

LEG. FINANCE - BILLS 1985 - 1986 2342

CSHB 114 cont. - HB 123 2342

Areas of confusion regarding the respective responsibilities of the commissioner of corrections and the commissioner of public safety as they pertain to prisoners are also resolved and clarified. In addition, this bill provides that personal property not claimed by a prisoner within 90 days after the prisoner's release or transfer is deemed abandoned and must be delivered to the Department of Administration for disposal.

The second major component of the bill provides express authority for the Department of Corrections and the Department of Transportation and Public Facilities to enter into agreements so as to permit the Department of Corrections to be delegated the responsibility for the construction, renovation, repair or alteration of state correctional facilities for projects with an estimated cost of up to \$100,000. This will expedite the completion of this type of project as well as provide additional opportunities for inmate work projects at a cost savings to the state.

Finally, the bill amends existing statutes dealing with unlawful evasion so as to cover prisoners on furlough who fail to return to their place of confinement or residence within the time specified by those having direct supervision over them.

This bill addresses many existing problems in Alaska's correctional system, and will enhance the ability of the state to carry out its responsibilities to the public and to offenders.

Sincerely,

A handwritten signature in cursive script, appearing to read "Bill Sheffield".

Bill Sheffield  
Governor

# COMMITTEE REPORT

## SENATE

FURTHER: FINANCE

4/1/86

Date \_\_\_\_\_

Mr. President

The Committee on JUDICIARY considered CSHB 114(Jud)am correctional facilities, and the imprisonment and rehabilitation of offenders.

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 SCS for CSHB 114 Jud
- new title CSHB 114 Jud
- 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

Jan Fink  
Rick Holcomb  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Tim Kelly-Nolan  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

John Roday  
Chairman

no rec.  
Chairman recommendation

COMMITTEE REPORT

SENATE

5/7/85

FURTHER: JUDICIARY  
FINANCE

Date 3-27-86

Mr. President

The Committee on HESS considered CSHB 114 (Jud) am

correctional facilities, and the imprisonment and rehabilitation of offenders.

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 SCS for CSHB 114 (Hess) (Jud) am

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

Joe Josephson  
Curtis Stuppleworth  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

MEMBERS HAVING  
OTHER RECOMMENDATIONS

Edo De Vries N.R.  
Paul Frik N.R.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Doris Sabatone  
Chairman

Chairman recommendation \_\_\_\_\_



COMMITTEE REPORT

3/29

HOUSE

( 7 )

FURTHER FINANCE

1/25/85

Date: 3-28-85

The Committee on JUDICIARY has had HB 117

"An Act relating to appointment, qualifications and duties of an internal auditor within the Alaska Court System."

under consideration and recommends:

- do pass [ ] do not pass
- [ ] do pass with attached amendments(s)
- [ ] replace with CS for [ ] same title [ ] new title
- and recommends \_\_\_\_\_
- [ ] AND attaches a "Letter of Intent" [  ] ~~Non~~ Fiscal Note *Sup 37*
- [ ] reports it back without recommendation [ ] Zero Fiscal Note Attached
- [ ] referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING DO PASS

MEMBERS HAVING OTHER RECOMMENDATIONS:

MILLER *[Signature]*

PETTY JOHN *[Signature]*

CLOCK SIN *[Signature]*

SUND *[Signature]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

GRUENBERG *[Signature]*

PHILLIPS *[Signature]*

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*[Signature]*  
CHAIRMAN

Introduced: 1/25/85  
Referred: Judiciary and  
Finance

BY THE JUDICIARY COMMITTEE  
(For the Chief Justice of  
the Alaska Supreme Court)

1 IN THE HOUSE

2 HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to appointment, qualifications and  
7 duties of an internal auditor within the Alaska Court  
8 System."

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

10 \* Section 1. AS 22.20 is amended by adding a new section to read:

11 Sec. 22.20.038. APPOINTMENT, QUALIFICATIONS AND DUTIES OF  
12 INTERNAL AUDITOR. (a) The administrative director shall appoint an  
13 internal auditor to provide the administrative director with objective  
14 information to assist in determining whether Alaska Court System  
15 operations are adequately controlled and whether the required high  
16 degree of public accountability is maintained.

17 (b) The internal auditor shall be a certified public accountant  
18 of this state, or of another state having requirements equivalent to  
19 those of this state, with at least three years of practice in the  
20 profession, or the equivalent, before the appointment.

21 (c) The internal auditor shall

22 (1) review and appraise the soundness, adequacy and appli-  
23 cation of accounting, financial and operating controls;

24 (2) ascertain the extent of compliance with established  
25 policies, plans, and procedures;

26 (3) ascertain the extent to which court system assets are  
27 accounted for and safeguarded from losses of all kinds; and

28 (4) ascertain the reliability of accounting and other data  
29 developed within the Alaska Court System.

