelphia regarding cost-effectiveness:

"Retirement programs can cost from 8% to 10% of total direct payroll, and basic family dental plans will generally range from 1% to 1.5% of the same payroll base. In contrast, the child care program at Fox-Chase is expected to draw .5% of direct payroll in the first year operating costs, plus approximately .3% of payroll for initial seed money. If this program significantly decreases turnover,

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increases retention and increases effectiveness of training,  
then the cost-benefit ratio would be great indeed."

Senate Bill 247 allows only for space to be provided for the  
facility. The expense of operating the facility would primarily  
be born by the private provider contracting for the service.

I question whether we can afford not to implement this  
valuable program, and will close with another quote by Arnold Hiatt,  
president of the Stride Rite Center on corporate premises:

"All of today's delinquents were three and four year  
olds a short time ago. Efforts to train hard-core un-  
employables have been largely futile. Our tax dollars  
provide merely custodial care. The cost of teaching a  
child to sing, to grow and to trust peers and adults in  
a positive environment is small in comparison."

Children are our most important renewable resource. The  
relationship between the workplace and child care has great  
significance to fostering optimal nurturance in the family.

Lynn McKinnon  
502 West 10th  
Juneau, Alaska 99801

## FACTS AND ISSUES RELATING TO ON-SITE DAY CARE IN ALASKA STATE OFFICE BUILDINGS

### On women in the labor force:

According to U.S. Census Bureau data from the 1980 census, the participation rate of Alaskan women in the work force has increased 100% since 1970.

---70% of all Alaskan women age 16 years and older are working.

---56% of all Alaskan women with children are working.

---47% of all Alaskan women with children under the age of 6 are working.

### On current availability of licensed day care in Alaska:

House Research Agency Report 81-207, completed in February, 1982, contains these facts on the availability of licensed day care in Alaska:

---In 1982, licensed day care capacity statewide, including licensed day care homes, was 6,507.

---Of 33 centers surveyed in ten communities, 16 centers (48%) were filled to capacity, and 12 of these had waiting lists.

---Centers with the longest waiting lists were in Anchorage, Fairbanks, and Juneau, (Note that these are areas with large concentrations of state workers.)

---Infant care appeared to be less readily available than day care for children two years and older,

### On current need for licensed day care in Alaska:

Alaska Dept. of Labor, Research and Analysis Section, estimates that in 1982:

---There were 51,000 children under the age of 6 living in the state.

---8,200 of these children live in single-parent households.

This means that licensed day care is available for only one out of eight Alaskan children under the age of six.

### From these facts, several conclusions can be made:

---There is a critical need in Alaska for additional licensed day care facilities, and particularly for infant care.

---That the need for such facilities is most pressing in Anchorage, Fairbanks, and Juneau (in that order).

---That because there are large concentrations of state employees in these areas, the state as employer has an obligation to address the needs of its employees in the area of child care.

---In addition to its role as employer, the state also has an obligation to provide for the health, education, and welfare of its citizens and for the poor in particular.

All of us who live in this state have an interest in, and a responsibility to, the children of Alaska. Without them, Alaska has no future.

The advantages of on-site day care;

---Employees have greater peace of mind at work and are more productive, knowing that their children are nearby and that they could respond immediately in the event of emergency. This is particularly important for parents of infants and/or children with chronic health problems.

---Mothers who are breast-feeding can return to work from maternity leave sooner.

---The benefits to the state would be many. Employers with on-site day care consistently report increased ability to recruit and train skilled workers, alleviation of scheduling problems, and reduced job turnover rates.

A major study done by Control Data Corporation showed that in their on-site center, over a 24-month period, the average monthly turnover rate for mothers using the center was 1.70%, while for all other females in the same job classes, the average monthly turnover rate was 5.47%. The study also showed less absenteeism and improved job performance by mothers using the center.

The situation as it now exists:

---With present day care arrangements, families live under the strain of complicated schedules to pick up and drop off children. This situation becomes even more of a burden when there are children who go to day care and public school, or when parents work at different locations and there is a single family car. For parents who must rely on public transportation, it is even worse, particularly in harsh weather.

---In addition, with the present arrangements, children spend little time with their parents, with such time occurring only at the end of long, busy days when both children and parents are tired. Some parents counter this by spending all their weekend and holiday time with their children, rather than socializing with adults, participating in the civic affairs of the community, or engaging in other adult growth experiences.

---Such parents often have little or no time to themselves, an important factor in working out the domestic tensions that arise in even the healthiest of relationships. Marital tensions and, in the case of low-income families, economic pressures are known to contribute to divorce, domestic violence, child abuse and neglect, alcoholism and substance abuse, and suicide.

\* \* \* \* \*

In the past, opponents of child care legislation have based their arguments largely on the premise that women should stay home and take care of their own children. This argument carries little weight in 1983, when most women have passed the point where they have a choice about working. The structure and lifestyle of the Alaskan family has changed dramatically, and much of that change has come out of economic necessity.

Testimony given at a Joint U.S. Senate Hearing in 1975 summarizes the situation eloquently:

"Women will go on working regardless of what actions are taken by this Congress. The lack of access to quality child care will not eliminate the economic necessity of supporting one's family. Rather, failure to provide quality child care to those who need it will simply force families to settle for custodial child care. And it will be the children who will suffer as the result of this ostrich-like approach. The problem will not go away by ignoring it. It is not a question of encouraging women to leave home. Rather, women working and leaving home are

facts which exist and will continue to exist in spite of rising unemployment and in spite of decreased family size."

Unless it becomes possible for Alaskan parents to manage work and family life without undue strain for themselves and their children, our state will suffer a significant productivity loss in the labor market and the economy, and perhaps even a more important loss in terms of the quality of family life experienced by current and future generations.

With this in mind, the legislature is asked to give favorable consideration to this bill, which provides for the construction of day care facilities in new state office buildings and major renovations of existing buildings where a demonstrated need for such facilities exists.

There is a national trend toward on-site day care, and there are many precedents for government participation in areas where there are high concentrations of government employees. A comprehensive report done in 1976 by the Nevada State Department of Human Resources discusses the successful on-site centers operated at the National Institute for Health; the Department of Health, Education, and Welfare; the Social Security Administration; the Department of Agriculture, and the N.A.S.A. Goddard Child Development Centers. This report also states that on-site centers are operating at hundreds of hospitals, colleges, and universities. In the private sector, the Stride Rite Corporation, Wang Laboratories, Control Data Corp., and Hewlett-Packard are just a few employers who provide this valuable service.

Historically, society has addressed problems only after severe damage has been done, at enormous social and economic costs. The need for additional day care facilities in Alaska has already passed the critical stage, and grows worse each year. The legislature is therefore asked to consider the well-being of Alaskan children a top priority for 1983,

Alaska State Legislature House of Representatives Research Agency. Day Care Assistance - Alternatives for Legislative Action. Report #80-50, done in 1980 for Rep. Duncan. 12 pages plus attachments. A comprehensive study providing alternatives for improving the long term financial stability of day care facilities in Alaska. (Note: see also Report #81-207 done in Feb. 1982 for update of statistics and issues) Available upon request from House Research Agency, Juneau.

Review of the Day Care Funding Study. Report #81-76, done in April, 1981 for Reps. Duncan and Buchholdt (see also #81-78). 5 pages plus attachments. Summarizes Moebius Corporation study on cost of care and program eligibility. Attachments include cost-of-living indices, DCRA subsidy schedules, and proposed revised formula. Available upon request from House Research Agency, Juneau.

Day Care. Report #81-207, done in February, 1982 for Rep. Rogers. 27 pages. Provides current information on availability and funding of day care in Alaska. Includes discussion of financial problems/conditions of centers and the Child Care Grant Program. Available upon request from House Research Agency, Juneau.

Assistance for Parents of the Developmentally Disabled. Report #82-57, done in March, 1982 for Rep. Phillips. 2 pages. Identifies resources that can assist parents of developmentally disabled children. Available upon request from House Research Agency, Juneau.

Bane, Mary Jo, and others. Child Care Arrangements of Working Parents. Monthly Labor Review, Oct. 1979, pp. 50-56. A report on diverse child care arrangements in the U.S., extent of government involvement, costs-benefits, current and future policy issues. Available on microfilm at the Alaska State Library, Juneau.

Canon, Belle. Child Care Where You Work. Ms, Magazine, April 1978, pp. 83-86. A discussion on the advantages and history of on-site child care. Includes feminist issues related to child care and list of additional resources. Available on microfilm at the Alaska State Library, Juneau.

Day Care at Work Makes a Comeback. Nation's Business, July 1980, p.20. Brief report on trend toward on-site day care. Available on microfilm at the Alaska State Library, Juneau.

Kamerman, Sheila. Child Care and Family Benefits Policies of Six Industrialized Countries. Monthly Labor Review, Nov. 1980, pp. 23-28. A study of government policies in the U.S. and five European countries, comparing child care and family benefits. Available on microfilm at the Alaska State Library, Juneau.

Nevada State Department of Human Resources. Dollars and Sense: Employer-Sponsored Child Care. ERIC document # ED 129417, 359 pages. A comprehensive study of employer-sponsored day care (both on-site and in off-site centers) in the public and private sectors (Note: this study was done in 1976 and statistics need updating.) Available on microfiche at Alaska State Library, Juneau.

Perry, Kathryn Senn. Child Care Centers Sponsored by Employers and Labor Unions in the United States. U.S. Dept. of Labor, Women's Bureau, 1980. Not available at Alaska State Library, Juneau.

Reece, Carolyn. Bringing Children to Work. Children Today, July-Aug. 1982, pp. 16-21. A report of on-site day care, focusing on Mt. Vernon Hospital in Virginia. Available on microfilm at Alaska State Library in Juneau.

