

LEG. FINANCE - BILLS 1985 - 1986 . 2238

CSSB 341 cont. - SB 344

*2238*

HOUSE CS FOR CS FOR SENATE BILL NO. 341 (Judiciary)

An Act relating to state procurement practices and procedures and providing for an effective date.

History of the Bill

Senate Resolution 6 established the Senate Select Interim Committee on Procurement Practices and Procedures.

Procurement Committee:

8 Statewide Public hearings  
Mailing list over 250  
Task force of State Procurement Personnel held numerous work sessions

SB 341

Based on the Model Procurement Code which has been adopted by 13 other states  
The Model Procurement Code was modified to address Alaska's needs  
Senate Judiciary Committee held 7 hearings  
Senate Finance Committee held 2 hearings  
House State Affairs held 4 hearings  
House Judiciary held 3 hearings

24 TOTAL PUBLIC HEARINGS HELD SINCE SEPTEMBER

BENEFITS UNDER THE BILL

Comprehensive, concise law  
Exceptional guidelines for the development of solicitations and evaluation of bids and proposals  
A clear, comprehensive and uniform appeals procedure which will benefit vendors  
Noncompetitive procurement methods such as sole source contracts will be limited and must be supported by written justification  
Bill creates a procurement system that addresses the deficiencies of the existing system.

HOUSE CS FOR CS FOR SENATE BILL NO. 341 (Judiciary)  
SECTIONAL ANALYSIS

(Unless otherwise indicated, "commissioner" means commissioner of administration)

SECTION 1. The purposes of the act are outlined to include: simplification, clarification, modernization of the laws; consistency among the branches of government; increased public confidence; fair and equitable treatment of all vendors; increased economy in state procurement; broad-based competition; safeguards for the maintenance of a procurement system of quality and integrity; and elimination and prevention of discrimination in state contracting.

SECTION 2. A new chapter is added to AS 36 entitled "State Procurement Code."

Article 1. Organization of State Procurement.

Sec. 36.30.005. Centralization of procurement of supplies and services for state agencies is under the authority of the commissioner of administration and the chief procurement officer. Procurement of construction and procurements to or disposals from the state equipment fleet and the control over construction and the state equipment fleet is under the commissioner of transportation and public facilities.

The University of Alaska is subject to the requirements of SB 341, but has independent administrative authority and the ability to issue its own regulations implementing the chapter in conformance with state APA requirements.

Sec. 36.30.010. The chief procurement officer is selected by the commissioner; is responsible for procurement of supplies and services for agencies in the executive branch; is a partially exempt employee; must have a minimum of 5 years in public procurement; and may be removed by the commissioner only for cause. The term of office of the Chief Procurement Officer is 4 years. Duties of the Chief Procurement Officer are enumerated.

Sec. 36.30.015. The commissioner of transportation and public facilities may delegate to another agency the authority to contract for construction, after written determination has been made that the agency is capable of implementing the delegated authority. The commissioner of administration may delegate to an agency the authority to contract for its own supplies and services after a written

determination has been made that the agency is capable of implementing the delegated authority.

The authority to adopt regulations or dispose of surplus supplies may not be delegated. Agency contracts for the services of legal counsel must be approved by the department of law.

The Board of Directors of the Alaska Railroad Corporation and the Alaska State Housing Authority must adopt procedures substantially equivalent to the procurement code and regulations adopted by the commissioner.

Sec. 36.30.020. Legislative Council must adopt procedures which are based on the competitive principles consistent with this chapter.

Sec. 36.30.030. The administrative director of the court system must adopt procedures which are based on the competitive principles consistent with this chapter.

Sec. 36.30.040. Procurement regulations must be adopted by the commissioner.

Sec. 36.30.050. A list of persons who desire to provide supplies, services or construction items to the state will be established and maintained by the commissioner. Evidence of a valid Alaska business license and a statement of the contractor's qualifications must be submitted to be included on the list. Construction contractors must also submit a valid certificate of registration. A biennial fee will be charged to offset the cost of administering the list. The list may be used by the state agencies in providing notice of intent to make small purchases.

Sec. 36.30.060. Specification regulations must be adopted by the commissioner. Specifications must promote overall economy for the purposes intended, encourage competition in satisfying the state's needs, and may not be unduly restrictive.

Sec. 36.30.070. Supply management is under the authority of the commissioner and regulations must be adopted which govern management of supplies, surplus supplies and transfer of excess supplies.

Sec. 36.30.080. The department shall lease necessary space, and contract for the lease of space for the use of the state or an agency. A lease or contract for a lease may not be for a period of occupancy greater than 40 years. The department may enter into lease-financing agreements, which are subject to annual appropriation. If the department intends to enter into a lease or lease financing agreement with an annual rent anticipated to

exceed \$1,000,000, notice must be provided the legislature for approval.

Article 2. Competitive Sealed Bidding.

Sec. 36.30.100. Competitive sealed bidding is the preferred method of contracting. Competitive sealed bidding is not required for certain purchases, including professional services, which are itemized.

Sec. 36.30.110. When competitive sealed bidding is used, an invitation to bid is issued which must include the date by which the bid must be received, purchase description, and all contractual terms and conditions. Subcontractors must be listed. Evidence of a valid Alaska business license for all bidders and subcontractors must be submitted when responding to the ITB. A bidder for construction contracts must also submit evidence of the bidder's registration under AS 08.18 and evidence of registration for each listed subcontractor.

Sec. 36.30.115. Within 24 hours after the opening of bids, the two apparent low bidders shall submit a list of the subcontractors the bidder proposes to use in the performance of the contract. Conditions under which a bidder may substitute a subcontractor are listed. A bidder who violates this section may either have the contract cancelled, or after notice and a hearing, be assessed a penalty in an amount not exceeding 10% of the value of the subcontract at issue.

Sec. 36.30.120. Bid security shall be required for all competitive sealed bidding for construction contracts which exceed an amount established by regulation. Bid security may be required for other types of supplies and services.

Sec. 36.30.130. Public notice of the ITB must be provided 21 days before the date for the opening of the bid, unless otherwise determined in writing by the chief procurement officer, or the commissioner of transportation and public facilities for construction or state equipment bids. Notice of solicitations must be published in the Alaska Administrative Journal. The state is liable for failing to substantially comply with the notice requirements of this section.

Sec. 36.30.140. Bid opening must be public, in the presence of witnesses, and relevant information must be recorded, which is open to public inspection. The bids are not open for public inspection until after a notice of intent to award a contract has been issued.

Sec. 36.30.150. The procurement officer must evaluate bids based on the requirements set out in the ITB. The criteria used for the evaluation of an award must be objectively measurable. Criteria may not be used in bid evaluation if they are not set out in the ITB.

A contract based on total or life cycle costs may be awarded only when the chief procurement officer or the commissioner of transportation and public facilities determines in writing that the contract promotes overall economy for the purposes intended, encourages competition, is not unduly restrictive, and is in the best interest of the state.

Sec. 36.30.160. Bids received after the bid due date indicated on the ITB may not be accepted unless the delay was due to an error of the contracting agency.

Correction or withdrawal of inadvertently erroneous bids before or after bid opening, or cancellation of awards or contracts based on bid mistakes shall be permitted in accordance with regulations and supported by written justification.

Sec. 36.30.170. Awards to the lowest responsible and responsive bidder whose bid conforms in all material respects to the requirements and criteria set out in the ITB shall be promptly made. The Alaska bidder preference is expanded to apply to all construction contracts. The lowest responsible and responsive Alaskan bidder with a bid not more than 5% higher than the lowest bid of a nonresident shall be awarded the contract. An Alaskan bidder who qualifies as an "employment program" shall be given a 10% preference.

Sec. 36.30.190. Multi-step sealed bidding is allowed when it is considered impractical to initially prepare a definitive purchase description to support an award based on price. Unpriced technical offers are submitted, followed by an ITB limited to the bidders whose offers are determined to be technically qualified under the criteria established.

### Article 3. Competitive Sealed Proposals.

Sec. 36.30.200. Contracts may be awarded by competitive sealed proposals when the chief procurement officer, or the commissioner of transportation and public facilities for construction and state equipment fleet contracts, determines in writing that the use of competitive sealed bidding is either not practicable or not advantageous to the state.

Sec. 36.30.210. Request for proposals must contain the same information required for ITBs. The same notice provisions for ITBs apply for RFPs. An offeror must list the subcontractors within 48 hours after the date by which the proposals must be received. The same duties of bidders under ITBs apply to competitive sealed proposals.

Sec. 36.30.220. Standard overhead rate established by agencies and applicable to contracts for supplies and services, must be included in a RFP.

Sec. 36.30.230. Proposals are to be opened in a manner which avoids disclosure of contents to competing offerors during the process of negotiation. A register of proposals containing the name and address of each offeror shall be prepared and open for public inspection after the the notice of intent to award a contract is issued.

Sec. 36.30.240. Discussions with responsible offerors, who submit proposals determined to be reasonably susceptible of being selected for award, may be conducted for the purpose of clarification to assure full understanding of and responsiveness to the solicitation requirements. Offerors shall be accorded fair and equal treatment with respect to any opportunity for discussion and revision of proposals. Revisions may be permitted after submissions and before the award for the purpose of obtaining best and final offers. These discussions are exempted from the Alaska Open Meetings law.

Sec. 36.30.250. A contract under competitive sealed proposals shall be awarded to the responsible and responsive offeror whose proposal is determined in writing to be the most advantageous to the state taking into consideration price, the evaluation factors set out in the RFP, and whether the offeror qualifies as an Alaskan Bidder or is offering the services of an employment program.

Sec. 36.30.260. A contract awarded under competitive sealed proposals must contain: the amount of the contract; the date for supplies to be delivered or the term for services to be performed; a description of the services or supplies contracted for; and a certification that sufficient funds are available for the amount of the contract.