1           (d) The internal auditor shall have full, free, and unrestricted  
2 access to all public records, all activities of the Alaska Court  
3 System, all Alaska Court System property, all Alaska Court System  
4 personnel, and all policies, plans and procedures, and records per-  
5 taining to expenditures financed by Alaska Court System funds. This  
6 section does not authorize the public disclosure of material that is  
7 confidential or privileged under federal, state or local law, court  
8 rule or order, or materials the public disclosure of which constitutes  
9 an unwarranted invasion of personal privacy.

10           (e) The internal auditor's conclusions and recommendations shall  
11 be reported promptly in writing to the administrative director.  
12 Copies of reports of the internal auditor shall be available for  
13 public inspection at the office of the internal auditor during regular  
14 business hours.

15           (f) The internal auditor shall keep a complete file of all audit  
16 reports and other reports or releases issued by the auditor, and a  
17 complete file of audit work papers and other related supportive  
18 material.

fold  
C 392

Introduced: 1/25/85  
Referred: Judiciary and  
Finance

BY THE JUDICIARY COMMITTEE  
(For the Chief Justice of  
the Alaska Supreme Court)

1 IN THE HOUSE

2 HOUSE BILL NO. 117

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to appointment, qualifications and  
7 duties of an internal auditor within the Alaska Court  
8 System."

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

10 \* Section 1. AS 22.20 is amended by adding a new section to read:

11 Sec. 22.20.038. APPOINTMENT, QUALIFICATIONS AND DUTIES OF  
12 INTERNAL AUDITOR. (a) The administrative director shall appoint an  
13 internal auditor to provide the administrative director with objective  
14 information to assist in determining whether Alaska Court System  
15 operations are adequately controlled and whether the required high  
16 degree of public accountability is maintained.

17 (b) The internal auditor shall be a certified public accountant  
18 of this state, or of another state having requirements equivalent to  
19 those of this state, with at least three years of practice in the  
20 profession, or the equivalent, before the appointment.

21 (c) The internal auditor shall

22 (1) review and appraise the soundness, adequacy and appli-  
23 cation of accounting, financial and operating controls;

24 (2) ascertain the extent of compliance with established  
25 policies, plans, and procedures;

26 (3) ascertain the extent to which court system assets are  
27 accounted for and safeguarded from losses of all kinds; and

28 (4) ascertain the reliability of accounting and other data  
29 developed within the Alaska Court System.

HB 117

1 (d) The internal auditor shall have full, free, and unrestricted  
2 access to all public records, all activities of the Alaska Court  
3 System, all Alaska Court System property, all Alaska Court System  
4 personnel, and all policies, plans and procedures, and records per-  
5 taining to expenditures financed by Alaska Court System funds. This  
6 section does not authorize the public disclosure of material that is  
7 confidential or privileged under federal, state or local law, court  
8 rule or order, or materials the public disclosure of which constitutes  
9 an unwarranted invasion of personal privacy.

10 (e) The internal auditor's conclusions and recommendations shall  
11 be reported promptly in writing to the administrative director.  
12 Copies of reports of the internal auditor shall be available for  
13 public inspection at the office of the internal auditor during regular  
14 business hours.

15 (f) The internal auditor shall keep a complete file of all audit  
16 reports and other reports or releases issued by the auditor, and a  
17 complete file of audit work papers and other related supportive  
18 material.  
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STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

*CC  
sup 37*

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

Page 1 of 2

**REQUEST**  
 Bill/Resolution No.: HB 117  
 Title: An Act Creating an  
Internal Auditor  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**  
 Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Appellate Courts, Trial Courts,  
Administration

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		85.4	90.5	95.9	101.7	107.8
200 TRAVEL		7.5	8.0	8.5	9.0	9.5
300 CONTRACTUAL		3.5	3.7	3.9	4.1	4.3
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		7.2				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		105.6	104.3	110.5	117.1	124.0
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		105.6	104.3	110.5	117.1	124.0
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		105.6	104.3	110.5	117.1	124.0

**POSITIONS:**

FULL-TIME		2.0	2.0	2.0	2.0	2.0
PART-TIME						
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

**ANALYSIS:** Attach a separate page for analysis

Prepared By: Robert G. Fisher, Fiscal Officer Phone: 264-0561  
 Division: Alaska Court System Date: 1/15/85

Approved by Commissioner: *[Signature]* Date: 1/15/85  
 Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):

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

12/1/83

ALASKA COURT SYSTEM  
FISCAL NOTE ANALYSIS

JUDICIAL INTERNAL AUDITOR

PERSONNEL:	SALARY	BENEFITS	TOTAL COST
INTERNAL AUDITOR (Range 20A)	\$40,932	\$11,790	\$52,722
ASSISTANT (Range 12B)	24,516	8,116	32,632
			-----
Total Personnel Costs			85,354
TRAVEL			7,500
CONTRACTUAL			3,500
SUPPLIES			2,000
EQUIPMENT (one-time items)			7,200
			-----
TOTAL FY 86 COST			\$105,554
			=====

Subsequent fiscal years adjusted to reflect 6% inflation.