Stride Site Children's Center. A corporate report on the successful functioning, financing, purposes and policies of the Center. Available on request from Stride-

Introduced: 4/8/83  
Referred: Health, Education  
and Social Services  
and Finance

BY FAHRENKAMP, V.FISCHER,  
KERTTULA, STURGULEWSKI,  
JOSEPHSON AND RODEY

1 IN THE SENATE

2

SENATE BILL NO. 247

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to child care centers in state  
7 buildings; and providing for an effective date."

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

9 \* Section 1. FINDINGS AND INTENT. (a) The legislature finds that it  
10 is in the public interest to foster the productivity of Alaska workers and  
11 to encourage and assist Alaska parents to further their own formal educa-  
12 tion. The achievement of these goals will be served by establishing facil-  
13 ities for quality child care services in or near the workplace and on the  
14 campuses of the University of Alaska and the state's community colleges.  
15 To that end, this Act provides for the creation of privately run child care  
16 centers in state buildings.

17 (b) It is the intent of the legislature that this action will encour-  
18 age private employers to provide adequate child care facilities for their  
19 employees.

20 \* Sec. 2. AS 35.10 is amended by adding a new section to read:

21 Sec. 35.10.021. CHILD CARE CENTERS IN STATE BUILDINGS. (a) The  
22 plans for the construction, expansion, or major renovation of a state  
23 building shall include plans for a child care center in the building  
24 if a child care center to accommodate 40 to 60 children is determined  
25 to be needed under (b) of this section. The child care center shall  
26 be designed to accommodate not less than 40 children, nor more than 60  
27 children, and to meet all licensing requirements.

28 (b) The person or agency responsible for planning the construc-  
29 tion, expansion, or major renovation of a state building shall obtain

1 from the Department of Labor and the Department of Community and  
2 Regional Affairs a determination of the need for a child care center  
3 in the building. The determination shall be based on an assessment of

4 (1) the child care needs of public and private employees  
5 who work in the building or in neighboring buildings;

6 (2) the child care needs of students who attend classes or  
7 other school functions in the building or in neighboring buildings;  
8 and

9 (3) the availability of licensed child care centers located  
10 within a convenient distance from the building.

11 (c) The person or agency responsible for assigning or leasing  
12 space in a building in which a licensed child care center under this  
13 section is located shall consult with the Department of Community and  
14 Regional Affairs and contract with a private child care services  
15 provider for the operation of the child care center in the building.

16 (d) Use of a child care center in a state building is open to  
17 the public.

18 \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
19 10.070(c).

# Staffing Requirements

(2) more than a total of 10 children under age 12, including children related to the caregiver.

(d) In a day care center, the ratios of caregivers to children must be maintained at all times as follows:

(1) no newborn children may receive care in a day care center;

(2) there must be one caregiver for every five children between the ages of six weeks and 24 months;

(3) there must be one caregiver for every 10 children between their second and sixth birthdays;

(4) for school children aged six to 10 years, there must be one caregiver for every 15 children;

(5) for school children aged 10 - 14 years, there must be one caregiver for every 20 children.

(e) In a day care center where there are more than 10 children present, there must be a minimum of two caregivers on the premises.

(f) In a day care center, only caregivers who spend at least 75 percent of their working time providing direct care for children will be counted in meeting staff-child ratios. (Eff. 4/4/62, Reg. 5; am 2/3/77, Reg. 61)

Authority: AS 47.35.030

7 AAC 50.220. PHYSICAL PLANT. Repealed. (Eff. 2/3/77, Reg. 61)

7 AAC 50.230. EQUIPMENT. Repealed. (Eff. 2/3/77, Reg. 61)

7 AAC 50.240. GENERAL PROGRAM. (a) The program conducted in a day care facility must provide planned experiences which promote the individual child's physical, emotional, social, and intellectual growth and a positive identity. Satisfactory compliance with this subsection requires that

(1) caregivers generally follow a written schedule of daily activities which provide a

balance of quiet and active activities and include snacks, individual and group activities. However, the activities and facilities need to be varied.

(2) opportunities for self-expression of emotions and creative expression.

(3) opportunities for physical activity and for taking into consideration the child's individual needs.

(4) opportunities to participate in activities such as putting away toys, clothing and bedding.

(5) opportunities for and social development through games, puzzles, blocks, crayons, and other materials.

(6) opportunities for activities such as weather awareness and seasonal changes.

(7) discipline and punishment administered by the parent or any other individual, including shaming, humiliating, or punishing the child.

(8) the amount and use of equipment available to the children at all times.

(A) the quantity of equipment is sufficient to meet the needs of the children, and (3) and (4) of the program.

(B) and other equipment to each child in each group.

*passed out during meeting!*

Loren Rasmussen  
Chief, D, C & M Standards

February 21, 1984

4000

789-6247

Gary Tvdall  
Highway Standards

Building Costs-  
Office & Day Care

Donn Ketner called this afternoon with the cost info you requested, as follows:

Class A Office Space (certain code, access, finish, parking requirements)

1. Leasing

ANC \$175 to \$200/S.F.  
FAI \$200 to \$225/S.F.  
JNU \$215 to \$250/S.F.

2. New Construction

ANC \$100 to \$120/S.F.  
FAI \$106 to \$127/S.F. (ANC + 6%)  
JNU \$102 to \$122/S.F. (ANC + 2%)

Child care facilities, however, are in the "institutional" classification and must meet more stringent requirements than office space. These include fire floor location, separation from office spaces, access and fire protection demands, and considerably different requirements for plumbing, mechanical equipment, etc. The conversion of existing office or other spaces to child care facilities is not readily accomplished, and it can involve tremendous costs. New Construction costs area estimated as follows:

Child Care Facility

1. New Construction under Davis-Bacon

ANC \$170/S.F.  
FAI \$.80/S.F. (ANC + 6%)  
JNU \$173/S.F. (ANC + 2%)

2. New Construction not under Davis-Bacon

ANC \$150/S.F.  
FAI \$159/S.F.  
JNU \$153/S.F.

*This does not include furnishings cost.*

The above data is not valid for equating price differences to arrive at renovation costs, as discussed above. These figures are only for comparing new construction with new construction. For renovation costs, the specific facility would have to be evaluated.

If you have any further questions, call Donn at 266-1535.

cc: Donn Ketner

STATE OF ALASKA  
FISCAL NOTE

Revision Date \_\_\_\_\_, 1983

I. REQUEST  
 Bill/Resolution No.: SB 247  
 Title: Child Care Centers  
 Sponsor: Fahrenkamp  
 Requestor: \_\_\_\_\_

II. FISCAL DETAIL  
 Agency Affected: II & SS  
 Program Category Affected: \_\_\_\_\_  
 BRU, Program of Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 86	FY 87	FY 88
OPERATING						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING	0	0	0	0	0	0
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND	0	0	0	0	0	0
FEDERAL FUNDS						
OTHER (Specify Source)						

POSITIONS:

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

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

The source of funding was not identified by the sponsors.

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Michael L. Price, Director *Michael L. Price* Phone: 465-3170  
 Division: Family & Youth Services Date: 4/15/83

Approved by Commissioner: Robert Rodney Smith, Ph.D. *Robert Rodney Smith* Date: 4/25/83  
 Department: Health & Social Services

Distribution:

Original to Legislative Finance  
 Copy to Office of Management and Budget (for Legislature introduced bills)  
 Copy to Department (for Governor introduced bills)

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

Date: May 9, 1983

Mr. President:

The Committee on HESS has had SB 247

Relating to child care centers in state buildings; eff. date

under consideration and (a majority of the committee) (the committee) reports it back with the following recommendations:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- [ ] replace with CS for \_\_\_\_\_ [ ] same title [ ] new title
- and recommends \_\_\_\_\_
- [ ] AND attaches a "Letter of Intent" [  New Fiscal Notes *200*
- [ ] reports it back without recommendation
- [ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

*[Signature]*

*[Signature]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

MEMBERS HAVING OTHER RECOMMENDATIONS:

*Do not pass without amendments or fiscal note.*

*Paul Fisher*

*[Signature]*

\_\_\_\_\_

\_\_\_\_\_

*[Signature]*

CHAIRMAN

COMMITTEE REPORT  
HOUSE

FURTHER:

(Waived from publication 1/27/62)

Date: 1/27/62

Mr. Speaker:

The Committee on Revenue has had CS 15 (216)

"No net relative to the payment of attorney services and expenses  
with indirect personal payments comparable to officials,  
and related for an amount of \$100,000."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for \_\_\_\_\_  same title
- and recommends \_\_\_\_\_  new title
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

CHAIRMAN

Original sponsor: Karttula

1 IN THE SENATE

BY THE FINANCE COMMITTEE

2 HOUSE CS FOR CS FOR SENATE BILL NO. 255 (Finance)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the payment of attorney services  
7 and expenses for indigent criminal defendants pros-  
8 ecuted by municipalities; and providing for an effec-  
9 tive date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 18.85.100(b) is amended to read:

12 (b) Subject to the provisions of AS 18.85.155, the [THE] attor-  
13 ney services and facilities and the court costs shall be provided at  
14 public expense to the extent that the person, at the time the court  
15 determines indigency, is unable to provide for payment without undue  
16 hardship. Appointment of any guardian ad litem or attorney shall be  
17 made under the terms of AS 09.65.130, to the extent that that section  
18 is not inconsistent with the requirements of this chapter.