Sec. 36.30.270. Special procedures apply to contracts awarded to architects, engineers, and land surveyors.

Article 4. Other Procurement Methods.

Sec. 36.30.300. Sole source procurements may only be awarded if it is determined in writing that there is only one source for the required supply, service or construction. A sole source procurement may not be approved if a reasonable alternative source exists.

Sec. 36.30.310. Emergency procurements may be authorized under emergency conditions when there exists a threat to public health, welfare, or safety, and procurement through competitive sealed bids or competitive sealed proposals is impracticable, or contrary to the public interest, or to protect public or private property. A written determination of the basis for the emergency and for the selection of the particular contractor must be provided.

Sec. 36.30.320. Small procurements which do not exceed an aggregate amount of \$5,000 shall be made with competition that is practicable under the circumstances. A contract for professional services that does not exceed \$25,000 may be made in accordance with regulations adopted by the commissioner. Notice of small procurements shall be provided to Alaskan bidders designated by the commissioner under section 36.30.050(d).

Article 5. Contract Formation and Modification.

Sec. 36.30.340. If a contract contains a term that is in conflict with a state standard form contract term or if a standard term is deleted or modified by a term that is not standard, the contract must be approved by the Attorney General.

Sec. 36.30.350. Solicitations may be cancelled or any bids or proposals may be rejected, in whole or in part, or the date for opening bids or proposals may be delayed as may be specified in the solicitation, when it is in the best interest of the state. The reasons for cancellation, rejection, or delay in opening bids or proposals shall be made part of the contract file.

Sec. 36.30.360. A written determination of responsibility of a bidder or offeror shall be made by the procurement officer.

Sec. 36.30.362. The procurement officer must issue a written statement explaining the reasons a contract was awarded to a person who does not reside or maintain a place of business in Alaska, if the supplies, services, professional services or construction could have been obtained from in-state sources.

Sec. 36.30.365. At least 10 days before the formal award of a contract the procurement officer shall provide to

each bidder or offeror notice of intent to award a contract.

Sec. 36.30.370. Any type of contract that will promote the best interests of the state may be used, except that the use of a cost-plus-a-percentage-of cost contract is prohibited.

Sec. 36.20.380. Except with respect to contracts awarded through competitive sealed bidding or firm fixed-price contracts, a contract type may not be used unless it has been approved in writing by the procurement officer.

Sec. 36.30.390. Unless otherwise provided by law, multi-term contracts are permitted, but subject to availability and appropriation of funds. Written determination must support multi-term contracts.

When funds are not appropriated or otherwise made available to support continuation of performance in a subsequent fiscal periods, the contract shall be cancelled. The contractor may only be reimbursed for the reasonable value of any nonrecurring costs incurred, but not amortized in the price of the supplies or services delivered under the contract that are not otherwise recoverable.

Sec. 36.30.400. Cost or pricing data must be submitted and certified by contractors. This does not apply when: the contract price is based on adequate price competition; the contract price is set by law or regulation; or it is determined in writing that the requirements of this section are waived and the reasons for waiver are stated in writing.

Sec. 36.30.410. The state has the right to inspect the plant or place of business of a contractor or subcontractor that is related to the performance of a contract awarded or to be awarded by the state.

Sec. 36.30.420. The state may audit books and records of a person who has submitted cost or pricing data or receives a contract.

Sec. 36.30.430. The commissioner shall adopt regulations permitting the inclusion of clauses providing for adjustments in prices, time of performance, or other contract provisions, and appropriate remedies.

Sec. 36.30.460. Standard clauses in state contract may be modified if supported by a written determination that states the circumstances justifying the variation.

Sec. 36.30.470. If the certification of the fiscal officer or other responsible official discloses a resulting increase in the total project budget or the total contract budget, the procurement officer may not execute the contract modification, change order, or adjustment in contract price unless sufficient funds are available, or the scope of the project or contract is adjusted to permit the degree of completion that is feasible within the total project budget or total contract budget as it existed before the contract modification, change order, or adjustment in contract price.

Sec. 36.30.480. Cost principle regulations shall be adopted.

Article 6. Procurement Records and Reports.

Sec. 36.30.500. Procurement records shall be retained and disposed of in accordance with records retention guidelines and schedules approved by the state archivist.

Sec. 36.30.510. A contract file open for public inspection must be kept by the commissioner and the contracting agency for each contract awarded under competitive sealed proposals. The file kept by the commissioner shall contain a summary of the information in the file of the contracting agency.

Sec. 36.30.520. The commissioner shall maintain for at least 5 years a record listing all sole source and emergency procurement contracts. An agency which has delegated procurement authority shall by October 1, of each year, submit records of all sole source and emergency procurement contracts to the commissioner.

Sec. 36.30.530. Procurement information is public except as otherwise provided by law.

Sec. 36.30.540. The commissioner shall biennially report to the legislature concerning procurements by agencies.

Article 7. Legal and Contractual Remedies.

Sec. 36.30.560. An interested party may protest the award of a contract, the proposed award of a contract, or a solicitation for goods, services or construction. The protest shall be filed with the procurement officer of the contracting agency in writing and must contain specified items.

Sec. 36.30.565. Time deadlines for filing protests are specified.

Sec. 36.30.570. Notice of a protest shall immediately be given to the contractor if a contract has been awarded or, if no award has been made, to all interested parties.

Sec. 36.30.575. If a protest is filed before a contract is awarded, the award may be made unless the procurement officer of the contracting agency determines in writing that: a reasonable probability exists that the protest will be sustained; or stay of the award is not contrary to the best interests of the state.

Sec. 36.30.580. A written decision by the procurement officer of the contracting agency shall be issued within 14 days after a protest has been filed, unless the time is extended up to 26 days for good cause. Notice shall be sent to the protester. If a decision is not made by the due date, the protester may proceed as if the procurement officer had issued a decision adverse to the protester.

Sec. 36.30.585. If the procurement officer sustains a protest the procurement officer shall implement an appropriate remedy.

Sec. 36.30.590. An appeal from a decision of a procurement officer on a protest must be filed with the appropriate commissioner within 5 days after the decision is received by the protester.

Sec. 36.30.595. The procurement officer shall immediately give notice of an appeal to the contractor if a contract has been awarded, or, if no award has been made, to all interested parties.

Sec. 36.30.600. If a protest appeal is filed before a contract is awarded and the award was stayed, the filing of the appeal automatically continues the stay until the commissioner of administration or transportation and public facilities makes a written determination that the award of the contract is necessary to protect substantial interests of the state.

Sec. 36.30.605. The procurement officer of the contracting agency shall file a complete report on the protest and decision with the commissioner of administration or transportation and public facilities within 7 days after a protest appeal is filed. The protester and all interested parties that have requested a copy of the appeal shall be furnished one. The protester may file comments on the protest report within 7 days after the report is received. Extensions may be granted.

Sec. 36.30.610. The commissioner of administration or transportation and public facilities shall dismiss a protest appeal before a hearing is held if it is determined in writing that the appeal is untimely. The

appropriate commissioner may issue a decision on an appeal without a hearing if the appeal involves questions of law without genuine issues of fact.

Sec. 36.30.615. A hearing on a protest appeal shall be conducted according to AS 36.30.670 and regulations adopted.

Sec. 36.30.620. If a controversy, asserted by a contractor, concerning a contract awarded under this chapter cannot be resolved by agreement, the procurement officer shall, after receiving a written request by the contractor, issue a written decision no more than 90 days after receipt of all necessary information from the contractor, unless the due date is extended for good cause.

The decision shall be sent to the contractor. If a decision is not made by the due date, the contractor may proceed as if the procurement officer had issued a decision adverse to the contractor. If a controversy asserted by the state concerning a contract awarded cannot be resolved by agreement, the matter shall be immediately referred to the commissioner of administration or transportation and public facilities.

Sec. 36.30.625. An appeal from a decision of the procurement officer on a contract controversy may be filed by the contractor with the commissioner of administration or transportation and public facilities. The appeal shall be filed within 14 days after the decision is received by the contractor.

Sec. 36.30.630. A hearing on a contract controversy appealed to the commissioner or referred to the commissioner shall be conducted according to AS 36.30.670 and regulations adopted.

Sec. 36.30.632. The commissioners of administration and transportation and public facilities may delegate responsibilities under Sec. 36.30.590 and Sec. 36.30.630 to the head of the contracting agency.

Sec. 36.30.635. The commissioners of administration and transportation and public facilities may debar or suspend a person from consideration for award of contracts. Notice and opportunity for a hearing are specified.

Sec. 36.30.640. Causes for debarment or suspension are enumerated.

Sec. 36.30.645. The commissioners of administration and transportation and public facilities shall issue a written decision to debar or suspend.

Sec. 36.30.650. A person suspended is entitled to a hearing if the person files a written request for a hearing within 7 days after receipt of the notice of suspension.

Sec. 36.30.655. The commissioner shall maintain a list of all persons debarred or suspended from consideration for award of contracts.

Sec. 36.30.660. The commissioner of administration or the commissioner of transportation and public facilities may, at any time after a final decision to debar a person, reinstate the person after determining that the cause for which the person was debarred no longer exists or has been substantially mitigated.

A debarred person may request reinstatement. A hearing may be held on a reinstatement petition. A decision on reinstatement shall be made in writing within 7 days after a reinstatement petition is submitted. A decision under this section is not subject to judicial appeal.

Sec. 36.30.665. The commissioner of administration or transportation and public facilities may permit a debarred person to participate in a contract on a limited basis during the debarment period.

Sec. 36.30.670. The commissioner of administration or transportation and public facilities shall act as a hearing officer or appoint a hearing officer for a hearing conducted under this chapter. The provisions of the Administrative Procedure Act do not apply to a hearing conducted under this chapter. The authority of a hearing officer is outlined.