ALASKA STATE LEGISLATURE

14th... Legislature FIRST... Session

HOUSE... BILL... NO. 117...

By THE JUDICIARY COMMITTEE...  
(For the Chief Justice of the  
Alaska Supreme Court)

"An Act relating to appointment  
qualifications and duties of an  
internal auditor within the  
Alaska Court System."

AK. Court System/Internal Auditor

Introduced in the House 1/25....., 19..85

HISTORY IN THE HOUSE

19 85

Jan. 25

Read first time and referred  
to Committee on

JUDICIARY AND FINANCE

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  
Sent to Senate

CHIEF CLERK OF THE HOUSE

HISTORY IN THE SENATE

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 President  
Returned to House

SECRETARY OF THE SENATE

HISTORY IN THE HOUSE

19

Received from Senate

Concurred in Senate amendment  
thus adopting:  
VOTE

Failed to concur in Senate amend-  
ment; asked Senate to recede  
VOTE

Senate receded from amendment  
VOTE

Senate failed to recede from  
amendment  
VOTE

CC appointed by House

CC appointed by Senate

CC adopted by House  
VOTE

CC adopted by Senate  
VOTE

To enrolling  
Reported correctly enrolled  
Sent to Governor

..... by Governor

Filed with Lt. Governor

Chapter No. ....

COMMITTEE REPORT  
HOUSE

(11)

FURTHER:

2/22/85

Date: 3-6-85

Mr. Speaker:

The Committee on FINANCE has had HB 118

"An Act relating to the small claims jurisdictional limitation and the duties of magistrates; and providing for an effective date."

under consideration and reports it back as follows:

- do pass  do not pass
- do pass with attached amendments(s)
- replace with CS for HB 118 (Jud)  same title  
 new title  
 and recommends DO PASS
- AND attaches a "Letter of Intent"  New Fiscal Note
- reports it back without recommendation  Zero Fiscal Note Attached
- referred to the \_\_\_\_\_ Committee

MEMBERS SIGNING  
DO PASS

MEMBERS HAVING  
OTHER RECOMMENDATIONS:

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

[Signature]

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

[Signature]

CHAIRMAN



STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

Bill/Resolution No.: CSHB 118 (Jud)  
 Title: An Act relating to small Claims and Magistrate Jurisdiction  
 Sponsor: Court  
 Requestor: House Finance  
 Date of Request: 3/7/85

FISCAL DETAIL

Agency Affected: Alaska Court System  
 Program Category Affected: Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Trial Courts

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		94.8	100.5	106.5	112.9	119.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		9.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		105.8	102.6	108.7	115.2	122.1

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>		118.1	124.0	130.2	136.7	143.5
----------------	--	-------	-------	-------	-------	-------

FUNDING: (Thousands of Dollars)

GENERAL FUND		105.8	102.6	108.7	115.2	122.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		105.8	102.6	108.7	115.2	122.1

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached analysis sheet - page 2.

Prepared By: Al Adams - Chair  
 Division: House Finance

Phone: 465-3706  
 Date: 3/7/85

Approved by Commissioner: \_\_\_\_\_  
 Agency: \_\_\_\_\_

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

Distribution (by Agency preparing fiscal note):

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

7/1/84

Alaska Court System  
Fiscal Note Analysis

CS HB 118 (Jud)  
by House Finance Committee

This bill only takes effect if the court increases small claims filing fees from the current \$5.00 to \$15.00. Therefore the fiscal impact shown here will only occur if the court increases the fee.

Revenues are computed as follows:

FY 84 10,735 small claims were filed.  
The fee for each filing would increase \$10.00

The Court estimates the number of filings will have increased 10% in FY 85.

10,735	X	\$10.00	=	\$107,350
1,073.50	X	\$10.00	=	10,735
(10,735 X .10)				<hr/>
				\$118,085.

The FY 86 figure of \$118,085 has increased 5% each succeeding year.