19 \* Sec. 2. AS 18.85.130 is amended to read:

20 Sec. 18.85.130. SUBSTITUTE DEFENDER. (a) For cause, the court  
21 may, on its own motion or upon the application of the public defender,  
22 appoint an attorney other than the public defender to represent the  
23 indigent person at any stage of the proceedings or on appeal. The  
24 attorney shall be awarded reasonable compensation according to a  
25 schedule of fees promulgated by the supreme court and reimbursement  
26 for expenses necessarily incurred. Except as provided in AS 18.85.-  
27 155, this [THIS] shall be paid by the court system.

28 (b) In addition to substitution under (a) of this section, when  
29 the public interest requires, and a person is entitled to

1 representation by the agency under this chapter, the public defender  
2 may contract with one or more private attorneys for assistance [TO  
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] public  
4 defender shall pay for these services out of appropriations to the  
5 agency.

6 \* Sec. 3. AS 18.85 is amended by adding a new section to read:

7 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. (a) When a munici-  
8 pality prosecutes a person who has been determined by the court to be  
9 indigent under AS 18.35.120 for a violation of a municipal ordinance  
10 that is a serious crime, the municipality shall pay for the services  
11 of the attorney appointed by the court to defend the indigent person.

12 (b) A municipality shall provide for defense attorney services  
13 under (a) of this section by contracting with private attorneys or the  
14 Alaska Public Defender Agency or by establishing a municipal public  
15 defense agency.

16 (c) In a prosecution subject to this section, the court may  
17 order the defendant to pay to the municipality the costs of the  
18 attorney services and other court costs to the extent that the defen-  
19 dant is able to do so.

20 \* Sec. 4. This Act takes effect January 1, 1985.  
21  
22  
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STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/3/84

Page 1 of 2

REQUEST

Bill/Resolution No: HB 255 (FIN)  
Title: "Payment of Attorney Services."

Sponsor: Sen. Kertulla  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Dept. of Administration  
Program Category Affected: Due Process

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 SUPPLIES		(1.5)				
500 EQUIPMENT		(2.0)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(157.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(157.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(157.1)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541  
Division: Dana Fabe, Public Defender *Dana Fabe* Date: Feb. 3, 1984

Approved by Commissioner: Commissioner Lisa Ridd *L.R.* Date: 2/6/84  
Agency: Administration *ASR*

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Senate Bill 255  
 Fiscal Note Analysis  
 Prepared by Public Defender Agency  
 Department of Administration

Date: February 3, 1984

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. SCSCSHB 6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions plus other related costs would be eliminated at a savings to the State of (157.1).

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	(28.6)
	Contractual	(5.0)
	Commodities	(1.5)
	Equipment	(2.0)
	Total	(157.1)

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/3/84

Page 1 of 2

REQUEST

Bill/Resolution No. SSB 255 (FIN)  
Title: "Payment of Attorney Services."

Sponsor: Sen. Kertulla  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Dept. of Administration  
Program Category Affected: Due Process

BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 SUPPLIES		(1.5)				
500 EQUIPMENT		(2.0)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(157.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(157.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(157.1)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541  
Division: Dan Fabe, Public Defender Date: Feb. 3, 1984

Approved by Commissioner: Commissioner Lisa Rudd Date: 2/6/84  
Agency: Administration

Distribution (by Agency preparing fiscal note):

- Legislative Finance
- Legislative Sponsor
- Requestor
- Office of Management and Budget
- Impacted Agency(ies)

12/1/83

Senate Bill 255  
 Fiscal Note Analysis  
 Prepared by Public Defender Agency  
 Department of Administration

Date: February 3, 1984

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. SCSCSR 6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions plus other related costs would be eliminated at a savings to the State of (157.1).

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	(28.6)
	Contractual	(5.0)
	Commodities	(1.5)
	Equipment	(2.0)
	<u>Total</u>	<u>(157.1)</u>

MF

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: Oct. 28, 1983

I. REQUEST

Bill/Resolution No.: SB255  
Title: "Payment of Attorney Services"  
Sponsor: Senator Kertulla  
Requestor: \_\_\_\_\_  
Date of Request: \_\_\_\_\_

II. FISCAL DETAIL

Agency Affected: Dept. of Admin.  
Program Category Affected: Due Process  
BRU, Program of Subprogram(s) Affected: Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL						
400 COMMODITIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS, ETC						
TOTAL OPERATING		(148.6)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(148.6)				
FEDERAL FUNDS						
OTHER (Specify Source)						
TOTAL		(148.6)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						
TOTAL		(3.0)				

III. SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

IV. ANALYSIS: Attach a separate page for any Analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541  
Division: John Salemi, Act. Pub. Defender Date: Oct. 28, 1983

Approved by Commissioner: Commissioner Lisa Rudd Date: \_\_\_\_\_  
Department: Administration

Distribution:

- Original to Legislative Finance
- Copy to Office of Management and Budget (for Legislature introduced bills)
- Copy to Department (for Governor introduced bills)
- Copy to Sponsor
- Copy to Requestor (if different from Sponsor)

ANALYSIS: SB255

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB909, an Attorney III and a Legal Secretary I. SCSCSHB6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions would be eliminated at a savings to the State of 148.6.

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	<u>(28.6)</u>
	Total	(148.6)



# Alaska State Legislature

## Senate Advisory Council

Pouch V  
State Capitol  
Juneau, Alaska 99811

Official Business MEMORANDUM

TO: HOUSE FINANCE COMMITTEE

FROM: ELIZABETH J. HICKERSON *ejh*

RE: SB 255 and CS SB 255 (Rules), An act relating to the payment of attorney services and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date.

DATE: JANUARY 31, 1984

Senator Jalmar Kerttula's office was requested to prepare a memorandum outlining the distinctions between SB 255 and CS SB 255 (Rules). In response, I offer the following information.

There are three major differences between the original bill SB 255 and the Rules Committee substitute: the procedures outlined; the extent of representation provided; and the effective date.

### PROCEDURE

#### SB 255

When a municipality prosecutes an indigent person for the violation of a municipal ordinance, an attorney, other than the Public Defender Agency, will be assigned to the case. This can be accomplished in one of three ways:

1. the court may appoint another attorney;
2. the Public Defender Agency may petition the court to appoint another attorney; or
3. the Public Defender Agency may contract with another attorney for assistance.

Under all three procedures the municipality and not the state shall pay for the services and expenses of the attorney appointed.

CS SB 255

When a municipality prosecutes an indigent person for the violation of a municipal ordinance, the municipality shall provide for defense attorney services by contracting with private attorneys or the Alaska Public Defender Agency or by establishing a municipal public defense agency.

Thus under SB 255 the court or the Alaska Public Defender Agency controls the assignment of the case, whereas under CS SB 255 the municipality controls the assignment.

#### EXTENT OF REPRESENTATION

SB 255 provides that the municipality shall be responsible for the representation of an indigent person for violation of a municipal ordinance that is a "serious crime". A "serious crime" is defined at AS18.85.170(5) and includes:

a criminal matter in which a person is entitled to representation by an attorney under the Constitution of the State of Alaska or the United States Constitution;

or

an act that, but for the age of the person involved, would otherwise be a serious crime.

Right to the representation by an attorney under this definition includes prosecution for offenses which may result in: incarceration, loss of a valuable license or the imposition of a fine so heavy as to indicate criminality. Post conviction proceedings would also be included.

CS SB 255

The committee substitute provides that the municipality shall provide for representation of indigent persons prosecuted for municipal ordinances under which that person is entitled to a jury trial. Right to representation under this bill is limited to those offenses which may result in incarceration.

No representation would be provided by the municipality for the loss of a valuable license or the imposition of a fine so heavy as to indicate criminality or for post conviction

proceedings. Nor is it clear who or what agency would be responsible for this representation.

Thus under the original bill more extensive representation will be assumed by the municipality.

EFFECTIVE DATE

SB 255 takes effect on July 1, 1983, whereas, CS SB 255 takes effect on January 1, 1984.



Supreme Court  
State of Alaska

EDMOND W. BURKE, CHIEF JUSTICE

May 17, 1983

303 "K" STREET  
ANCHORAGE, ALASKA  
99501  
907 • 274-8611

Mr. Arthur H. Snowden, II  
Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501

Dear Art:

I was advised yesterday of testimony purportedly given by Allen Bailey, Anchorage Municipal Prosecutor, before a recent session of the Senate Rules Committee. Such testimony, I believe, related to pending legislation that would require municipalities to fund the defense of indigents in municipal prosecutions.

Part of Mr. Bailey's testimony, according to my information, consisted of an attack on the character and competency of the Public Defender, Dana Fabe. If the report given to me was accurate, I take strong exception to it.

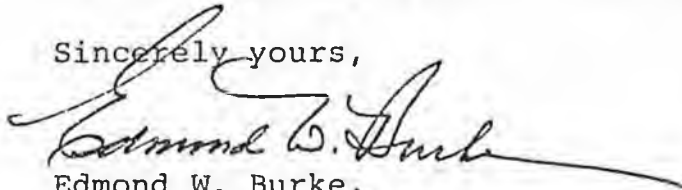
For many months we have been concerned about the impact of municipal prosecutions on the Anchorage office of the Public Defender Agency and the district court. A major part of this concern is the apparent fact that city prosecutions are contributing unnecessarily to the district court's work load because of poor screening and/or preparation. In all too many cases, it is incumbent upon the court and the Public Defender Agency to prepare for trial only to have the matter dismissed at the last moment or otherwise fail for lack of proof. My conversations with the judges of the district court and others, including Ms. Fabe, lead me to believe that this concern is well founded.