Sec. 36.30.675. If the commissioner of administration or transportation and public facilities is not acting as a hearing officer, the hearing officer shall recommend a decision to the appropriate commissioner based on the evidence presented. The recommendation shall include findings of fact and conclusions of law. The appropriate commissioner may affirm, modify or reject the hearing officer's recommendation or take any other appropriate action.

Sec. 36.30.680. A decision by the commissioner of administration is final, and shall be sent within 20 days after a hearing to all parties. A decision by the commissioner of transportation and public facilities involving procurement of construction shall be sent within 90 days after the hearing.

Sec. 36.30.685. A final decision of the commissioner of administration or transportation and public facilities may

be appealed to the superior court in accordance with the Alaska Rules of Appellate Procedure.

Sec. 36.30.687. Civil and criminal sanctions are outlined for misrepresentations and fraudulent claims.

Sec. 36.30.690. This chapter and the regulations adopted under it are the exclusive procedures for asserting a claim against the state or an agency arising in relation to a procurement conducted under this chapter.

Sec. 36.30.695. The commissioner of administration may adopt by regulation additional rules of procedure.

Sec. 36.30.699. The definition of interested party is given.

#### Article 8. Intergovernmental Relations.

Sec. 36.30.700. Cooperative purchasing is authorized between public procurement units or external procurement activities in accordance with an agreement entered into between the participants.

Sec. 36.30.710. Sale, acquisition, or use of supplies among public procurement units or with external procurement activity may be done independent of certain requirements of this chapter.

Sec. 36.30.720. Joint use of facilities is allowable.

Sec. 36.30.730. A public procurement unit may provide personnel, information and technical services to a requesting public procurement unit or external procurement activity.

Sec. 36.30.735. Current Alaska law on restrictions of contracting with or employing experts on radiation hazards is retained.

Sec. 36.30.740. The commissioner may collect information concerning supplies, services or construction being procured or used by state public procurement units.

Sec. 36.30.750. Under a cooperative purchasing agreement, controversies arising between an administering public procurement unit and its bidders, offerors, or contractors shall be resolved in accordance with this chapter.

Sec. 36.30.790. Definitions for this article are provided.

Article 9. General Provisions.

Sec. 36.30.850. This chapter applies to contracts solicited or entered into after January 1, 1987, unless the parties agree to its application to a contract solicited or entered into before that date. This chapter applies to the disposal of state supplies and every expenditure of public funds irrespective of their sources, except as specified in AS 36.30.915.

This chapter does not apply to: grants; contracts for professional witnesses; contracts of the University of Alaska where the work is to be performed substantially by enrolled students; contracts for medical doctors and dentists; contracts for the purchase of residential child care services under AS 47.40; disposals of land or interest in land; disposals under AS 38.05; contracts for the preparation of ballots under AS 15.15.030; acquisitions or disposals of property and other contracts relating to airports; acquisitions of real property or disposals of obsolete property under AS 19.05.060, 19.05.100, 19.05.110 or 19.05.120; disposals of obsolete material or equipment under AS 35.20.060; leases of ferry terminal facilities under AS 19.60.010; contracts of the department of fish and game for non-point-to-point flights requiring specialized flying and piloting skills; or purchases of income-producing assets for the state treasury or a public corporation of the state.

Except for AS 36.30.700-36.30.895, this chapter does not apply to contracts between two or more agencies, the state and its political subdivisions, or the state and other entities.

Sec. 36.30.860. Unless displaced by the particular provision of this chapter, all other principles of law and equity shall supplement the provisions of this chapter.

Sec. 36.30.870. Regulations under this chapter shall be adopted in accordance with the Administrative Procedure Act. Regulations applicable to procurements of construction or procurements for or disposal of property of the state equipment fleet shall be adopted by the commissioner of administration only after consultation with the commissioner of transportation and public facilities.

Sec. 36.30.880. This chapter requires all parties involved in the negotiation, performance, or completion of state contracts to act in good faith.

Sec. 36.30.890. If a procurement involves the expenditure of federal funds or federal assistance and there is a conflict between a provision of this chapter or a

regulation adopted under a provision, the federal statute or regulation shall prevail.

Sec. 36.30.900. This chapter does not modify, amend, or alter laws regarding preference for Alaska forest products or preference to producers or dealers in Alaska, except as provided in AS 36.30.170(b) and (c).

Sec. 36.30.910. This chapter does not prevent purchasing through the general services administration as provided by law.

Sec. 36.30.920. Suspected anticompetitive practices are to be reported to the attorney general.

Sec. 36.30.930. In addition to penalties prescribed for unethical conduct, civil and criminal penalties are provided for violations of this chapter.

Sec. 36.30.940. The attorney general on behalf of the state shall enforce the provisions of this chapter.

Sec. 36.30.950. Severability clause is included.

Sec. 36.30.990. Definitions.

Sec. 36.30.995. This chapter may be cited as the State Procurement Code.

SECTION 3 through SECTION 64 amend other Alaska statutes to reflect the provisions of this chapter.

SECTION 65. The commissioner must report to the legislature by December 1, 1988, concerning procurements by state agencies during the fiscal year 1987.

SECTION 66. The commissioner of administration shall adopt the regulations required under this chapter by July 1, 1987.

SECTION 67. This is the repealer section.

SECTION 68. Section 66 of this Act takes effect immediately.

SECTION 69. Except as provided in sec. 68, this Act takes effect July 1, 1987.

# COMMITTEE REPORT

## SENATE

FURTHER:

2/13/86

Date \_\_\_\_\_

Mr. President

The Committee on FINANCE considered SB 344

relating to the number of superior court judges in the third judicial district; efd.

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for \_\_\_\_\_
- new title
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT"  NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS

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Chairman

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Chairman recommendation

COMMITTEE REPORT  
SENATE

FURTHER:

Finance

1/16/86

Date

2/11/86

Mr. President

The Committee on JUDICIARY considered SB 344

relating to the number of superior court judges in the third judicial district; efd.

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

- do pass
- do pass with attached amendment(s)
- ~~replace with~~ or adopt CS for SB 344 JUD
- ~~new title~~
- same title and recommends \_\_\_\_\_
- and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

1 Zeigler  
\_\_\_\_\_  
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MEMBERS HAVING  
OTHER RECOMMENDATIONS

2 Rick Halford No Rec  
2 Gene Fisk No Rec  
\_\_\_\_\_  
\_\_\_\_\_

Ralph Rader  
Chairman

do PASS  
Chairman recommendation

Offered: 2/13/86  
Referred: Finance

Original sponsors: Kerttula, P.Fischer  
and DeVries

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 344 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of superior court  
7 judges in the first and third judicial districts; and  
8 providing for an effective date."

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

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

11 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists  
12 of 32 [29] judges, six [FIVE] of whom shall be judges in the first  
13 judicial district, three of whom shall be judges in the second  
14 judicial district, 18 [16] of whom shall be judges in the third  
15 judicial district, and five of whom shall be judges in the fourth  
16 judicial district. At the time of submitting the names of nominees to  
17 the governor to fill a vacancy on the superior court bench, the  
18 judicial council shall also designate the district in which the  
19 appointee is to reside and serve.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

Introduced: 1/16/86  
Referred: Judiciary  
and Finance

1 IN THE SENATE

BY KERTTULA, P. FISCHER AND DEVRIES

2 SENATE BILL NO. 344

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of superior court  
7 judges in the third judicial district; and providing  
8 for an effective date."

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

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

11 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists  
12 of 31 [29] judges, five of whom shall be judges in the first judicial  
13 district, three of whom shall be judges in the second judicial  
14 district, 18 [16] of whom shall be judges in the third judicial  
15 district, and five of whom shall be judges in the fourth judicial  
16 district. At the time of submitting the names of nominees to the  
17 governor to fill a vacancy on the superior court bench, the judicial  
18 council shall also designate the district in which the appointee is to  
19 reside and serve.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

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COMMITTEE COPY

ALASKA STATE LEGISLATURE

14th Legislature 2nd Session

SENATE ... BILL ... NO. 344 ...

By KERTTULA, P. FISCHER  
DEVRIES

"An Act relating to the number of superior court judges in the third judicial district; and providing for an effective date."

Introduced in the Senate 1/16 ..., 19..86

HISTORY IN THE SENATE

1986

Read first time and referred to Committee on

1 18 Judiciary, and Finance

2 13 Reported back with *Judiciary* recommendation that *replace w/CS, 2 do pass, 2 no rec, to Finance F.I.D.*

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by President  
Sent to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Read first time and referred to Committee on

Reported back with recommendation that

Read second time and

Read third time and

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reconsideration

PASS	Effective Date
Yeas	Yeas
Nays	Nays
Absent	Absent
Excused	Excused

Reported correctly engrossed  
Signed by Speaker  
Returned to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

19

Received from House

To enrolling

Reported correctly enrolled

Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

2/4/86  
altus

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : SS 344  
 Title : An Act Increasing the Number  
of Judges  
 Sponsor : Kerttula, Fischer, DeVries  
 Requestor : \_\_\_\_\_  
 Date of Request : 2/3/86

**FISCAL DETAIL**

Agency Affected : Alaska Court System  
 BRU : Trial Courts  
 Components : \_\_\_\_\_

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		574.3	608.8	645.3	684.0	725.0
TRAVEL						
CONTRACTUAL		11.8	12.5	13.3	14.1	14.9
SUPPLIES		4.0	4.2	4.5	4.8	5.1
EQUIPMENT		34.1				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		624.2	625.5	663.1	702.9	745.0

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		624.2	625.5	663.1	702.9	745.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		624.2	625.5	663.1	702.9	745.0

**POSITIONS :**

FULL-TIME		8	8	8	8	8
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Robert G. Fisher Phone : 264-8215  
 Division : Alaska Court System Date : 2/3/86  
 Approved by Commissioner : Arthur H. Snowden, II Date : 2/3/86  
 Agency : Alaska Court System

Distribution (by Agency preparing fiscal note):

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

ALASKA COURT SYSTEM  
 SB 344 - AN ACT INCREASING  
 THE NUMBER OF JUDGES

FISCAL IMPACT

PERSONAL SERVICES:	Salary	Benefits	Total Costs
Kenai:			
Superior Court Judge	\$82,716	\$96,245	\$178,961
In-Court Clerk (PFT, range 12B)	27,432	9,247	36,679
Secretary (PFT, range 12B)	27,432	9,247	36,679
Law Clerk (PFT, range 13A)	28,380	9,462	37,842
Subtotal Kenai			290,161
Palmer:			
Superior Court Judge	80,004	96,155	176,159
In-Court Clerk (PFT, range 12B)	26,604	9,059	35,663
Secretary (PFT, range 12B)	26,604	9,059	35,663
Law Clerk (PFT, range 13A)	27,432	9,247	36,679
Subtotal Palmer			284,164
Total Personal Services			574,325
CONTRACTUAL:			
Telephone and postage costs			4,000
Word processors			7,800
Total Contractual			11,800
SUPPLIES:			
			4,000
EQUIPMENT: (one-time items)			
Office furniture			24,628
Reference materials (chambers and courtroom)			9,462
Total Equipment			34,090
TOTAL COST			\$624,215

Subsequent fiscal years adjusted to reflect 6% inflation.