ALASKA COURT SYSTEM  
FISCAL NOTE ANALYSIS

HB 118 - SMALL CLAIMS & MAGISTRATE JURISDICTION

PERSONNEL:	SALARY	BENEFITS	TOTAL COST
1½ COURT CLERK I (Anchorage - 8B)	\$28,926	\$10,418	\$39,344
1 COURT CLERK I (Fairbanks - 8B)	21,744	7,496	29,240
1 COURT CLERK I (Juneau - 8B)	19,284	6,945	26,229
			-----
Total Personnel Costs			94,813
SUPPLIES			2,000
EQUIPMENT (one-time items)			8,996
			-----
TOTAL FY 86 COST			\$105,809
			=====

Subsequent fiscal years adjusted to reflect 6% inflation.

*referred*

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

**REQUEST**

Bill/Resolution No.: C5HB 118 (Jud)  
 Title: An Act Relating to Small  
 Claims and Magistrate Jurisdiction  
 Sponsor: Judiciary Committee  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
Administration of Justice  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Trial Courts

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		94.8	100.5	106.5	112.9	119.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		9.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		105.8	102.6	108.7	115.2	122.1

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>						
----------------	--	--	--	--	--	--

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		105.8	102.6	108.7	115.2	122.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		105.8	102.6	108.7	115.2	122.1

**POSITIONS:**

FULL-TIME		3	3	3	3	3
PART-TIME		1	1	1	1	1
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

The original fiscal note submitted by the Court System for HB 118 is still correct; however, the costs incurred will be more than offset by the increase in filing fees required under Sec. 4 of the House Judiciary Committee Substitute for HB 118.

**ANALYSIS:**

Prepared By: Hayden Kaden, Committee Counsel Phone: 465-4990  
 Division: House Judiciary Committee Date: 2-20-85  
 Approved by *[Signature]* ~~XXXXXX~~ Chairman Date: 2-20-85  
 Agency: \_\_\_\_\_

**Distribution (by Agency preparing fiscal note):**

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

12/1/83

Offered: 2/22/85  
Referred: Finance

Original sponsor: Judiciary/Chief Justice  
Alaska Supreme Court

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE  
2 CS FOR HOUSE BILL NO. 118 (Judiciary)  
3 IN THE LEGISLATURE OF THE STATE OF ALASKA  
4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to small claims, and the duties of  
7 magistrates; and providing for an effective date."

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

9 \* Section 1. AS 22.15.040 is amended to read:

10 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not  
11 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,  
12 and request is so made, the district judge or magistrate shall hear  
13 the action as a small claim unless important or unusual points of law  
14 are involved. The supreme court shall prescribe the procedural rules  
15 and standard forms to assure simplicity and the expeditious handling  
16 of small claims.

17 \* Sec. 2. AS 22.15.040 is amended by adding a new subsection to read:

18 (b) All potential small claim litigants shall be informed if  
19 mediation, conciliation, and arbitration services are available as an  
20 alternative to litigation.

21 \* Sec. 3. AS 22.15.120 is amended to read:

22 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY  
23 HEAR. A magistrate shall preside only in cases and proceedings under  
24 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

25 (1) for the recovery of money or damages only when the  
26 amount claimed, exclusive of costs, interest, and attorney fees, does  
27 not exceed \$5,000 [\$1,000];

28 (2) for the recovery of specific personal property when the  
29 value of the property claimed and the damages for the detention do not

1 exceed \$5,000 [\$1,000];

2 (3) for the recovery of a penalty or forfeiture, whether  
3 given by statute or arising out of contract, not exceeding \$5,000  
4 [\$1,000];

5 (4) to give judgment without action upon the confession of  
6 the defendant for any of the cases specified in this section, except  
7 for a penalty or forfeiture imposed by statute;

8 (5) to give judgment of conviction upon a plea of guilty by  
9 the defendant in a criminal proceeding within the jurisdiction of the  
10 district court;

11 (6) to hear, try, and enter judgments in all cases involv-  
12 ing misdemeanors, if the defendant consents in writing that the magis-  
13 trate may try the case;

14 (7) to hear, try and enter judgments in all cases involving  
15 infractions under AS 28 and violations of ordinances of political  
16 subdivisions [;

17 (8) REPEALED].

18 \* Sec. 4. This Act takes effect on the effective date of an amendment  
19 by the Supreme Court to Rule 9(c)(2) of the Rules Governing the Adminis-  
20 tration of All Courts raising the filing fee for small claims actions from  
21 \$5 to at least \$15.

# Alaska State Legislature

## House of Representatives

Al Adams

Chairman

Committee on Finance

March 5, 1985

WHILE IN SESSION  
Pouch V  
State Capitol  
Juneau, Alaska 99811  
(907) 465-3706

OUT OF SESSION  
P.O. Box 333  
Kotzebue, Alaska 99752  
(907) 442-3320

1024 W. 6th  
Anchorage, Alaska 99501  
(907) 274-0615

Official Business

### MEMORANDUM

TO: House Finance Committee

FROM: Louann Cutler *LWC*  
Special Assistant

SUBJ: HB 118, raising the dollar limit of small claims proceedings in district court and before magistrates

Since the court system administrator, Art Snowden, is unable to attend the hearing on this bill, here is some information pertinent to your consideration of HB 118.