Re: Public Defender Agency  
Letter of May 17, 1983  
Page 2

If the summary of Mr. Bailey's recent testimony was correct, I consider it both inaccurate and professionally irresponsible. The performance of the Public Defender Agency under Ms. Fabe's direction has been impressive. Despite an intolerable case load, a good part of which relates to city prosecutions, the office has managed to handle its responsibilities well, without sacrificing the rights of those it represents. Moreover, in my judgment, Ms. Fabe's integrity is above reproach.

The court system has a vital interest in seeing that the Public Defender Agency continues to function effectively. Therefore, I ask that you do whatever you can to call the true state of affairs to the attention of those members of the legislature with whom you are acquainted. If it would be of any help for me to appear in Juneau, please let me know. I will be there on the first available flight.

Sincerely yours,

A handwritten signature in cursive script, appearing to read "Edmond W. Burke". The signature is written in dark ink and is positioned above the typed name and title.

Edmond W. Burke,  
Chief Justice

POSITION PAPER - SENATE BILL 255  
MUNICIPALITY OF ANCHORAGE

Senate Bill 255 has serious flaws from a public policy standpoint. This legislation will cost municipal taxpayers throughout the state a significant amount of money. For these reasons, amplified below, the Municipality of Anchorage opposes Senate Bill 255.

This bill would affect every city in the state which prosecutes crimes under its municipal code if conviction would subject the offender to any jail time. Since Anchorage prosecutes half of the drunk drivers in the state at present, as well as domestic assaults, shoplifters and other crimes, the costs of public defense in the instance of the Municipality of Anchorage alone would be substantial.

It has been said that the Anchorage Municipal Prosecutor's Office does not screen its cases well, causing the state additional unnecessary expense. During the year ending April 30, the Anchorage prosecutor's office took 235 criminal misdemeanors to trial. There was a guilty verdict in 75 per cent of those cases. The fact that 9,542 criminal charges were referred to the Prosecutor's Office by the Anchorage Police Department shows that a great deal of screening took place in order to necessitate only 235 trials.

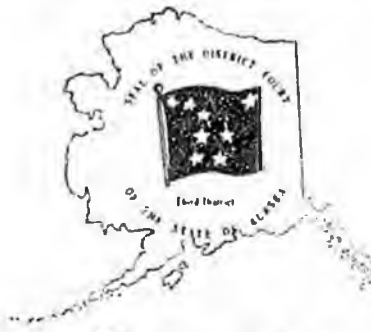
The Municipality was criticized by the Public Defender's Office for causing extra work for the public defender's staff attorneys by dismissing a large number of cases on the trial date. Statistics kept by the prosecutor show an average of only 9.2 per cent of the cases were dismissed at or near the trial date, most of them because victim witnesses could not be found.

At the existing Public Defender staffing rate, this bill will cost the Municipality of Anchorage approximately \$700,000 per year. If enough public defense attorneys were hired to meet the staffing level recommended by the chief district court judge in Anchorage, it would double that cost per year. As drafted, section two of the bill would give the Public Defender authority to contract with any number of private attorneys the public defender feels is necessary--and neither the Legislature nor the Municipal Assembly would have any control at all over the expense.

If the Legislature determines that cities must pay for their own public defense, it should give the local governing bodies some control over that function. The Municipality of Anchorage would prefer, if it must pay for this activity, to contract with a private law firm or establish its own public defense agency. An alternative would be to dedicate an amount equal to municipal fines and forfeitures in criminal cases to the additional funding of the state Public Defender Agency.

One possible municipal response to enactment of this legislation is the abandonment of the prosecution function entirely, returning to the Anchorage District Attorney's Office the job of prosecuting most misdemeanors occurring in Anchorage. That would require hiring of several lawyers for that agency in Anchorage alone and return to the state the burden of paying for incarceration of the defendants jailed in those cases.

*Allen M. Bailey*  
Anchorage Municipal Prosecutor



District Court

State of Alaska

THIRD JUDICIAL DISTRICT  
941 FOURTH AVENUE  
ANCHORAGE, ALASKA  
99501

CHAMBERS OF  
ELAINE ANDREWS, JUDGE

(907) 264-0663

May 17, 1983

Arthur H. Snowden, II  
Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501

Dear Art:

In response to your request, I am writing to advise you of the impact of municipal prosecutorial policies upon the Anchorage District Court.

I can state unequivocally that municipal prosecutor's policies and procedures have caused and continue to cause avoidable disruption and delay. The municipal prosecutor's office inadequately screen its cases. Municipal prosecutors continue to "negotiate," reduce and dismiss charges after trial call. Their "trial readiness" announcements lack credibility with the opposition.

The statistics that I have gathered are few, however, some general statements can be made with regard to the statistics. We are experiencing a 30-35% morning of trial fold rate. Approximately 75% of the cases that "fold" are municipal cases. A review of the reasons stated by both counsel point to a conclusion that a majority of the cases fold because of prosecution induced reasons.

I have included for your review a file containing copies of complaints. During late fall, 1982, I collected a random sample of cases which the municipal prosecutors, after inquiry from the bench, stated they were interested in pursuing. You will note that in the vast majority of the cases the public defender had been appointed and the case was scheduled for trial. My experience suggests that the "shouting on Fourth Avenue" variety of

disorderly conduct, and the other minor matters included in the file rarely reach full jury trial. The city's failure to screen these cases early required full defense and court services just short of jury trial. Valuable time and limited resources have been squandered.

The problems created by the municipal prosecutor's actions are real and substantial. Today we have 20 jury cases "trailing" - that is, all parties are in a stand-by status awaiting an available judge. Inadequate screening and lack of finality on prosecutorial decisions have contributed to this situation.

The municipal prosecutors initially "screen" cases by making a written plea offer to the defendant or defense counsel. No further screening is done. As a routine matter, prosecutors do not review videos in their DWI cases nor interview witnesses prior to trial call.

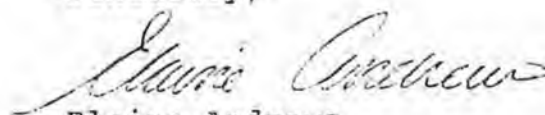
My experience has shown that the municipal prosecutors dismiss cases, reduce charges or negotiate after the trial call.

The city has never been able to make consistent, credible prosecution decisions. As a result, the court and defense resources are strained unnecessarily.

The court has received tremendous cooperation from the offices of the state district attorney and public defender. They are rigorous, responsible and prepared advocates. The same cannot be said for the municipal attorney's office.

If you have further need of more particularized information, do not hesitate to contact me.

Sincerely,



Elaine Andrews  
District Court Judge



Superior Court

State of Alaska

THIRD JUDICIAL DISTRICT  
303 K STREET  
ANCHORAGE, ALASKA 99501

May 17, 1983

MARK C. ROWLAND  
Superior Court Judge

Arthur Snowden  
Administrative Director  
Alaska Court System  
303 K Street  
Anchorage, Alaska 99501

Dear Arthur:

You have asked for my assessment of the impact on the District Court of current municipal criminal filings. My information is second hand, but I believe reliable. I have had occasion to discuss this matter with the various district court judges serving in Anchorage as well as members of the bar.

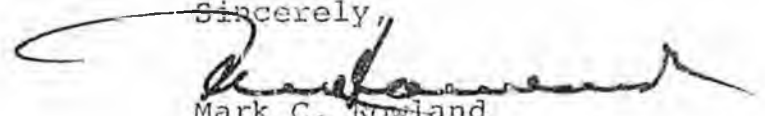
The Municipality files a large number of cases which are inadequately screened, never diverted and end up in many instances in unwarranted trials. There seems to be a failure on the Municipality's part to recognize the limited resources available in the District Court to meet the increasing demand of competing users and to act accordingly. Whether the failure to weed out bad cases is the result of inadequate staffing, political pressure or poor judgment, I cannot say. I believe, however, that an early and realistic assessment by the Municipality of their cases, both as to their evidentiary strength and social usefulness, would greatly assist us in meeting our responsibilities to the public.

It is my understanding that Mr. Allen Bailey has recently testified in various legislative hearings in which he has made many critical and intemperate remarks about the court system and other persons and agencies involved in the criminal justice system. If the reports of his remarks are accurate, it is charitable to say that his remarks are not. Perhaps they have been fashioned to direct attention away from his office's inability to cooperate and make

Arthur Snowden  
Administrative Director  
Alaska Court System  
May 17, 1983  
Page Two

the hard policy decisions necessary to assist us in fashioning new solutions to the increasing case load problem. The most recent remarks reported to me concerned the integrity and veracity of the Public Defender. My dealings with the Public Defender lead me to believe that Ms. Fabe is absolutely honest, of unquestionable integrity and certainly competent. Her office, as well as the office of the District Attorney, has been more than willing to cooperate with the court system in solving our mutual problems. Both Mr. Krumm and Ms. Fabe have demonstrated continuing concern and flexibility in meeting our responsibilities to the public. If we had the same cooperation from the Municipality, I know it would go a long way towards achieving this end. The problems are real and demand thoughtful attention, not rhetoric.

Sincerely,

A handwritten signature in black ink, appearing to read "Mark C. Rowland", with a large, sweeping flourish extending to the left.

Mark C. Rowland  
Presiding Judge

MCR: jw

ALASKA PUBLIC DEFENDER AGENCY  
ANNUAL REPORT FISCAL YEAR 1983

Submitted to:

BILL SHEFFIELD, Governor  
THE ALASKA LEGISLATURE  
EDMOND W. BURKE, Chief Justice  
LISA RUDD, Commissioner, Dept. of Administration  
JULIANA GUY, Deputy Commissioner, Dept. of Administration

By:

DANA FABE, Public Defender  
Alaska Public Defender Agency  
900 West Fifth Avenue, Suite 200  
Anchorage, Alaska 99501

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    New Cases Filed Chart----- 9  
    Cumulative Trial Statistics----- 10 & 11

ATTACHMENTS

- A) Division of Legislative Audit, A Special Report on the Alaska Criminal Justice System With Emphasis on the Department of Law's Criminal Division
- B) Alaska Court System, letter regarding cost per case

## INTRODUCTION

This annual report of the Alaska Public Defender Agency is submitted to the Legislature and the Alaska Supreme Court pursuant to AS 18.85.160. The report covers the Public Defender Agency's activities in Fiscal Year 1983, from July 1, 1982 through June 30, 1983.