2/10/86  
= (Tol)

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date : \_\_\_\_\_

## REQUEST

Bill/Resolution No. : SB344  
Title : " An Act increasing the number  
of superior court judges..."  
Sponsor : Senator Kertulla  
Requestor : Senate Judiciary  
Date of Request : \_\_\_\_\_

## FISCAL DETAIL

Agency Affected : Public Safety  
BRU : Alaska State Troopers  
Components : Judicial Services

## EXPENDITURES/REVENUES : (Thousands of Dollars)

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		129.7	137.5	145.7	154.5	163.7
TRAVEL		4.0	4.2	4.5	4.8	5.0
CONTRACTUAL		22.4	23.7	25.2	26.7	28.3
SUPPLIES		6.6	7.0	7.4	7.9	8.3
EQUIPMENT		38.4				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
TOTAL OPERATING		201.1	172.4	182.8	193.9	205.3

CAPITAL						
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REVENUE						
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## FUNDING : (Thousands of Dollars)

GENERAL FUND		201.1	172.4	182.8	193.9	205.3
FEDERAL FUNDS						
OTHER						
TOTAL						

## POSITIONS :

FULL-TIME		2	2	2	2	2
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

See Attachment

*K. Allan*

Prepared by : Francis C. Allan *F.C.A.*  
Division : Alaska State Troopers

Phone : 269-5691  
Date : 2/6/86

Approved by Commissioner : [Signature]  
Agency : Department of Public Safety

Date : 2/10/86

Distribution (by Agency preparing fiscal note) :

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

The additional two judges will force an increase in work load for for the Judicial Services Component that will need to be covered by two additional State Trooper personnel. Current staffing levels will be unable to cover any increases. The positions will be used to provide court security, move prisoners and serve civil and criminal process. Related clerical activities can be handled by current staff. These positions will be located in Palmer and Kenai/Soldotna at the same locations as the judges. Costs are as follows:

Alaska State Troopers Judicial Services			
	Palmer	Kenai	FY87 Total
Personal Services	\$63.8	\$ 65.9	\$129.7
Travel	2.0	2.0	4.0
Contractual	11.2	11.2	22.4
Supplies	3.3	3.3	6.6
Equipment	19.2	19.2	38.4
Total	<u>\$99.5</u>	<u>\$101.6</u>	<u>\$201.1</u>

Assumptions: The fiscal note was prepared on the basis that equipment would be needed in the first year only and that a 6% inflation will take place each year after FY87.



PALMER

Trooper

PERSONAL SERVICES - 100

\$3,363 x 12 months =	\$40,356	
+ 180 hours OT	5,587	
SUB TOTAL	<u>\$45,943</u>	
+ .261327% Benefits	12,006	
+ .0613 SBS	2,800	
+ Health Benefits	<u>3,006</u>	
TOTAL PERSONAL SERVICES		\$63,755

TRAVEL & PER DIEM - 200

Average - This will vary		
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Pysical Exam, Average	300	
Uniform PSEA Cleaning Allowance	636	
HWCF Vehicle - Monthly Cost Replacement \$292 per month + 1,500 miles x .29	<u>8,724</u>	
TOTAL CONTRACTUAL		11,160

SUPPLIES AND MATERIALS - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL SUPPLIES AND MATERIALS		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>19,200</u>

TOTAL TROOPER COST TO THE BRU		\$99,415
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Position Title State Trooper			No. of Positions 1	Range/Step 76/A	Base Unit PSEA	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Kenai	Election District 16	Leg.			
Type of Expenditure			Justification					
		Amount	<p>This commissioned State Trooper will be needed to provide court security, move prisoners and serve criminal and civil process. The position will provide coverage for the increased workload created by the additional superior court judge proposed. Current staff cannot handle the increase.</p>					
1	2	3						
Salary	41,880							
Benefits	18,266							
Premium Pay	5,799							
Other								
Total Personal Services		65.9						
Travel		2.0						
Contractual		11.2						
Commodities		3.3						
Equipment		19.2						
Other								
Total Cost		101.6						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	101.6					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Public Safety  
 BRU Alaska State Troopers  
 Component Judicial Services

**FY 87**

Page 2 of 2  
 Revised Date

Kenai/Soldotna

Trooper

PERSONAL SERVICES - 100

\$3,990 x 12 months =	\$41,880	
+ 180 hours OT	5,799	
SUB TOTAL	<u>\$47,679</u>	
+ .261327% Benefits	12,460	
+ .0613 SBS	2,800	
+ Health Benefits	<u>3,006</u>	
TOTAL PERSONAL SERVICES		\$65,945

TRAVEL & PER DIEM - 200

Average - This will vary		
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	636	
HWCF Vehicle - Monthly Cost Replacement \$292 per month + 1,500 miles x .29	<u>8,724</u>	
TOTAL CONTRACTUAL		11,160

SUPPLIES AND MATERIALS - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL SUPPLIES AND MATERIALS		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>19,200</u>

TOTAL TROOPER COST TO THE BRU		\$101,605
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**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSB 344(JUD)  
 Title : "An Act increasing the number  
 of superior court judges..."  
 Sponsor : Senator Kertulla  
 Requestor : S. Finance  
 Date of Request : \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected : Public Safety  
 BRU : Alaska State Troopers  
 Components : Judicial Services

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		191.3	200.9	210.0	221.5	232.5
TRAVEL		6.0	6.7	6.7	6.0	7.5
CONTRACTUAL		33.6	35.3	37.0	38.0	40.0
SUPPLIES		9.9	10.7	10.0	11.5	12.0
EQUIPMENT		57.6				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>298.4</b>	<b>252.9</b>	<b>265.4</b>	<b>270.0</b>	<b>292.6</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND		298.4	252.9	265.4	278.8	292.6
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME		3	3	3	3	3
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by : Francis C. Allan *F.C.A.* Phone : 269-5691  
 Division : Alaska State Troopers Date : 2/13/86

Approved by Commissioner : *[Signature]* Date : 2/17/86  
 Agency : Department of Public Safety

Distribution (by Agency preparing fiscal note) :

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

The additional three judges will force an increase in work load for for the Judicial Services Component that will need to be covered by three additional State Trooper personnel. Current staffing levels will be unable to cover any increases. The positions will be used to provide court security, move prisoners and serve civil and criminal process. Related clerical activities can be handled by current staff. These positions will be located in Palmer, Ketchikan and Kenai/Soldotna at the same locations as the judges. Costs are as follows:

Alaska State Troopers Judicial Services				
	Palmer	Kenai	Ketchikan	FY87 Total
Personal Services	\$63.8	\$ 65.9	\$61.6	\$191.3
Travel	2.0	2.0	2.0	6.0
Contractual	11.2	11.2	11.2	33.6
Supplies	3.3	3.3	3.3	9.9
Equipment	19.2	19.2	19.2	57.6
Total	\$99.5	\$101.6	\$97.3	\$298.4

Assumptions: The fiscal note was prepared on the basis that equipment would be needed in the first year only and that a 5% inflation will take place each year after FY87.