#### CS HB 118 (JUD)

The Judiciary C.S. makes three changes to the original bill:

1. The title of the bill is changed by removing the phrase "jurisdictional limitation".
2. Section 2 requires the court to alert small claims litigants to alternative methods of resolving the dispute such as mediation, conciliation and arbitration services that may be available in the community.
3. The effective date has been changed. The bill would now take effect only if the court changes its administrative rules to increase the small claims' filing fee from \$5 to \$15. Effectively, litigants would pay for the increased costs to the court system caused by the bill.

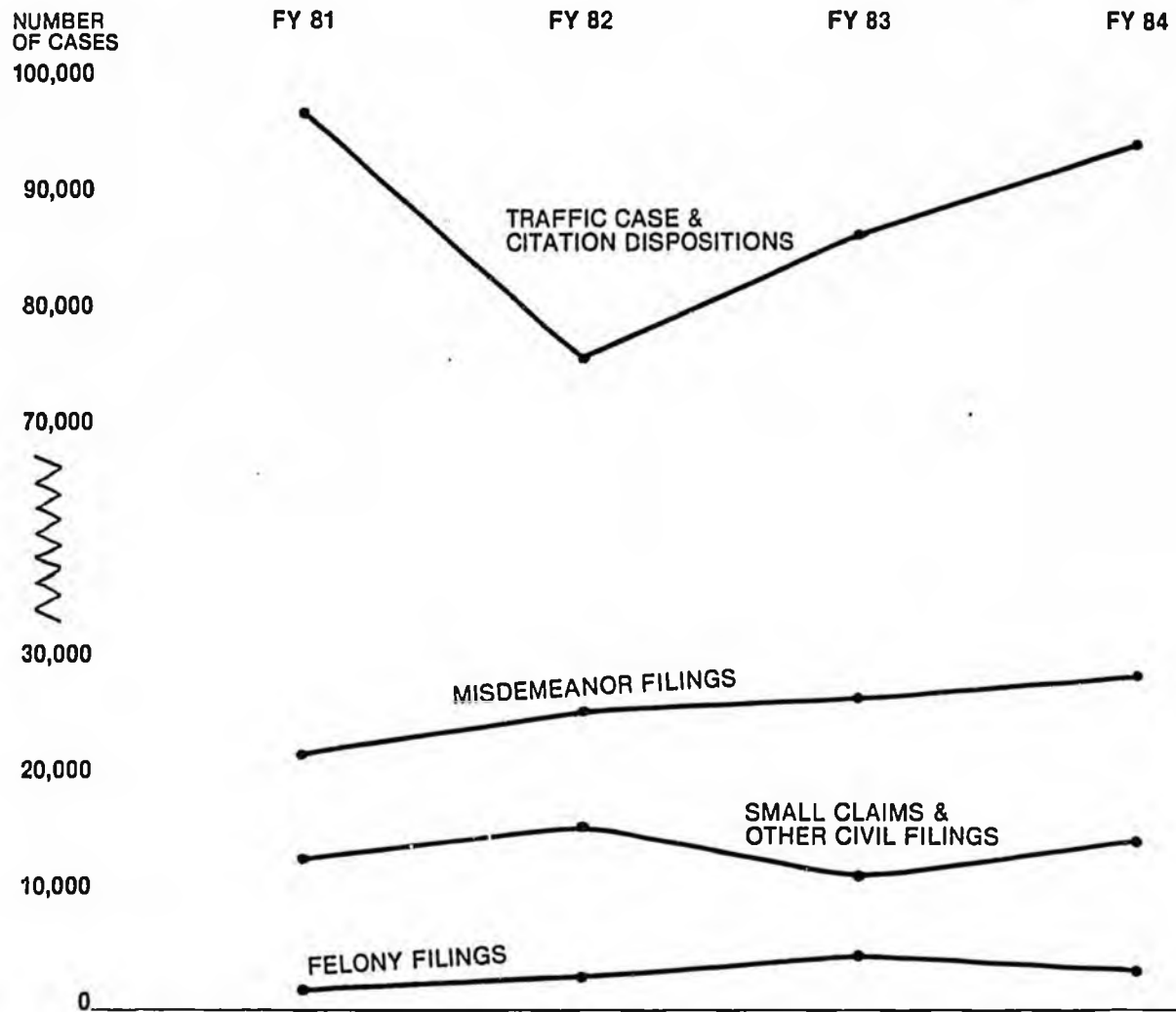
#### Court System Position

Mr. Snowden indicates that the court is not opposed to the changes made to the bill in CS HB 118 (JUD).