The Alaska Public Defender Agency was created by the Legislature in 1969 to insure that accused persons who could not afford to hire an attorney would receive legal representation equivalent to those who could. The United States Supreme Court has established an absolute right for indigent persons to have the assistance of counsel if they are charged with a crime, either serious or petty, which entails the possibility of jail. The Office of the Public Defender is governed by AS 18.85.010-180, and its jurisdiction encompasses the entire state.

That statute guarantees that an indigent person is entitled:

1. To be represented by an attorney to the same extent as a person having his own attorney is entitled; and
2. To be provided with the necessary services and facilities of his representation, including investigation and other preparation.

Thus, the Public Defender Agency's primary duty and responsibility is to see that each indigent client receives the same quality of representation as a person who can afford to select and retain his own lawyer.

BARROW  
 Attorney IV 02-1261  
  
BETHEL  
 Attorney IV 02-1237  
 Attorney II 02-1262  
 Invest. I-II 02-1246  
  
FAIRBANKS  
 Attorney V 02-1206  
 Attorney IV 02-1209  
 Attorney IV 02-1216  
 Attorney IV 02-1231  
 Attorney IV 02-1235  
 Attorney III 02-1267  
 Attorney II 02-1260  
 Attorney I 02-1239  
 Invest. III 02-1219  
 Mental Hlth.  
 Clinician II 02-1240  
  
JUNEAU  
 Attorney V 02-1207  
 Attorney III 02-1242  
 Attorney III 02-1265  
 Invest. I-II 02-1247  
  
KENAI  
 Attorney IV 02-1223  
 Attorney II 02-1251  
 Attorney I 02-1257  
  
KETCHIKAN  
 Attorney V 02-1208  
 Attorney IV 02-1238  
 Invest. I-II 02-1217  
  
KOTZEBUE  
 Attorney IV 02-1256  
  
NOME  
 Attorney IV 02-1253  
 Invest. I-II 02-1268

ANCHORAGE  
 Attorney V 02-1211  
 Attorney V 02-1218  
 Attorney V 02-1230  
 Attorney IV 02-1210  
 Attorney IV 02-1221  
 Attorney IV 02-1222  
 Attorney IV 02-1224  
 Attorney IV 02-1225  
 Attorney IV 02-1236  
 Attorney III 02-1226  
 Attorney III 02-1234  
 Attorney III 02-1249  
 Attorney III 02-1263  
 Attorney III 02-1264  
 Attorney III 02-1266  
 Attorney II 02-1269  
 Attorney I 02-1243  
 Invest. III 02-1220  
 Invest. III 02-1212  
 Paralegal Asst. I-II 02-1248

COMMISSIONER OF ADMINISTRATION

DEPUTY COMMISSIONER OF ADMINISTRATION

THE PUBLIC DEFENDER ANCHORAGE 02-1201

Admin. Officer II 02-1202

Acct. Clerk III 02-1232

Admin. Asst. I 02-1241

Receptionist Clerk Typist III 02-1228

ANCHORAGE

Felony Section	Appeals Section	Misdemeanor Section
Legal Secretary II 02-1203	Legal Secretary II 02-1233	Legal Secretary II 02-1250
Legal Secretary I 02-1227	Legal Secretary I 02-1244	Legal Secretary I 02-1214

BARROW  
 Legal Secretary I 02-1258  
  
BETHEL  
 Legal Secretary I 02-1245  
  
FAIRBANKS  
 Legal Secretary II 02-1215  
 Legal Secretary I 02-1205  
 Clerk Typist III 02-1259  
  
JUNEAU  
 Legal Secretary I 02-1213  
  
KENAI  
 Legal Secretary I 02-1229  
  
KETCHIKAN  
 Legal Secretary I 02-1204  
  
KOTZEBUE  
 Legal Secretary I 02-1255  
  
NOME  
 Legal Secretary I 02-1245

BARROW  
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Invest. I-II 02-1246

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Attorney IV 02-1231  
Attorney IV 02-1235  
Attorney III 02-1267  
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Attorney I 02-1239  
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Clinician II 02-1240

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Invest. III 02-1212  
Paralegal Asst. I-II 02-1248

COMMISSIONER OF  
ADMINISTRATION

DEPUTY COMMISSIONER OF  
ADMINISTRATION

THE PUBLIC DEFENDER  
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02-1201

Admin. Officer II  
02-1202

Acct. Clerk III  
02-1232

Admin. Asst. I  
02-1241

Receptionist  
Clerk Typist III  
02-1228

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Legal Secretary I 02-1245

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Legal Secretary I 02-1205  
Clerk Typist III 02-1259

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Legal Secretary I 02-1213

KENAI  
Legal Secretary I 02-1229

KETCHIKAN  
Legal Secretary I 02-1204

KOTZEBUE  
Legal Secretary I 02-1255

NOME  
Legal Secretary I 02-1245

## AGENCY CASELOAD

In Fiscal Year 1983, a total of 11,858 cases were opened in this agency. <sup>1/</sup> This figure represents a 16 percent increase over the caseload handled the previous fiscal year.

Caseload totals for the past four years are as follows:

Fiscal Year 1980-----7,759

Fiscal Year 1981-----9,559

Fiscal Year 1982-----10,244

Fiscal Year 1983-----11,858

Given these high caseloads, understaffing has been a continuing problem for this agency. Yet, the Public Defender Agency has no ability to control the size of its caseload since it does not select which clients it will represent. Instead, the Alaska Court System determines financial eligibility and appoints the Public Defender to represent those persons whose financial status does not permit them to hire their own attorney.

### Legislative Audit Report

In its 1983 report on the Alaska Criminal Justice System, the Division of Legislative Audit recommended that "legislative and executive consideration should be given to increasing resources for the Public Defender Agency." A Special Report on the Alaska Criminal Justice System with Emphasis on the Department of Law's Criminal Division, (Audit Control Number 04-4135-83-S, at page 18.) The Division of Legislative Audit found that many in the criminal justice system believed that "an inadequate number of Public Defenders was having an adverse impact on the ability of courts and prosecutors to do their jobs." The audit report went on to state that inadequate funding of the Public Defender Agency appears to result in "1) improper dismissal of cases because the Public Defender was not available, 2) delays in the system, because of conflicts in scheduling Public Defenders for judges, and 3) the Public Defenders do not always have time to provide the quality of representation expected."

---

<sup>1/</sup> This figure does not include 416 additional conflict cases which were initially assigned to the Public Defender Agency but were subsequently reassigned to private attorneys due to a conflict of interest within the Public Defender Agency.

## National Caseload Standards

The Advisory Committee on Minority Judicial Sentencing Practices recommended budgetary increases "to meet the minimum standard promulgated by the National Conference on Criminal Justice, Law Enforcement Assistance Administration, with respect to the proper ratio of clients to attorneys." Report of Advisory Committee on Minority Judicial Sentencing Practices, (Chapter 42, SLA 79, 1979, p. 40). Those recommended caseload standards for defender services are as follows:

Maximum number of cases per year per attorney to insure minimum competence of representation:

150 felony cases; or  
400 misdemeanor cases; or  
200 juvenile cases; or  
200 sanity cases; or  
25 appeals.

In Fiscal Year 1983 a total of 11,858 cases were opened in this agency. According to the recommended caseload maximums listed above, this agency should have had 52 attorneys. Actual staffing for Fiscal Year 1983 was 39 attorneys (including two Kodiak/Dillingham contract attorneys), 13 attorneys short of the maximum recommended caseload figures. The Division of Legislative Audit, working with caseload figures for FY 82 found this Agency to be 11 attorneys short of the nationally recommended maximum. (See Appendix E, A Special Report on the Alaska Criminal Justice System with Emphasis on the Department of Law's Criminal Division, (Audit Control Number 04-4135-83-S, at page 62.

## Representation of Minorities

Adequate funding of the Public Defender Agency is especially important due to the fact that persons of minority ethnic background, particularly Alaska Natives, have a high rate of representation by the Public Defender Agency. A 1980 statistical analysis of discrimination in the Alaska Criminal Justice Center prepared by the Cascade Research Center in coordination with the Alaska Criminal Justice Planning Agency, reported that:

Natives have a relatively high rate of representation by the Public Defender Agency, and a low rate of privately retained counsel, perhaps because of indigency. A Statistical Analysis of Discrimination in the Alaska Criminal Justice System, (May 15, 1980, p. 77).

The consistent underfunding of the agency was criticized by the Legislature's Advisory Committee on Minority Judicial Sentencing Practices, which found:

Because of economics, minority defendants utilized the services of the Alaska Public Defender Agency proportionately more than others. Inadequate funding of the Public Defender Agency deprives these minority clients of substantial equality in the legal services they receive. Report of Advisory Committee on Minority Judicial Sentencing Practices, (Chapter 42, SLA 79, 1979, p. 40.)

That report described some of the problems which come from underfunding of the Public Defender Agency, since the resultant understaffing "takes especially heavy toll on minority defendants who, because of difficulties in communication, may need greater attention from their legal counsel than other defendants."