PALMER

Trooper

PERSONAL SERVICES - 100

\$3,363 x 12 months =	\$40,356	
+ 180 hours OT	5,587	
SUB TOTAL	<u>\$45,943</u>	
+ .261327% Benefits	12,006	
+ .0613 SBS	2,800	
+ Health Benefits	<u>3,006</u>	
TOTAL PERSONAL SERVICES		\$63,755

TRAVEL & PER DIEM - 200

Average - This will vary		
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	636	
HWCF Vehicle - Monthly Cost Replacement \$292 per month + 1,500 miles x .29	<u>8,724</u>	
TOTAL CONTRACTUAL		11,160

SUPPLIES AND MATERIALS - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL SUPPLIES AND MATERIALS		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>19,200</u>

TOTAL TROOPER COST TO THE BRU		\$99,415
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Position Title State Trooper			No. of Positions 1	Range/Step 76/A	Base Unit PSEA	Gov.	Approv.	Disapp.	
Time Status PFT	Staff Months 12	RP Number	Location Kenai	Election District 16	Leg.				
Type of Expenditure			Justification						
		Amount	This commissioned State Trooper will be needed to provide court security, move prisoners and serve criminal and civil process. The position will provide coverage for the increased workload created by the additional superior court judge proposed. Current staff cannot handle the increase.						
1	2	3							
Salary	41,880								
Benefits	18,266								
Premium Pay	5,799								
Other									
Total Personal Services		65.9							
Travel		2.0							
Contractual		11.2							
Commodities		3.3							
Equipment		19.2							
Other									
Total Cost		101.6							
Receipt Code	Funding Source								
	Federal Receipts	1002							
	G. F. Match	1003							
	General Funds	1004							101.6
	I-A Receipts	1005							
	Program Receipts	1028							
	CIP Receipts	1061							
	Other								
For B&M Use Only Key Number									

**Request For  
New Position**

Agency Public Safety  
 BRU Alaska State Troopers  
 Component Judicial Services

**FY 87**

Page 2 of 3  
 Revised Date

Kenai/Soldotna

Trooper

PERSONAL SERVICES - 100

\$3,990 x 12 months =	\$41,880	
+ 180 hours OT	5,799	
SUB TOTAL	<u>\$47,679</u>	
+ .261327% Benefits	12,460	
+ .0613 SBS	2,800	
+ Health Benefits	<u>3,006</u>	
TOTAL PERSONAL SERVICES		\$65,945

TRAVEL & PER DIEM - 200

Average - This will vary		
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	636	
HWCF Vehicle - Monthly Cost Replacement \$292 per month + 1,500 miles x .29	<u>8,724</u>	
TOTAL CONTRACTUAL		11,160

SUPPLIES AND MATERIALS - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket. tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL SUPPLIES AND MATERIALS		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>19,200</u>

TOTAL TROOPER COST TO THE BRU		\$101,605
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Position Title State Trooper			No. of Positions 1	Range/Step 76/A	Base Unit PSEA	Gov.	Approval	Disapp.
Time Status PFT	Staff Months 12	RP Number	Location Ketchikan	Election District 1	Leg.			
Type of Expenditure			Justification					
Amount			<p>This commissioned State Trooper will be needed to provide court security, move prisoners and serve criminal and civil process. The position will provide coverage for the increased workload created by the additional superior court judge proposed. Current staff cannot handle the increase.</p>					
1	2	3						
Salary	38,904							
Benefits	17,300							
Premium Pay	5,400							
Other								
Total Personal Services		61.6						
Travel		2.0						
Contractual		11.2						
Commodities		3.3						
Equipment		19.2						
Other								
Total Cost		97.3						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	97.3					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Public Safety  
 BRU Alaska State Troopers  
 Component Judicial Services

Page 3 of 3  
 Revised Date

**FY 87**

KETCHIKAN

Trooper Costs

PERSONAL SERVICES - 100

\$3,242 x 12 months =	\$38,904	
+ 180 hours OT @ \$30 per hr	5,400	
SUB TOTAL	<u>\$44,304</u>	
+ .261327% Benefits	11,578	
+ .0613 SBS	2,716	
+ Health Benefits	<u>3,006</u>	
TOTAL PERSONAL SERVICES		\$61,604

TRAVEL & PER DIEM - 200

Average - This will vary		
TOTAL TRAVEL & PER DIEM		2,000

CONTRACTUAL - 300

Telephone/Postage, \$85 per month x 12	1,020	
Photo Processing, \$40 per month x 12	480	
PSEA Physical Exam, Average	300	
Uniform PSEA Cleaning Allowance	636	
HWCF Vehicle - Monthly Cost Replacement \$292 per month + 1,500 miles x .29	<u>8,724</u>	
TOTAL CONTRACTUAL		11,160

SUPPLIES AND MATERIALS - 400

Uniforms/with all accessories; jacket, hats, handcuffs, etc.	1,900	
Film Supplies + Office Supplies	750	
Vehicle Accessories - Blanket, tire chains, snow tires, flares, etc.	<u>650</u>	
TOTAL SUPPLIES AND MATERIALS		3,300

EQUIPMENT - 500

Patrol - Vehicle - initial cost	12,000	
Underhood Speaker	100	
Car Radio	3,000	
Siren/Amplifier	250	
MX 360 Radio-Portable w/charger	3,200	
Firearms (revolver, shotgun, & rifle)	<u>650</u>	
TOTAL EQUIPMENT		<u>19,200</u>

TOTAL TROOPER COST TO THE BRU		\$97,264
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STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date : \_\_\_\_\_

REQUEST

Bill/Resolution No. : CS SB 344 (TWO)  
 Title : "An Act relating to the number of Superior Court judges..."  
 Sponsor : Senator Kertulla  
 Requestor : Senate Judiciary  
 Date of Request : February 11, 1986

FISCAL DETAIL

Agency Affected : Department of Administration  
 BRU : Public Defender Agency  
 Components : First Judicial District  
Third Judicial District

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		271.9	282.8	294.1	305.9	318.1
TRAVEL		10.0	10.4	10.8	11.2	11.7
CONTRACTUAL		22.0	13.5	14.0	14.6	15.2
SUPPLIES		5.0	5.2	5.4	5.6	5.8
EQUIPMENT		10.5				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>319.4</b>	<b>311.9</b>	<b>324.3</b>	<b>337.3</b>	<b>350.8</b>

CAPITAL						
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REVENUE						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	319.4	311.9	324.3	337.3	350.8
FEDERAL FUNDS						
OTHER						
TOTAL						

**POSITIONS :**

FULL-TIME	-0-	5.0	5.0	5.0	5.0	5.0
PART-TIME						
TEMPORARY						

ANALYSIS : Attach a separate page if necessary

(See attached page)

Prepared by : Dana Fabe, Public Defender  
 Division : Public Defender Agency

Phone : 279-7541  
 Date : February 11, 1986

Approved by Commissioner : Clarence Anderson  
 Agency : Administration

Date : 2/18/86

Distribution (by Agency preparing fiscal note) :

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CS SB 344

The Alaska Court System is requesting three new Superior Court Judges, one for the First Judicial District to be located in Ketchikan, and two for the Third Judicial District to be located in Palmer and Kenai. The addition of judges in any court location results in a substantial increase in required court appearances for attorneys in the Public Defender Agency. The Agency must have attorneys available to appear at the additional court hearings scheduled before the new judges along with necessary support staff in order to avoid unnecessary delays and continuances.

## BUDGET ANALYSIS

### First District

Ketchikan - Attorney III	64.0		
100	Personal Services	64.0	
200	Travel	2.5	
300	Contractual (includes space)	6.0	
400	Supplies	1.0	
500	Equipment (one-time)	<u>1.5</u>	
	TOTAL		75.0

### Third District

Palmer - Attorney III	66.1		
Paralegal II	44.9		
Kenai - Attorney III	68.0		
Clerk/Typist III	28.9		
100	Personal Services	207.9	
200	Travel	7.5	
300	Contractual (includes space)	16.0	
400	Supplies	4.0	
500	Equipment (one-time)	<u>.9.0</u>	
	TOTAL		244.4

GRAND TOTAL      319.4

Position Title <b>Attorney III</b>			No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>PX</b>	Gov.	Approv.	Disapp.	
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Ketchikan</b>		Election District <b>1</b>	Leg.			
Type of Expenditure			Justification						
1		2	3						
Salary	<b>\$4095 x 12</b>	<b>49,140</b>	<p>CS SB 344 establishes a new Superior Court judge in Ketchikan. This is in addition to the present Superior Court judge, District Court judge and magistrate. The Agency has two permanent attorneys assigned here and would require another assistant public to cover the caseload and mandatory court appearances. The Ketchikan office also covers Superior Court travelling calendars in the area.</p>						
Benefits		<b>14,810</b>							
Premium Pay									
Other									
Total Personal Services									<b>63,950</b>
Travel									<b>2,500</b>
Contractual									<b>6,000</b>
Commodities									<b>1,000</b>
Equipment									<b>1,500</b>
Other									
Total Cost			<b>74,950</b>						
Receipt Code			Funding Source						
			Federal Receipts 1002						
			G. F. Match 1003						
			General Funds 1004						
			<b>74,950</b>						
			I-A Receipts 1005						
			Program Receipts 1028						
			CIP Receipts 1061						
			Other						
For B&M Use Only									
Key Number									

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component First Judicial District

**FY 87**

Page 3 of 7  
 Revised Date \_\_\_\_\_

Position Title <b>Attorney III</b>			No. of Positions <b>1</b>	Range/Step <b>22A</b>	Barg. Unit <b>PX</b>	Gov.	Approv.	Disapp.	
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Palmer</b>		Election District <b>16</b>	Leg.			
Type of Expenditure			Justification						
			<p>CS SB 344 establishes a new Superior Court judge in Palmer. This is in addition to the present Superior Court judge and magistrate. At the present time, the Agency has only two permanent attorney positions established for Palmer. A new judicial position would require a third assistant public defender as well as a paralegal assistant to ensure that mandatory court appearances are covered.</p>						
1		2							3
Salary	\$4246 x 12	50,952							
Benefits		15,142							
Premium Pay									
Other									
Total Personal Services									66,094
Travel									2,500
Contractual									6,000
Commodities									1,000
Equipment			1,500						
Other									
Total Cost			77,094						
Receipt Code			Funding Source						
			Federal Receipts 1002						
			G. F. Match 1003						
			General Funds 1004						
			I-A Receipts 1005						
			Program Receipts 1028						
			CIP Receipts 1061						
			Other						
			77,094						
For B&M Use Only									
Key Number									

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

**FY 87**

Page 4 of 7  
 Revised Date

Position Title <b>Paralegal Assistant II</b>			No. of Positions <b>1</b>	Range/Step <b>16A</b>	Barg. Unit <b>GG</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Palmer</b>		Election District <b>16</b>	Leg.		
Type of Expenditure			Justification					
		Amount	<p>CS SB 344 establishes a new Superior Court judge in Palmer. This is in addition to the present Superior Court judge and magistrate. At the present time, the Agency has only two permanent attorney positions established for Palmer. A new judicial position would require a third assistant public defender as well as a paralegal assistant to ensure that mandatory court appearances are covered.</p>					
1	2	3						
Salary	\$2804 x 12	33,648						
Benefits		11,240						
Premium Pay								
Other								
Total Personal Services		44,888						
Travel		2,500						
Contractual		3,000						
Commodities		1,000						
Equipment		1,500						
Other								
Total Cost		52,888						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		52,888					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