#### Fiscal Note

You may recall that similar legislation has been before the legislature in past sessions. The court system has not always requested additional positions in the past to implement the bill. However, the recent increase in the Alaskan population has contributed to an increase in small claims proceedings. (The attached chart shows the increase from FY 81 to FY 84 and Mr. Snowden indicated that the FY 85 increase should be an additional 10%.) Hence, the request for additional court clerks to handle the increased case load that this bill would bring about since there would be even more filings if the dollar limits are raised. It should be noted that the tripling of small claims filing fees is expected to cover the increased cost to the court.

**TABLE XI**  
**DISTRICT COURTS**  
 (High and Low Volume)  
**SUMMARY OF FY 81 - FY 84 FILINGS BY CASE TYPE**



	FY 81	FY 82	FY 83	FY 84
Traffic Dispos.	: 97,705	78,080	89,281	94,882
Misdemeanor Filings	: 21,938	25,111	26,728	28,587
Small Claims & Other Civil Filings	: 14,941	16,147	14,805	16,028
Felony Filings	: <u>2,021</u>	<u>2,038</u>	<u>2,362</u>	<u>2,109</u>
Total Filings	: 136,605	121,376	133,176	141,606

Changes in filings since FY 81 for specific types of cases are noted in Table XI. Misdemeanors are up 30% and civil cases 7%. Traffic citations and felony filings in district court have fluctuated annually due to pro-

secutorial discretion in either filing a felony case in district court for preliminary hearing or seeking an indictment where the initial filing is in superior court.

OF COUNSEL  
M.E. MONAGLE

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March 6, 1985

Representative Al Adams, Chairman  
House Finance Committee  
Alaska Legislature  
Pouch V  
Juneau, Alaska 99811

Senator Jan Faiks, Co-Chairman  
Senator John Sackett, Co-Chairman  
Senate Finance Committee  
Alaska Legislature  
Pouch V  
Juneau, Alaska 99811

Re: HB 118 and SB 77: Small Claims Jurisdictional Limitation

Dear Representative Adams and Senators Faiks and Sackett:

Speaking as an individual attorney who serves as municipal attorney for several very small southeastern Alaska municipalities, let me express my support for raising the jurisdictional limitation for small claims court to \$5,000, as provided in the subject bills.

The purpose of small claims court is to provide an economical process that any layman can use, thus avoiding the cost of attorney fees. Most municipal clerks are able to learn to use the small claims court procedures as a means of collecting past due sales taxes and other debts owed to the city. Sometimes the accumulated amounts owed by one defendant exceed the present jurisdictional limit of \$2,000. The small claims court process allows the small municipalities to collect debts owed to them by an economically efficient means, and this means should be made available to them for accumulated debts from a single individual up to at least \$5,000.

Small municipalities do not have an attorney on staff, and even if they did, they have many other legal problems which actually require an attorney's help. It would be economically beneficial to small municipalities if the small claims jurisdictional amount is

Representative Al Adams  
Senator Jan Faiks  
Senator John Sackett  
March 6, 1985  
Page Two

raised to at least \$5,000. Even now, and especially in the future with declining State revenues, small municipalities cannot afford to spend money on attorney fees for proceedings that could be carried on by local members of the municipal staff in small claims court. Even though Alaska Civil Rule 82 provides for award of attorney fees to the prevailing party, that award seldom exceeds 60% of the actual attorney fee cost incurred by the prevailing party.

Thank you for considering my views.

Sincerely,



D. Elizabeth Cuadra

DEC:sd

cc: House Finance Committee Members (Ringstad, Duncan, Larson, Szymanski, Cotten, Frank, Binkley, Pourchot, Rieger, and Uehling)  
Senate Finance Committee Members (Kerttula, Eliason, P. Fischer, Halford, and Ferguson)  
City of Craig  
City of Thorne Bay  
City of Hydaburg  
City of Skagway  
Haines Borough

# AIECA

ALASKA  
INDEPENDENT  
ELECTRICAL  
CONTRACTORS  
ASSOCIATION

The Honorable Al Adams  
Chairman, House Finance Committee  
Pouch V  
Juneau, Alaska 99811

Dear Chairman Adams,

21 February 1985

We write in support of HB 118, relating to increases in the Small Claims jurisdiction.

We are aware of the court backlog and in-house and exterior studies which have been performed. We are aware that the proposed changes in this bill will go a long way toward streamlining the flow of cases through the court system by relegating smaller cases to the lower courts, and opening the dockets of the higher courts where cases move more slowly.