### Trials

A dramatic increase in the number of cases going to trial has recently resulted from the combination of the ban on plea bargaining and presumptive sentences. When a lengthy presumptive term is set and no plea bargaining is utilized to reduce the charges or sentence, many more clients elect to have a jury trial since there is no benefit to a guilty plea. For example, the Division of Legislative Audit found that in a two year period, the Anchorage Public Defender's trial load increased by 450%. (See Appendix D, A Special Report on the Alaska Criminal Justice System with Emphasis on the Department of Law's Criminal Division, Audit Control Number 04-4135-83-S, at page 61, appended to this report as Attachment A.)

### Travelling Court Calendars

Problems of geography and travel are also variables which must be considered in determining whether the agency is funded at a level sufficient to meet the state's constitutional obligation to provide adequate legal representation to the poor. A study prepared by the Criminal Justice Center on potentially discriminatory criminal justice agency policies indicated that defendants in rural communities were at a special disadvantage due to the lack of public defender investigative resources in those areas.

Prosecutors seem to have an advantage over defense officials because they can rely on Alaska State Troopers in obtaining information about criminal matters occurring in rural communities. Although the Public Defender's office employs several defense investigators, there are inadequate resources for routinely assigning these investigators to review the circumstances of incidents occurring in the rural communities. The Public Defender on occasion does not have the resources or means to locate critical witnesses who are thought to be residing in rural communities. Potentially Discriminatory Criminal Justice Agency Policies, (November, 1980, p. 41).

FUNDING

The Agency budget comes from the state general fund. In Fiscal Year 1983, our budget was \$4,261,900. Agency expenditures were as follows:

Personal Services-----	\$ 3,494,400
Travel-----	244,900
Contractual-----	445,600
Supplies-----	58,300
Equipment-----	21,700
Total-----	\$ 4,261,900

COST PER CASE

The average cost per case handled by the agency in Fiscal Year 1983 was \$359.00. This figure was calculated by dividing the total number of cases handled (11,858) into the total budget for the Public Defender Agency (4,261,900). In contrast, conflict of interest cases using court appointed private attorneys cost an average of \$1,290 per case the same year, according to the Alaska Court System. (See letter of Richard Barrier, appended to this report as Attachment B.)

## PUBLIC DEFENDER OFFICES

### Staff and Personnel:

In Fiscal Year 1983 there were 38 Assistant Public Defender attorneys in 9 offices throughout the state. In Fiscal Year 1983, there were 17 attorneys in the Anchorage office, 8 in the Fairbanks office, 6 in the Kenai and Juneau offices, and 2 each in the Bethel and Ketchikan offices. The Barrow, Nome, and Kotzebue offices are each staffed by one attorney. In addition, due to the lack of a Public Defender office in Kodiak or the Bristol Bay area, the agency in Fiscal Year 1983 continued to contract with private attorneys to provide public defender services in Kodiak, Dillingham, and the Aleutian Chain. The legislature funded a new office in Kodiak for Fiscal Year 1984 and that office opened in September 1983.

The investigation section consists of seven people, three investigators in Anchorage who also cover the Palmer and Kenai offices, and one investigator each for Fairbanks, Ketchikan, Juneau, Nome, and Kotzebue. There is also a psychological counselor in Fairbanks.

Fifteen full-time legal secretaries and 2 clerk typists constitute the direct support staff to attorneys and investigators.

Dana Fabe, the Public Defender, and a three person administrative staff are housed in the Anchorage office and handle administrative duties for the entire agency statewide.

Each of the other branch offices has a supervising attorney, currently staffed as follows:

Barrow:	Kathleen Strasbaugh
Bethel:	Jonathon Katcher
Fairbanks:	John Hagey
Juneau:	Tom Nave
Kenai:	Kevin McCoy
Ketchikan:	Richard Yospin
Kotzebue:	Dave Monson
Nome:	H. Conner Thomas

The Alaska Legislature appropriated funds for FY 84 to establish additional branch offices in Palmer and Kodiak.

## STATISTICS

Following is a general outline of the method of counting cases used in compiling statistics for this report:

1. Each defendant is counted as one case. Multiple count cases are generally not counted as more than one case, except in the years' trial statistics where some multiple count trials are specified.
2. Appeals are counted as separate cases.
3. Petitions for writ of habeas corpus and other, post-conviction relief actions are counted and listed separately and probation violation proceedings are counted as separate cases since they may occur years after the original disposition of the case.
4. Cases which overlap from one year to the next are counted once in the year in which they are opened. Cases opened are the basis for caseload reporting.

The following charts demonstrate the break down of types of cases opened in each office by judicial district, as well as the number of cases tried and days in trial for the agency. In the trial statistics, only trials determining guilt or innocence are included. Preliminary hearings, pre-trial evidentiary hearings, post-trial hearings, and sentencings are not included.

NEW CASES FILED FY 83

July 1, 1982 - June 30, 1983

P.D. Office	Felony	Probation/Revocations		Post-Con Relief	City Misd.	State Misd.	Fug. Justice	Sanity	CINA	Juvenile	Parole Board	Appeals		Other <sup>2/</sup>	Total
		Fel.	Misd.									Fel.	Misd.		
<u>1st District</u>															
Juneau	139	35	32	5	131	256	8	14	19	37	1	2	2	3	684
Ketchikan	117	3	0	0	48	265	11	7	15	19	0	0	2	5	492
Total District Conflicts*	256	38	32	5	179	521	19	21	34	56	1	2	4	8	1,176
	8				1	11				2					22
<u>2nd District</u>															
Nome	49	29	40	1	70	184	0	22	15	32	1	1	0	0	444
Kotzebue	56	4	17	0	0	266	0	2	3	22	0	1	2	0	373
Barrow	48	2	4	4	0	197	0	0	19	16	0	8	2	3	303
Total District Conflicts*	153	35	61	5	70	647	0	24	37	70	1	10	4	3	1,120
	5		1		4	9				1		1			21
<u>3rd District</u>															
Anchorage	657	133	61	78	2,264	1,149	53	146	88	122	18	119	34	4	4,926
Kenai	127	21	0	9	0	794	8	2	21	29	1	18	20	2	1,052
Kodiak&Unalaska	86	19	36	8	45	423	2	1	3	14	0	9	0	8	654
Dillingham	30	2	5	1	0	196	1	2	9	1	0	0	0	0	247
Total District Conflicts*	900	175	102	96	2,309	2,562	64	151	121	166	19	146	54	14	6,879
	80	1			122	58	1	2		6		1			271
<u>4th District</u>															
Fairbanks	272	22	52	19	328	957	17	65	65	94	7	41	17	4	1,960
Bethel	107	60	72	1	0	370	0	2	44	57	0	3	7	0	723
Total District Conflicts*	379	82	124	20	328	1,327	17	67	109	151	7	44	24	4	2,683
	25	1	2		7	64				2				1	102
TOTAL AGENCY	1,688	330	319	126	2,886	5,057	100	263	301	443	28	202	86	29	11,858
Total Conflict*	118	2	3		134	142	1	2		11		2		1	416

1/ Includes petitions to revoke probation and reinitiation of prosecution in cases originally diverted.

2/ Includes such miscellaneous cases and contempt actions for failure to pay child support.

\* Conflicts are listed separately and not included in office or agency totals.

## NEW CASES FILED BY JJ

July 1, 1982 - June 30, 1983

P.D. Office	Felony	Probation/ Revocations		Post-Con Relief	City Misd.	State Misd.	Fug. Justice	Sanity	CINA	Juvenile	Parole Board	Appeals		Other <sup>2/</sup>	Total
		Fel.	Misd.									Fel.	Misd.		
<u>1st District</u>															
Juneau	139	35	32	5	131	256	8	14	19	37	1	2	2	3	684
Ketchikan	117	3	0	0	48	265	11	7	15	19	0	0	2	5	492
Total District	256	38	32	5	179	521	19	21	34	56	1	2	4	8	1,176
Conflicts*	8				1	11				2					22
<u>2nd District</u>															
Nome	49	29	40	1	70	184	0	22	15	32	1	1	0	0	444
Kotzebue	56	4	17	0	0	266	0	2	3	22	0	1	2	0	373
Barrow	48	2	4	4	0	197	0	6	19	16	0	8	2	3	303
Total District	153	35	61	5	70	647	0	24	37	70	1	10	4	3	1,120
Conflicts*	5		1		4	9				1		1			21
<u>3rd District</u>															
Anchorage	657	133	61	78	2,264	1,149	53	146	88	122	18	119	34	4	4,926
Kenai	127	21	0	9	0	794	8	2	21	29	1	18	20	2	1,052
Kodiak&Unalaska	86	19	36	8	45	423	2	1	3	14	0	9	0	8	654
Dillingham	30	2	5	1	0	196	1	2	9	1	0	0	0	0	247
Total District	900	175	102	96	2,309	2,562	64	151	121	166	19	146	54	14	6,879
Conflicts*	80	1			122	58	1	2		6		1			271
<u>4th District</u>															
Fairbanks	272	22	52	19	328	957	17	65	65	94	7	41	17	4	1,960
Bethel	107	60	72	1	0	370	0	2	44	57	0	3	7	0	723
Total District	379	82	124	20	328	1,327	17	67	109	151	7	44	24	4	2,683
Conflicts*	25	1	2		7	64				2				1	102
TOTAL AGENCY	1,688	330	319	126	2,886	5,057	100	263	301	443	28	202	86	29	11,858
Total Conflict*	118	2	3		134	142	1	2		11		2		1	416

1/ Includes petitions to revoke probation and reinitiation of prosecution in cases originally diverted.

2/ Includes such miscellaneous cases and contempt actions for failure to pay child support.