**FY 87**

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 Revised Date



Position Title <b>Clerk/Typist III</b>			No. of Positions <b>1</b>	Range/Step <b>8A</b>	Barg. Unit <b>GG</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>Kenai</b>		Election District <b>5</b>	Leg.		
Type of Expenditure			Justification					
		Amount	<p>CS SB 344 establishes a new Superior Court judge in Kenai. This is in addition to the present Superior Court judge and magistrate. The Agency has three attorneys and a paralegal assigned here and the new judicial position would require another assistant public defender and a clerk/typist. They are necessary to cover the caseload and mandatory court appearances.</p>					
1	2	3						
Salary	\$1731 x 12	20,772						
Benefits		8,098						
Premium Pay								
Other								
Total Personal Services		28,870						
Travel		-0-						
Contractual		1,000						
Commodities		1,000						
Equipment		4,500						
Other								
Total Cost		35,370						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		35,370					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Department of Administration  
 BRU Public Defender Agency  
 Component Third Judicial District

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 Revised Date

**FY 87**

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date: \_\_\_\_\_

**REQUEST**

Bill/Resolution No.: CSSB344 (JUD)  
 Title: "An Act relating to the number of superior court judges..."  
 Sponsor: Senator Kertulla  
 Requestor: Senate Judiciary  
 Date of Request: 2/11/86

**FISCAL DETAIL**

Agency Affected: Dept. of Administration  
 BRU: Office of Public Advocacy  
 Components: Office of Public Advocacy

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES	-0-	152.7	161.9	171.6	181.9	192.8
TRAVEL		5.0	5.3	5.6	5.9	6.3
CONTRACTUAL		127.7	135.4	143.5	152.1	161.2
SUPPLIES		3.0	3.2	3.4	3.6	3.8
EQUIPMENT		16.7	0	0	0	0
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>305.1</b>	<b>305.8</b>	<b>324.1</b>	<b>343.5</b>	<b>364.1</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>						
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**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	305.1	305.8	324.1	343.5	364.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	<b>-0-</b>	<b>305.1</b>	<b>305.8</b>	<b>324.1</b>	<b>343.5</b>	<b>364.1</b>

**POSITIONS :**

FULL-TIME	-0-	3.0	3.0	3.0	3.0	3.0
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

Prepared by: Brant McSee, Public Advocate  
 Division: Office of Public Advocacy

Phone: 274-1084  
 Date: 2/20/86

Approved by Commissioner: Eleanor Anderson  
 Agency: Department of Administration

Date: 2/24/86

Distribution (by Agency preparing fiscal note):

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

# CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB344

This bill establishes three new superior court judgeships: one for the First Judicial District to be located in Ketchikan, and two for the Third Judicial District to be located in Palmer and Kenai. The addition of judges in any court location results in a substantial increase in required court appearances for Office of Public Advocacy staff attorneys and contract professionals who provide guardian ad litem representation for abused and neglected children. The OPA must have staff attorneys and contract professionals available to appear in the additional court hearings scheduled before the new judges.

## BUDGET ANALYSIS

### First District - Ketchikan

#### Additional Contract Professionals

300- Contract Services 47.5

### Third District - Kenai & Palmer

#### Additional Anchorage Staff to Cover Kenai & Palmer Courts

Attorney IV 72.2  
Associate Attorney II 53.1  
Clerk Typist III 27.4  
152.7

100- Personal Services 152.7  
200- Travel 5.0  
300- Contractual Services 80.2  
400- Supplies 3.0  
500- Equipment (One-time) 16.7

TOTAL ----- 305.1

Position Title <b>Attorney IV - Anchorage</b>			No. of Positions <b>1</b>	Range/Step <b>24/A</b>	Barg. Unit <b>X</b>	Gov.	Approv.	Disapp.																																																		
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>EBA</b>	Election District <b>8</b>																																																						
<table border="1"> <thead> <tr> <th>Type of Expenditure</th> <th>1</th> <th>2</th> <th>3</th> </tr> </thead> <tbody> <tr> <td>Salary <b>4,687/Per Mo.</b></td> <td></td> <td><b>56,244</b></td> <td></td> </tr> <tr> <td>Benefits</td> <td></td> <td><b>15,990</b></td> <td></td> </tr> <tr> <td>Premium Pay</td> <td></td> <td></td> <td></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Total Personal Services</b></td> <td></td> <td></td> <td><b>72,234</b></td> </tr> <tr> <td>Travel</td> <td></td> <td></td> <td><b>2,500</b></td> </tr> <tr> <td>Contractual</td> <td></td> <td></td> <td><b>7,600</b></td> </tr> <tr> <td>Commodities</td> <td></td> <td></td> <td><b>1,000</b></td> </tr> <tr> <td>Equipment</td> <td></td> <td></td> <td><b>3,100</b></td> </tr> <tr> <td>Other</td> <td></td> <td></td> <td></td> </tr> <tr> <td><b>Total Cost</b></td> <td></td> <td></td> <td><b>86,434</b></td> </tr> </tbody> </table>			Type of Expenditure	1	2	3	Salary <b>4,687/Per Mo.</b>		<b>56,244</b>		Benefits		<b>15,990</b>		Premium Pay				Other				<b>Total Personal Services</b>			<b>72,234</b>	Travel			<b>2,500</b>	Contractual			<b>7,600</b>	Commodities			<b>1,000</b>	Equipment			<b>3,100</b>	Other				<b>Total Cost</b>			<b>86,434</b>	<b>Justification</b>  The increase in criminal caseloads in the Palmer and Kenai areas necessitates the addition of another felony trial lawyer in the Anchorage office. This single attorney could provide cost effective staff coverage of these locations. This position will enable OPA to absorb the increased caseload to be anticipated from the addition of Superior Court judges and court appearances for these areas.							
Type of Expenditure	1	2	3																																																							
Salary <b>4,687/Per Mo.</b>		<b>56,244</b>																																																								
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**Request For  
New Position**

Agency Department of Administration  
BRU Office of Public Advocacy  
Component Office of Public Advocacy

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Revised Date

**FY 87**

Position Title <b>Associate Attorney II - Anchorage</b>			No. of Positions <b>1</b>	Range/Step <b>19/A</b>	Borg. Unit <b>X</b>	Gov.	Apprav.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>12.0</b>	RP Number	Location <b>EPA</b>	Election District <b>B</b>	Leg.			

Type of Expenditure		Amount
1	2	3
Salary <b>3,353/Mo.</b>	<b>40,236</b>	
Benefits	<b>12,849</b>	
Premium Pay		
Other		
<b>Total Personal Services</b>		<b>53,085</b>
Travel		<b>2,500</b>
Contractual		<b>7,600</b>
Commodities		<b>1,000</b>
Equipment		<b>3,100</b>
Other		
<b>Total Cost</b>		<b>67,285</b>

Receipt Code	Funding Source	Amount
	Federal Receipts 1002	
	G. F. Match 1003	
	General Funds 1004	<b>67,285</b>
	I-A Receipts 1005	
	Program Receipts 1028	
	CIP Receipts 1061	
	Other	

**Justification**

The increase in children's proceedings in the Palmer and Kenai areas necessitates the addition of another Associate Attorney II position in the Anchorage office. This single position would provide guardian ad litem representation to abused and neglected children in children's proceedings in Kenai and Palmer.

For D&M Use Only  
Key Number \_\_\_\_\_

**Request For  
New Position**

Agency Department of Administration  
 BRU Office of Public Advocacy  
 Component Office of Public Advocacy

**FY 87**

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Revised Date \_\_\_\_\_

Position Title <b>Clark Typist III - Anchorage</b>			No. of Positions <b>1</b>	Range/Step <b>08/A</b>	Borg. Unit <b>6</b>	Gov. Leg.	Approval	Disapp.
Time Status <b>PTF</b>	Staff Months <b>12.0</b>	RP Number	Location <b>EBA</b>		Election District <b>8</b>			
Type of Expenditure			Justification					
		Annual	<p>The addition of two professional positions in the Anchorage office necessitates an additional clerk typist position. Presently, the Anchorage office has three legal secretary positions who are providing clerical support to 12 professional positions. The Anchorage office has no receptionist position and these duties are covered by the legal secretaries. The addition of two professional positions will increase the secretarial workload substantially. The present secretary positions will be able to absorb this additional workload only if they are relieved from receptionist duties.</p>					
1	2	3						
Salary	1,631/Mo.	19,572						
Benefits		7,805						
Premium Pay								
Other								
Total Personal Services		27,377						
Travel		0						
Contractual		0						
Commodities		1,000						
Equipment		10,500						
Other								
Total Cost		38,877						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. E. Match 1003						
		General Funds 1004						
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
For B&M Use Only								
Key Number								

**Request For  
New Position**

Agency Department of Administration  
 DRU Office of Public Advocacy  
 Component Office of Public Advocacy

**FY 87**

Page 5 of 5  
 Revised Date

**STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE**

Revision Date : \_\_\_\_\_

**REQUEST**

Bill/Resolution No. : CSSB 344 (Jud.)  
 Title : "An Act relating to the number  
 of superior court judges..."