That's not what we're writing to you about, however. We are writing to tell you about how this bill would affect small businessmen, especially contractors....and of course, our organization. We represent the largest segment of the electrical contracting industry, the Independents.

Most of us routinely develop accounts receivable ranging from a \$40.00 service call to over a million dollars. The larger amounts are handled formally with contracts, acknowledgements of right to lien and the like, and are taken to higher courts by attorney when required. The smaller ones are routinely taken to small claims court.

That leaves those old bills ranging from about \$3,200 to \$6,000. Because most businessmen are incorporated, they are prohibited by State law from representing themselves in District or Superior court without an attorney. The only place they may do that is in small claims.

Most of us have filed suits for amounts up through \$3,200 or so, knowing that the statutory limit of \$2,000 will circumscribe our recovery. The options are disagreeable, and we settle for the \$2,000 plus service and interest, and write off the other \$1,200. If the debt is much larger, we are extremely reluctant to write off amounts approaching half the bill or more.

If the bill is say, \$7,000.00 we'd hire an attorney, recognizing that we may pay the first \$2,000 in fees, and recognizing that Court Rule 82 will never allow us to recover the ACTUAL COURT COSTS. It is, however, better than writing off half of it. *That leaves all those debts in the middle where we cannot afford to hire an attorney and we cannot afford to take them to small claims. In fact, a debtor who owes an unsecured debt of say \$4,000, is relatively safe!*

Charter Members: ALL PHASE ELECTRIC, B & E ELECTRIC, DINGBAT ELECTRIC, FUCHS ELECTRIC, HUSKY ELECTRIC, INDEPENDENT ELECTRIC, RAINBOW ELECTRIC, NAVES ELECTRIC, RICHCREEK ELECTRIC, TANNER & SONS ELECTRIC, YELLOW ELECTRIC, LTD.



pp 2 of 2  
AIECA to Finance  
21 February 1985

The proposed amendment would allow small businessmen and women to entertain collections up through approximately \$7,000 without the fear of losing most of the award to fees, and without the cumbersome, expensive and time-consuming effort in District or Superior Court. We urge passage as written and would be pleased to assist if appropriate.

A handwritten signature in cursive script that reads "Don Tanner". The signature is written in dark ink and is positioned above the typed name.

DON TANNER  
President

Introduced: 1/25/85  
Referred: Judiciary and  
Finance

BY THE JUDICIARY COMMITTEE  
(For the Chief Justice of  
the Alaska Supreme Court)

1 IN THE HOUSE

2 HOUSE BILL NO. 118

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to the small claims jurisdictional  
7 limitation and the duties of magistrates; and  
8 providing for an effective date."

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

10 \* Section 1. AS 22.15.040 is amended to read:

11 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not  
12 exceed \$5,000 [\$2,000] exclusive of costs, interest and attorney fees,  
13 and request is so made, the district judge or magistrate shall hear  
14 the action as a small claim unless important or unusual points of law  
15 are involved. The supreme court shall prescribe the procedural rules  
16 and standard forms to assure simplicity and the expeditious handling  
17 of small claims.

18 \* Sec. 2. AS 22.15.120 is amended to read:

19 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY  
20 HEAR. A magistrate shall preside only in cases and proceedings under  
21 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

22 (1) for the recovery of money or damages only when the  
23 amount claimed, exclusive of costs, interest, and attorney fees, does  
24 not exceed \$5,000 [\$1,000];

25 (2) for the recovery of specific personal property when the  
26 value of the property claimed and the damages for the detention do not  
27 exceed \$5,000 [\$1,000];

28 (3) for the recovery of a penalty or forfeiture, whether  
29 given by statute or arising out of contract, not exceeding \$5,000

1           [\$1,000];

2                   (4) to give judgment without action upon the confession of  
3 the defendant for any of the cases specified in this section, except  
4 for a penalty or forfeiture imposed by statute;

5                   (5) to give judgment of conviction upon a plea of guilty by  
6 the defendant in a criminal proceeding within the jurisdiction of the  
7 district court;

8                   (6) to hear, try, and enter judgments in all cases  
9 involving misdemeanors, if the defendant consents in writing that the  
10 magistrate may try the case;

11                   (7) to hear, try and enter judgments in all cases involving  
12 infractions under AS 28 and violations of ordinances of political  
13 subdivisions. [;

14                   (8) REPEALED]

15       \* Sec. 3. This Act takes effect immediately in accordance with AS 01.-  
16 10.070(c).