\* Conflicts are listed separately and not included in office or agency totals.

FELONY JURY TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	44	1	33	1	3	3	0	3	163.5
Barrow	11 (1-2 cts)	6	4	0	0	1	0	1	31.5
Bethel	5	1	3	0	0	0	0	1	18.5
Fairbanks	27 (8 mult cts)	13	14	7	1	1	3	1	69.5
Juneau	12 (1-5 cts)	3	11	0	1	0	0	2	39.5
Kenai	5 (1-3 cts)	2	4	0	1	0	0	0	15.5
Ketchikan	6	1	2	0	0	1	0	2	12.5
Kodiak/Dillingham	7	0	4	1	0	0	0	2	25.5
Kotzebue	1	0	0	0	0	0	0	1	6.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL FELONY JURY TRIALS	118	27	75	9	6	6	3	13	382.0

FELONY COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	8 (1-4 cts)	2	8	0	0	1	0	0	9.5
Barrow	1 (1-NGI)	1	0	0	0	0	0	0	2.0
Bethel	4	3	1	0	0	0	0	0	6.5
Fairbanks	1 (1-NG)	1	0	0	0	0	0	0	.5
Juneau	1	0	1	0	0	0	0	0	1.0
Kenai	0	0	0	0	0	0	0	0	0.0
Ketchikan	0	0	0	0	0	0	0	0	0.0
Kodiak/Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	0	0	0	0	0	0	0	0	0.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL FELONY COURT TRIALS	15	7	10	0	0	1	0	0	18.5
TOTAL AGENCY FELONY COURT & JURY TRIALS	133	34	85	9	6	7	3	13	400.5

LOCATION	NO. OF TRIALS	ACQUITTED	FELONY JURY TRIALS					GUILTY		DAYS IN TRIAL
			GUILTY	HUNG	MISTRIAL	PLED	DISMISS	LESSER INCL.		
Anchorage	44	1	33	1	3	3	0	3	163.5	
Barrow	11 (1-2 cts)	6	4	0	0	1	0	1	31.5	
Bethel	5	1	3	0	0	0	0	1	18.5	
Fairbanks	27 (8 mult cts)	13	14	7	1	1	3	1	69.5	
Juneau	12 (1-5 cts)	3	11	0	1	0	0	2	39.5	
Kenai	5 (1-3 cts)	2	4	0	1	0	0	0	15.5	
Ketchikan	6	1	2	0	0	1	0	2	12.5	
Kodiak/Dillingham	7	0	4	1	0	0	0	2	25.5	
Kotzebue	1	0	0	0	0	0	0	1	6.0	
Nome	0	0	0	0	0	0	0	0	0.0	
TOTAL FELONY JURY TRIALS	118	27	75	9	6	6	3	13	382.0	

LOCATION	NO. OF TRIALS	ACQUITTED	FELONY COURT TRIALS					GUILTY		DAYS IN TRIAL
			GUILTY	HUNG	MISTRIAL	PLED	DISMISS	LESSER INCL.		
Anchorage	8 (1-4 cts)	2	8	0	0	1	0	0	9.5	
Barrow	1 (1-NGI)	1	0	0	0	0	0	0	2.0	
Bethel	4	3	1	0	0	0	0	0	6.5	
Fairbanks	1 (1-NG)	1	0	0	0	0	0	0	.5	
Juneau	1	0	1	0	0	0	0	0	1.0	
Kenai	0	0	0	0	0	0	0	0	0.0	
Ketchikan	0	0	0	0	0	0	0	0	0.0	
Kodiak/Dillingham	0	0	0	0	0	0	0	0	0.0	
Kotzebue	0	0	0	0	0	0	0	0	0.0	
Nome	0	0	0	0	0	0	0	0	0.0	
TOTAL FELONY COURT TRIALS	15	7	10	0	0	1	0	0	18.5	
TOTAL AGENCY FELONY COURT & JURY TRIALS	133	34	85	9	6	7	3	13	400.5	

MISDEMEANOR JURY TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	82 (2-3 cts)	27	52	7	3	1	2	0	108.75
Barrow	8	2	7	0	0	0	2	0	6.5
Bethel	3	2	1	0	0	0	0	0	4.0
Fairbanks	39 (1-2 cts) (1-3 cts)	13	18	0	1	0	2	4	48.0
Juneau	9	3	7	0	0	0	0	0	12.5
Kenai	21 (1-2 cts)	7	12	1	0	1	0	1	21.5
Ketchikan	9	3	5	0	0	0	0	1	8.0
Kodiak/Dillingham	6 (1-2 cts)	3	3	1	0	0	0	0	8.0
Kotzebue	4 (3-2 cts)	5	2	0	0	0	0	0	3.0
Nome	2	1	0	0	0	0	0	1	1.5
TOTAL MISDEMEANOR JURY TRIALS	183	66	107	9	4	2	6	7	221.75

MISDEMEANOR COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	12 (1-76 cts) (2-2 cts)	8	81	0	0	0	0	0	10.0
Barrow	0	0	0	0	0	0	0	0	0.0
Bethel	3	2	1	0	0	0	0	0	3.0
Fairbanks	0	0	0	0	0	0	0	0	0.0
Juneau	2	0	2	0	0	0	0	0	2.0
Kenai	4	0	4	0	0	0	0	0	3.0
Ketchikan	1	1	0	0	0	0	0	0	1.0
Kodiak /Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	1	0	1	0	0	0	0	0	1.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL MISDEMEANOR COURT TRIALS	23	11	89	0	0	0	0	0	20.0
TOTAL AGENCY MISD. COURT & JURY TRIALS	206	77	196	9	4	2	6	7	241.75
TOTAL AGENCY ALL TRIALS	339	111	281	18	10	9	9	20	652.25

## MISDEMEANOR JURY TRIALS

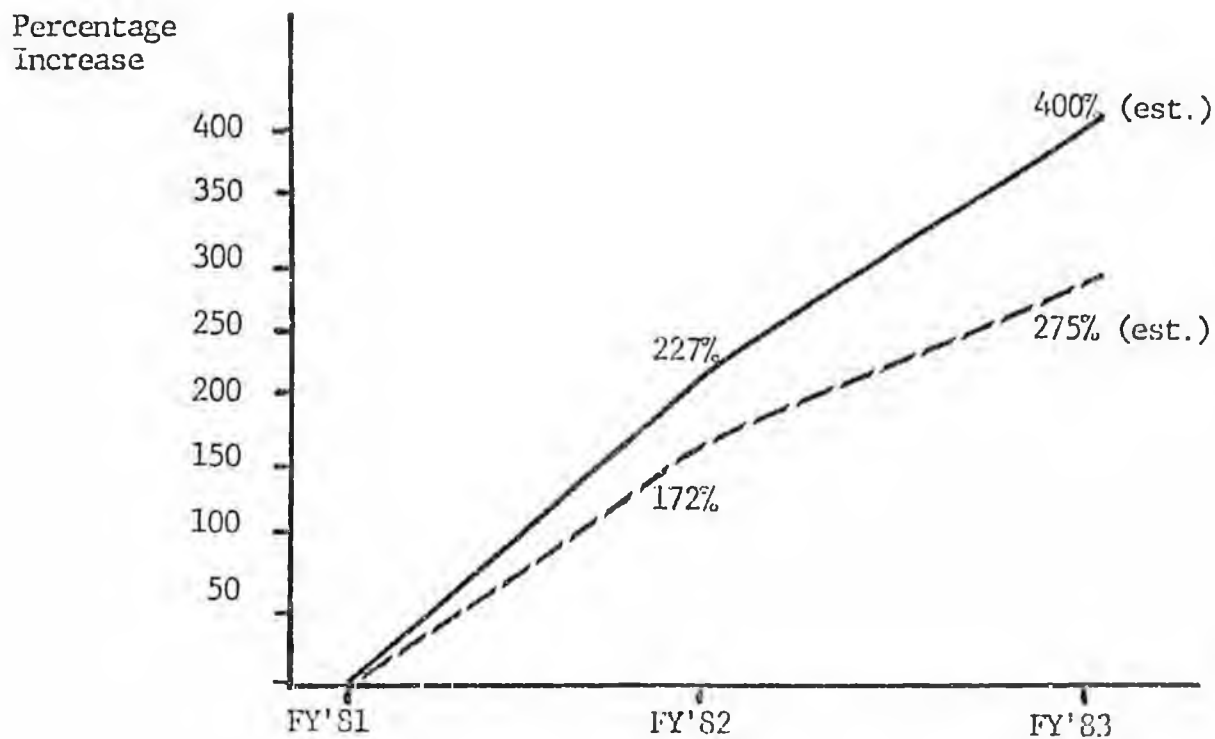
LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	82 {9-3 8-3}	27	52	7	3	1	2	0	108.75
Barrow	8	2	7	0	0	0	2	0	6.5
Bethel	3	2	1	0	0	0	0	0	4.0
Fairbanks	39 (1-2 cts) (1-3 cts)	13	18	0	1	0	2	4	48.0
Juneau	9	3	7	0	0	0	0	0	12.5
Kenai	21 (1-2 cts)	7	12	1	0	1	0	1	21.5
Ketchikan	9	3	5	0	0	0	0	1	8.0
Kodiak/Dillingham	6 (1-2 cts)	3	3	1	0	0	0	0	8.0
Kotzebue	4 (3-2 cts)	5	2	0	0	0	0	0	3.0
Nome	2	1	0	0	0	0	0	1	1.5
TOTAL MISDEMEANOR JURY TRIALS	183	66	107	9	4	2	6	7	221.75