Sponsor : Sen. Kerttula  
 Requestor : Governor's Office/OMB  
 Date of Request : February 20, 1986

**FISCAL DETAIL**

Agency Affected : Department of Law  
 BRU : Prosecution

Components : First Judicial District,  
 Third Judicial District

**EXPENDITURES/REVENUES : (Thousands of Dollars)**

OPERATING	FY 86	FY 87	FY 88	FY 89	FY 90	FY 91
PERSONAL SERVICES		368.7	454.0	467.6	481.6	496.0
TRAVEL		25.5	31.6	32.5	33.5	34.5
CONTRACTUAL		45.8	56.5	58.2	59.9	61.7
SUPPLIES		28.5	15.5	16.0	16.5	17.0
EQUIPMENT		33.0	-0-	-0-	-0-	-0-
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>	<b>-0-</b>	<b>501.5</b>	<b>557.6</b>	<b>574.3</b>	<b>591.5</b>	<b>609.2</b>

CAPITAL						
---------	--	--	--	--	--	--

REVENUE						
---------	--	--	--	--	--	--

**FUNDING : (Thousands of Dollars)**

GENERAL FUND	-0-	501.5	557.6	574.3	591.5	609.2
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>						

**POSITIONS :**

FULL-TIME	-0-	9	9	9	9	9
PART-TIME						
TEMPORARY						

**ANALYSIS :** Attach a separate page if necessary

-Please see attached analysis.-

Prepared by : Richard I. Pegues, Director Phone : 465-3672  
 Division : Administrative Services Division Date : 2/24/86

Approved by Commissioner : Richard I. Pegues/For Date : 2/24/86  
Harold M. Brown, Attorney General  
 Agency : Department of Law

Distribution (by Agency preparing fiscal note) :

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

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 344 (Jud.)

CSSB 344 (Jud), presently being considered by the Senate Finance Committee, authorizes the addition of three new superior court judges, one in the First Judicial District and two in the Third Judicial District. The administrative director of the court system has indicated that the new judges would be located at Ketchikan, Kenai, and Palmer. This fiscal note reflects the increased costs to the criminal division of the Department of Law which will result from the addition of these three new superior court judges.

Historically, there has been a direct correlation between the number of superior and district court judges in a particular district and the number of prosecutors required to handle court calendars. This balance, which in the past has been one prosecutor for each judge, is required in order to ensure that cases are adequately handled. While the judge presides over a case and hears the evidence, it is the prosecutors who must prepare the case and present it in court. Proper preparation of criminal cases is extremely time consuming. It may easily take two or three times as long to prepare a case for trial as it does to actually try the case. Thus, while one prosecutor is in trial on a case, another prosecutor must be busy preparing the cases which are next set for trial. When superior court judges are assigned full-time to do criminal cases, such as in Anchorage, two prosecutors must be assigned to handle the cases that are processed by one judge.

Due to legislatively authorized increases in the number of judicial positions in the last few years, the number of prosecutors has not kept pace with the number of judges. The department is rapidly falling behind in its ability to adequately cover present court calendars. This problem will be exacerbated considerably if the additional judicial positions contained in CSSB 344 (Jud) are added without an increase in prosecuting attorney positions. The criminal division of the department simply will not be able to continue to handle all of the cases and court calendars without additional prosecution resources.

Recognizing that the new judges who may be funded in connection with CSSB 344 (Jud) will devote some proportion of their time to civil cases, the criminal division requests the addition of only three new prosecuting attorneys, one in each location where a new judge will be seated. The services of new

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 344 (Jud.)

paralegal assistants and legal secretaries will also be needed - one of each in Kenai,<sup>1/</sup> Palmer, and Ketchikan.

The caseload of the Kenai District Attorney's Office has doubled since the last attorney position was added to that office five years ago. The increase has been particularly heavy in drunk driving and fish and game cases, caused primarily by the heavy recreational use of the Kenai Peninsula by Anchorage area residents. In FY 85 the small three-attorney Kenai office prosecuted 780 DWI cases--25% more than the entire Anchorage office. (In Anchorage a large percentage of DWI cases are handled by the municipal prosecutor.) The public defender agency in Kenai has added a third position, thus putting the prosecutor's office at a disadvantage compared with the number of available public and private defense attorneys. Moreover, recent population increases make the Kenai prosecutor-to-population ratio the second lowest in the state.

With the addition of the proposed new superior court judge, there will be a total of three judges (2 superior and 1 district) in the Kenai area. We expect that the situation there will be similar to that which now exists in Juneau, which also has three judges. Our experience in Juneau has been that three judges frequently keep all three prosecutors tied up in court. At those times, no prosecutor is available to handle other matters, such as search warrants and other emergencies, which arise on a day-to-day basis. It often happens that travelling judges come to Juneau, thus requiring the services of a civil attorney to temporarily handle criminal matters for the state. This constant pressure does not allow periodic travel to outlying areas to cover court dockets there, nor does it allow sufficient time for out-of-court functions such as case screening and trial preparation.

The Palmer District Attorney's Office has experienced the heaviest increase in caseload of any area of the state over the last three years. The day that the Palmer office opened its

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1/ The Governor's proposed FY 87 budget includes funding for an additional attorney in the Kenai office. If that budget increment is approved by the legislature, the cost of that position (\$75,000) need not be included in this fiscal note.

## CONTINUATION of FISCAL NOTE ANALYSIS

For Bill/Resolution No. CSSB 344 (Jud.)

doors, it already had an active caseload equal to or greater than other offices its size, and the caseload has increased steadily ever since. In FY 85, for example, the Fairbanks office handled just over 2,900 misdemeanor criminal cases. The Palmer office, which has one-fourth the number of attorneys, handled almost 2,000 misdemeanor cases during that same period. To keep pace with the caseload, prosecutors have had to be borrowed from Anchorage on a regular basis, thus further straining the already limited resources of the Anchorage office.

The Ketchikan office, of course, has been severely strained by the cost and time required to prosecute the multiple murder case of State v. Peel. The caseload of the office has also been increasing steadily. In addition to its criminal caseload, the Ketchikan office also handles many civil child-in-need-of-aid and child support enforcement cases. The addition of another prosecutor in Ketchikan will allow that office to meet the anticipated increase in case processing resulting from a new judge, and will also allow the office to keep pace with the expanding caseload in the Wrangell-Petersburg area, which already has its own resident superior court judge.

The Criminal Division believes that it can, for the present, adequately cover the expected increase in caseload through the addition of these three attorneys, assisted (at substantially less cost) by the new paralegal assistants. The paralegals will assist the attorneys in preparing witnesses for grand jury and trial, issuing subpoenas, maintaining regular contact with victims and witnesses, assisting victims in obtaining the return of property seized as evidence, and advising victims on such things as application for violent crimes compensation awards. The legal secretaries are needed to type charging documents, motions, memoranda, and other necessary legal pleadings that will be generated by the attorneys.

Attached is a summary sheet which sets out the necessary costs by position and relevant budgetary object code.

CSSB 344 (Jud.) Fiscal Note Funding Summary

	<u>71000</u>	<u>72000</u>	<u>73000</u>	<u>74000</u>	<u>75000</u>	<u>TOTAL</u>
Attorney IV Palmer	62.1	4.5	8.7	3.5	1.5	80.3
Paralegal Asst. II Palmer	37.0	4.0	4.5	3.5	1.5	50.5
Leg. Sec. I Palmer	26.5	-0-	3.8	2.5	8.0	40.8
Attorney III Kenai	56.3	4.5	9.2	3.5	1.5	75.0
Paralegal Asst. II Kenai	38.1	4.0	4.5	3.5	1.5	51.6
Leg. Sec. I Kenai	27.2	-0-	3.6	2.5	8.0	41.3
Attorney IV Ketchikan	60.0	4.5	6.5	3.5	1.5	76.0
Paralegal Asst. II Ketchikan	35.7	4.0	2.5	3.5	1.5	47.2
Leg. Sec. I Ketchikan	25.8	-0-	2.5	2.5	8.0	38.8
TOTAL	368.7	25.5	45.8	28.5	33.0	501.5

Note: FY 87 costs are for a 10-month, first-year period. Costs after FY 87 are on a 12-month, full-year basis and include a 3% annual inflation factor, less one-time costs.

Position Title Attorney IV			No. of Positions 1	Range/Step 24/A	Barg. Unit PX	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Ketchikan	Election District 1		Leg.		
Type of Expenditure			Justification					
		Amount	<p>This is one of three new attorney positions that will be required to provide increased prosecution services that will be needed to handle an expanded court calendar when the number of judgeships is increased in the First and Third Judicial Districts. This position will be needed at Ketchikan, where one of three new Superior Court Judges will be located. This position will handle more complex misdemeanors and the growing number of serious felonies. Allocation to the full working level of Attorney IV is recommended because of the requirement to handle felonies, independently.</p>					
1	2	3						
Salary	46,870							
Benefits	13,174							
Premium Pay								
Other								
Total Personal Services		60,044						
Travel		4,500						
Contractual		6,500						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		76,044						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		76,044					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
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Key Number								

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Position Title Paralegal Assistant			No. of Positions 1	Range/Step 16/A	Barq. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Ketchikan		Election District 1	Leg.		
Type of Expenditure			Justification					
Amount			<p>This is one of three new paralegal positions that will be required to assist with the expected increase in caseload that will occur when the number of judgeships is increased in the First and Third Judicial Districts. Although up to two attorneys can be expected to handle the cases processed by one judge, the department is attempting to have part of this new workload handled by paraprofessionals to hold down costs. This paralegal position will assist attorneys in preparing witnesses for grand jury and trial, issuing subpoenas, maintaining regular contact with victims and witnesses on such things as application for violent crimes compensation awards. Because this position will provide complete paralegal services, allocation to the full-working level of Paralegal Assistant II is recommended.</p>					
1	2	3						
Salary	27,020							
Benefits	8,705							
Premium Pay								
Other								
Total Personal Services		35,725						
Travel		4,000						
Contractual		2,500						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		47,225						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		47,225					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
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Position Title <b>Legal Secretary I</b>			No. of Positions 1	Range/Step 10/B	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Ketchikan		Election District 1	Leg.		
Type of Expenditure			Justification					
1		2	Amount					
Salary		18,930	This position is requested to provide clerical support needed to handle the legal documents that will be generated by the attorney who will be added at Ketchikan in response to the new Superior Court Judge being added at that location. This position will provide communications, staff and witness scheduling, filing, and it will produce all of the legal documents generated by the new attorney and paralegal positions. Allocation to the Legal Secretary level is therefore recommended.					
Benefits		6,854						
Premium Pay								
Other								
Total Personal Services			25,784					
Travel								
Contractual			2,500					
Commodities			2,500					
Equipment			8,000					
Other								
Total Cost			38,784					
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		38,784				
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
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**FY 87**