## MISDEMEANOR COURT TRIALS

LOCATION	NO. OF TRIALS	ACQUITTED	GUILTY	HUNG	MISTRIAL	PLED	DISMISS	GUILTY LESSER INCL.	DAYS IN TRIAL
Anchorage	12 (1-76 cts) (2-2 cts)	8	81	0	0	0	0	0	10.0
Barrow	0	0	0	0	0	0	0	0	0.0
Bethel	3	2	1	0	0	0	0	0	3.0
Fairbanks	0	0	0	0	0	0	0	0	0.0
Juneau	2	0	2	0	0	0	0	0	2.0
Kenai	4	0	4	0	0	0	0	0	3.0
Ketchikan	1	1	0	0	0	0	0	0	1.0
Kodiak /Dillingham	0	0	0	0	0	0	0	0	0.0
Kotzebue	1	0	1	0	0	0	0	0	1.0
Nome	0	0	0	0	0	0	0	0	0.0
TOTAL MISDEMEANOR COURT TRIALS	23	11	89	0	0	0	0	0	20.0
TOTAL AGENCY MISD. COURT & JURY TRIALS	206	77	196	9	4	2	6	7	241.75
TOTAL AGENCY ALL TRIALS	339	111	281	18	10	9	9	20	652.25

APPENDIX D

INCREASE IN NUMBER OF ANCHORAGE TRIALS  
FOR THE COURT, AND PUBLIC DEFENDER AGENCY



———— Percentage increase in Public Defender's Anchorage trial cases  
----- Percentage increase in the Court's trial caseload

Note: Data was collected by the agencies, and the court data approximates the actual change. The Public Defender's increase was actually 450% for the same period in FY'81.



Alaska Court System  
State of Alaska

OFFICE OF ADMINISTRATIVE DIRECTOR

303 K Street  
Anchorage, Alaska 99501

RICHARD P. BARRIER  
DEPUTY ADMINISTRATIVE DIRECTOR

19971 264 0545

January 20, 1984

Mr. Bob Stokes  
Administrative Officer  
Public Defender Agency  
900 West Fourth Avenue  
Suite 200  
Anchorage, AK 99501

Dear Bob:

At your request this office has computed an average cost per case for attorney expenses in criminal conflict cases. It was not possible to break out an individual cost per case for each type of case. However, for fiscal year 1983 our computations indicated that in defense of all misdemeanors, felonies, and appeals, the average cost per case was approximately \$1,290.

If I can provide any further information concerning conflict representation, please let me know.

Sincerely,

Richard P. Barrier  
Deputy Director for Operations

RPB:le

Offered: 5/24/83

Original sponsor: Kerttula

1 IN THE SENATE BY THE RULES COMMITTEE

2 CS FOR SENATE BILL NO. 255 (Rules)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the payment of attorney services  
7 and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date."  
8  
9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 18.85 is amended by adding a new section to read:

12 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. (a) When a municipality prosecutes a person who has been determined by the court to be  
13 indigent under AS 18.85.120 for a violation of a municipal ordinance  
14 under which that person is entitled to a jury trial, the municipality  
15 shall pay for the services of the attorney appointed by the court to  
16 defend the indigent person.  
17

18 (b) A municipality shall provide for defense attorney services  
19 under (a) of this section by contracting with private attorneys or the  
20 Alaska Public Defender Agency or by establishing a municipal public  
21 defense agency.

22 \* Sec. 2. This Act takes effect January 1, 1984.

Introduced: 4/14/83  
Referred: Community and Regional  
Affairs and Judiciary

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 255

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6

For an Act entitled: "An Act relating to the payment of attorney services and expenses for indigent criminal defendants prosecuted by municipalities; and providing for an effective date."

7

8

9

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 18.85.100(b) is amended to read:

12

13

14

15

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19

\* Sec. 2. AS 18.85.130 is amended to read:

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Sec. 18.85.130. SUBSTITUTE DEFENDER. (a) For cause, the court may, on its own motion or upon the application of the public defender, appoint an attorney other than the public defender to represent the indigent person at any stage of the proceedings or on appeal. The attorney shall be awarded reasonable compensation according to a schedule of fees promulgated by the supreme court and reimbursement for expenses necessarily incurred. Except as provided in AS 18.85.155, this [THIS] shall be paid by the court system.

(b) In addition to substitution under (a) of this section, when the public interest requires, and a person is entitled to

1 representation by the agency under this chapter, the public defender  
2 may contract with one or more private attorneys for assistance [TO  
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] public  
4 defender shall pay for these services out of appropriations to the  
5 agency.

6 \* Sec. 3. AS 18.85 is amended by adding a new section to read:

7           Sec. 18.85.155. PAYMENT BY MUNICIPALITY. A municipality that  
8 prosecutes an indigent person for violation of a municipal ordinance  
9 that is a serious crime shall pay for the services and expenses of a  
10 defense attorney appointed under this chapter without regard to wheth-  
11 er the defense attorney is appointed by the municipality, the agency,  
12 or the court.

13 \* Sec. 4. This Act takes effect July 1, 1983.

H 500

STATE OF ALASKA 1984 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: 2/3/84

Page 1 of 2

REQUEST

Bill/Resolution No.: SB 255  
 Title: "Payment of Attorney Services."  
 Sponsor: Sen. Kertulla  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Dept. of Administration  
 Program Category Affected: Due Process  
 BRU, Program or Subprogram(s) Affected:  
Public Defender Agency

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 84	FY 85	FY 86	FY 87	FY 88	FY 89
OPERATING						
100 PERSONAL SERVICES		(148.6)				
200 TRAVEL						
300 CONTRACTUAL		(5.0)				
400 SUPPLIES		(1.5)				
500 EQUIPMENT		(2.0)				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
TOTAL OPERATING		(157.1)				
CAPITAL						
REVENUE						

FUNDING: (Thousands of Dollars)

GENERAL FUND		(157.1)				
FEDERAL FUNDS						
OTHER						
TOTAL		(157.1)				

POSITIONS:

FULL-TIME		(3.0)				
PART-TIME						
TEMPORARY						

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Bob Stokes, Admin. Officer Phone: 279-7541  
 Division: Dana Fabe, Public Defender *Dana Fabe* Date: Feb. 3, 1984  
 Approved by Commissioner: Commissioner Lisa Rudd *L.R.* Date: 2/6/84  
 Agency: Administration *ASR*

Distribution (by Agency preparing fiscal note):

Legislative Finance  
 Legislative Sponsor  
 Requestor  
 Office of Management and Budget  
 Impacted Agency(ies)

12/1/83

Senate Bill 255  
 Fiscal Note Analysis  
 Prepared by Public Defender Agency  
 Department of Administration

Date: February 3, 1984

Since July 1, 1976, the Public Defender Agency has been charged with the defense of indigents charged with violations of municipal ordinances. Out of necessity, the Agency has assumed this obligation using existing personnel and resources. In FY79 two additional positions were authorized in HB 909, an Attorney III and a Legal Secretary I. SCSCSHR 6 added another Attorney III for Anchorage to handle municipal cases. If this bill, returning the financial obligation for indigent defense back to the municipalities should pass, these three positions plus other related costs would be eliminated at a savings to the State of (157.1).

Anchorage:	Attorney III	(60.0)
	Attorney III	(60.0)
	Legal Secretary I	(28.6)
	Contractual	(5.0)
	Commodities	(1.5)
	Equipment	(2.0)
	Total	(157.1)

Introduced: 4/14/83  
Referred: Community and Regional  
Affairs and Judiciary

1 IN THE SENATE

BY KERTTULA

2

SENATE BILL NO. 255

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

THIRTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act relating to the payment of attorney services  
7 and expenses for indigent criminal defendants pros-  
8 ecuted by municipalities; and providing for an effec-  
9 tive date."

10 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

11 \* Section 1. AS 18.85.100(b) is amended to read:

12 (b) Subject to the provisions of AS 18.85.155, the [THE] attor-  
13 ney services and facilities and the court costs shall be provided at  
14 public expense to the extent that the person, at the time the court  
15 determines indigency, is unable to provide for payment without undue  
16 hardship. Appointment of any guardian ad litem or attorney shall be  
17 made under the terms of AS 09.65.130, to the extent that that section  
18 is not inconsistent with the requirements of this chapter.

19 \* Sec. 2. AS 18.85.130 is amended to read:

20 Sec. 18.85.130. SUPPLITUTE DEFENDER. (a) For cause, the court  
21 may, on its own motion or upon the application of the public defender,  
22 appoint an attorney other than the public defender to represent the  
23 indigent person at any stage of the proceedings or on appeal. The  
24 attorney shall be awarded reasonable compensation according to a  
25 schedule of fees promulgated by the supreme court and reimbursement  
26 for expenses necessarily incurred. Except as provided in AS 18.85.-  
27 155, this [THIS] shall be paid by the court system.

28 (b) In addition to substitution under (a) of this section, when  
29 the public interest requires, and a person is entitled to

1 representation by the agency under this chapter, the public defender  
2 may contract with one or more private attorneys for assistance [TO  
3 ASSIST HIM]. Except as provided in AS 18.85.155, the [THE] public  
4 defender shall pay for these services out of appropriations to the  
5 agency.

6 \* Sec. 3. AS 18.85 is amended by adding a new section to read:

7 Sec. 18.85.155. PAYMENT BY MUNICIPALITY. A municipality that  
8 prosecutes an indigent person for violation of a municipal ordinance  
9 that is a serious crime shall pay for the services and expenses of a  
10 defense attorney appointed under this chapter without regard to wheth-  
11 er the defense attorney is appointed by the municipality, the agency,  
12 or the court.

13 \* Sec. 4. This Act takes effect July 1, 1983.