Position Title <b>Attorney IV</b>			No. of Positions <b>1</b>	Range/Step <b>24/A</b>	Barg. Unit <b>PX</b>	Gov.	Approv.	Disapp.
Time Status <b>PFT</b>	Staff Months <b>10</b>	RP Number	Location <b>Palmer</b>	Election District <b>7</b>		Leg.		
Type of Expenditure			Justification					
		Amount	<p>This is one of three new attorney positions that will be required to provide increased prosecution services that will be needed to handle an expanded court calendar when the number of judgeships is increased in the First and Third Judicial Districts. This position will be needed at Palmer, where one of three new Superior Court Judges will be located. This position will handle more complex misdemeanors and the growing number of serious felonies. Allocation to the full working level of Attorney IV is recommended because of the requirement to handle felonies, independently.</p>					
<b>1</b>	<b>2</b>	<b>3</b>						
Salary	48,590							
Benefits	13,462							
Premium Pay								
Other								
Total Personal Services		62,052						
Travel		4,500						
Contractual		8,740						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		80,292						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	80,292					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
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Key Number								

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Position Title Paralegal Assistant II			No. of Positions 1	Range/Step 16/A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Start Months 10	RP Number	Location Palmer	Election District 7	Leg.			
Type of Expenditure			Justification					
1	2	Amount	<p>This is one of three new paralegal positions that will be required to assist with the expected increase in caseload that will occur when the number of judgeships is increased in the First and Third Judicial Districts. Although up to two attorneys can be expected to handle the cases processed by one judge, the department is attempting to have part of this new workload handled by paraprofessionals to hold down costs. This paralegal position will assist attorneys in preparing witnesses for grand jury and trial, issuing subpoenas, maintaining regular contact with victims and witnesses on such things as application for violent crimes compensation awards. Because this position will provide complete paralegal services, allocation to the full-working level of Paralegal Assistant II is recommended.</p>					
Salary	28,040							
Benefits	8,939							
Premium Pay								
Other								
Total Personal Services		36,979						
Travel		4,000						
Contractual		4,500						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		50,479						
Receipt Code	Funding Source							
	Federal Receipts	1002						
	G. F. Match	1003						
	General Funds	1004	50,479					
	I-A Receipts	1005						
	Program Receipts	1028						
	CIP Receipts	1061						
	Other							
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Key Number								

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Position Title <b>Legal Secretary I</b>			No. of Positions 1	Range/Step 10/B	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Palmer		Election District 7	Leg.		
<b>Justification</b>								
This position is requested to provide clerical support needed to handle the legal documents that will be generated by the attorney who will be added at Palmer in response to the new Superior Court Judge being added at that location. This position will provide communications, staff and witness scheduling, filing, and it will produce all of the legal documents generated by the new attorney and paralegal positions. Allocation to the Legal Secretary level is therefore recommended.								
Type of Expenditure			Amount					
1	2	3						
Salary	19,550							
Benefits	6,996							
Premium Pay								
Other								
Total Personal Services		26,546						
Travel								
Contractual			3,760					
Commodities			2,500					
Equipment			8,000					
Other								
Total Cost		40,806						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004 40,806					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
<div style="border: 1px solid black; padding: 5px; width: fit-content;"> For B&amp;M Use Only  Key Number _____ </div>								

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Position Title <b>Attorney III</b>			No. of Positions 1	Range/Step 22/A	Barg. Unit PX	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Kenai	Election District 10		Leg.		
Type of Expenditure			Justification					
1	2	Amount	<p>This is one of three new attorney positions that will be required to provide increased prosecution services that will be needed to handle an expanded court calendar when the number of judgeships is increased in the First and Third Judicial Districts. This position will be needed at Kenai, where one of the three new Superior Court Judges will be located. The position will handle misdemeanors and assist senior attorneys with more serious felonies. Allocation to the Attorney III is recommended because of the requirement to handle Class A misdemeanors and some felonies, independently.</p>					
Salary	43,790							
Benefits	12,542							
Premium Pay								
Other								
Total Personal Services		56,332						
Travel		4,500						
Contractual		9,200						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		75,032						
Receipt Code	Funding Source							
	Federal Receipts 1002							
	G. F. Match 1003							
	General Funds 1004		75,032					
	I-A Receipts 1005							
	Program Receipts 1028							
	CIP Receipts 1061							
	Other							
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Position Title Paralegal Assistant II			No. of Positions 1	Range/Step 16/A	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Kenai		Election District 10	Leg.		
Justification								
This is one of three new paralegal positions that will be required to assist with the expected increase in caseload that will occur when the number of judgeships is increased in the First and Third Judicial Districts. Although up to two attorneys can be expected to handle the cases processed by one judge, the department is attempting to have part of this new workload handled by paraprofessionals to hold down costs. This paralegal position will assist attorneys in preparing witnesses for grand jury and trial, issuing subpoenas, maintaining regular contact with victims and witnesses on such things as application for violent crimes compensation awards. Because this position will provide complete paralegal services, allocation to the full-working level of Paralegal Assistant II is recommended.								
Type of Expenditure			Amount					
1	2	3						
Salary	28,950							
Benefits	9,147							
Premium Pay								
Other								
Total Personal Services		38,097						
Travel		4,000						
Contractual		4,500						
Commodities		3,500						
Equipment		1,500						
Other								
Total Cost		51,597						
Receipt Code			Funding Source					
			Federal Receipts 1002					
			G. F. Match 1003					
			General Funds 1004 51,597					
			I-A Receipts 1005					
			Program Receipts 1028					
			CIP Receipts 1061					
			Other					
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Position Title <b>Legal Secretary I</b>			No. of Positions 1	Range/Step 10/B	Barg. Unit GGU	Gov.	Approv.	Disapp.
Time Status PFT	Staff Months 10	RP Number	Location Kenai	Election District 10		Leg.		
Type of Expenditure			Justification					
		Amount	<p>This position is requested to provide additional clerical support that will be needed to handle an increase in, and speedup of, legal documents when a new Superior Court Judge is added at Kenai. It is anticipated that the increase in the number of judgments will result in a quickened court calendar requiring the Kenai District Attorneys Office to quicken its production of legal documents, as well. This position will provide staff and witness communications and scheduling, and produce court and case related documents for the new attorney and paralegal positions. Allocation to the Legal Secretary I level is therefore recommended.</p>					
1	2	3						
Salary	20,100							
Benefits	7,122							
Premium Pay								
Other								
Total Personal Services		27,222						
Travel								
Contractual		3,580						
Commodities		2,500						
Equipment		8,000						
Other								
Total Cost		41,302						
Receipt Code		Funding Source						
		Federal Receipts 1002						
		G. F. Match 1003						
		General Funds 1004		41,302				
		I-A Receipts 1005						
		Program Receipts 1028						
		CIP Receipts 1061						
		Other						
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**FY 87**

Offered: 2/13/86  
Referred: Finance

Original sponsors: Kerttula, P.Fischer  
and DeVries

1 IN THE SENATE BY THE JUDICIARY COMMITTEE

2 CS FOR SENATE BILL NO. 344 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of superior court  
7 judges in the first and third judicial districts; and  
8 providing for an effective date."

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

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

11 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists  
12 of 32 [29] judges, six [FIVE] of whom shall be judges in the first  
13 judicial district, three of whom shall be judges in the second  
14 judicial district, 18 [16] of whom shall be judges in the third  
15 judicial district, and five of whom shall be judges in the fourth  
16 judicial district. At the time of submitting the names of nominees to  
17 the governor to fill a vacancy on the superior court bench, the  
18 judicial council shall also designate the district in which the  
19 appointee is to reside and serve.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

Introduced: 1/16/86  
Referred: Judiciary  
and Finance

1 IN THE SENATE BY KERTTULA, P. FISCHER AND DEVRIES

2 SENATE BILL NO. 344

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the number of superior court  
7 judges in the third judicial district; and providing  
8 for an effective date."

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

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

11 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists  
12 of 31 [29] judges, five of whom shall be judges in the first judicial  
13 district, three of whom shall be judges in the second judicial  
14 district, 18 [16] of whom shall be judges in the third judicial  
15 district, and five of whom shall be judges in the fourth judicial  
16 district. At the time of submitting the names of nominees to the  
17 governor to fill a vacancy on the superior court bench, the judicial  
18 council shall also designate the district in which the appointee is to  
19 reside and serve.

20 \* Sec. 2. This Act takes effect immediately in accordance with AS 01.-  
21 10.070(c).

# COMMITTEE REPORT

## SENATE

FURTHER:

Finance

1/16/86

Date

2/11/86

Mr. President

The Committee on JUDICIARY considered SB 344

relating to the number of superior court judges in the third judicial district; efd.

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

do pass

do pass with attached amendment(s)

replace with or adopt CS for SB 344 JUD

new title

same title and recommends \_\_\_\_\_

and attached a "LETTER OF INTENT" [ ] NEW FISCAL NOTE

reports it back without recommendation

recommends referral to \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

1 Zeigler

MEMBERS HAVING  
OTHER RECOMMENDATIONS

2 Rick Halford No Rec  
2 Gene Fisk No Rec

Patricia Taylor  
Chairman

do PASS  
Chairman recommendation