**COMMITTEE REPORT**  
**SENATE**

FURTHER:

4/19/85

Date 2/11/86

Mr. President

The Committee on FINANCE considered CORRETTA (H.D.)

relating to small claims, and the duties of magistrates; and

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 1779  
(357.1) 2/11/86
- recommends referral to \_\_\_\_\_ Committee

**MEMBERS SIGNING**  
**DO PASS**

[Signature]  
[Signature]  
[Signature]  
[Signature]  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**MEMBERS HAVING**  
**OTHER RECOMMENDATIONS**

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

\_\_\_\_\_  
Chairman

\_\_\_\_\_  
Chairman recommendation

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

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

**REQUEST**

Bill/Resolution No. : CSHB 118 (Jud)  
 Title : Small Claims Jurisdictional  
 Limitation

Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**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		143.5	152.1	161.2	170.9	181.2
TRAVEL						
CONTRACTUAL		12.0	12.7	13.5	14.3	15.2
SUPPLIES		2.5	2.7	2.9	3.1	3.3
EQUIPMENT		19.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>177.9</b>	<b>167.5</b>	<b>177.6</b>	<b>188.3</b>	<b>199.7</b>

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

REVENUE		357.1*	378.5	401.2	425.3	450.8
---------	--	--------	-------	-------	-------	-------

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		177.9	167.5	177.6	188.3	199.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>177.9</b>	<b>167.5</b>	<b>177.6</b>	<b>188.3</b>	<b>199.7</b>

**POSITIONS :**

FULL-TIME		4	4	4	4	4
PART-TIME		2	2	2	2	2
TEMPORARY						

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

\*Assumes filings double, and supreme court increases filing fee from \$5 to \$15.

Prepared by : \_\_\_\_\_ Phone : \_\_\_\_\_  
 Division : Senator Jan Faiks, Co-chairman Date : 2/11/86  
Senate Finance Committee

Approved by Commissioner : \_\_\_\_\_ Date : \_\_\_\_\_  
 Agency : \_\_\_\_\_

Distribution (by Agency preparing fiscal note) :

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

page \_\_\_\_\_ of \_\_\_\_\_

10/25/85

2/11/86

*SFC fiscal note  
 of 2/11/86 combines  
 costs from Ct. System  
 note of 1/31/86 and  
 revenues from 2/6/86  
 note.*

Offered: 2/22/85  
Referred: Finance

Original sponsor: Judiciary/Chief Justice  
Alaska Supreme Court

1 IN THE HOUSE BY THE JUDICIARY COMMITTEE

2 CS FOR HOUSE BILL NO. 118 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act relating to small claims, and the duties of  
7 magistrates; and providing for an effective date."

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

9 \* Section 1. AS 22.15.040 is amended to read:

10 Sec. 22.15.040. SMALL CLAIMS. When a claim for relief does not  
11 exceed \$5,000 [~~\$2,000~~] exclusive of costs, interest and attorney fees,  
12 and request is so made, the district judge or magistrate shall hear  
13 the action as a small claim unless important or unusual points of law  
14 are involved. The supreme court shall prescribe the procedural rules  
15 and standard forms to assure simplicity and the expeditious handling  
16 of small claims.

17 \* Sec. 2. AS 22.15.040 is amended by adding a new subsection to read:

18 (b) All potential small claim litigants shall be informed if  
19 mediation, conciliation, and arbitration services are available as an  
20 alternative to litigation.

21 \* Sec. 3. AS 22.15.120 is amended to read:

22 Sec. 22.15.120. LIMITATIONS ON PROCEEDINGS WHICH MAGISTRATE MAY  
23 HEAR. A magistrate shall preside only in cases and proceedings under  
24 AS 22.15.040, 22.15.100, and 22.15.110, and as follows,

25 (1) for the recovery of money or damages only when the  
26 amount claimed, exclusive of costs, interest, and attorney fees, does  
27 not exceed \$5,000 [~~\$1,000~~];

28 (2) for the recovery of specific personal property when the  
29 value of the property claimed and the damages for the detention do not

1 exceed \$5,000 [\$1,000];

2 (3) for the recovery of a penalty or forfeiture, whether  
3 given by statute or arising out of contract, not exceeding \$5,000  
4 [\$1,000];

5 (4) to give judgment without action upon the confession of  
6 the defendant for any of the cases specified in this section, except  
7 for a penalty or forfeiture imposed by statute;

8 (5) to give judgment of conviction upon a plea of guilty by  
9 the defendant in a criminal proceeding within the jurisdiction of the  
10 district court;

11 (6) to hear, try, and enter judgments in all cases involv-  
12 ing misdemeanors, if the defendant consents in writing that the magis-  
13 trate may try the case;

14 (7) to hear, try and enter judgments in all cases involving  
15 infractions under AS 28 and violations of ordinances of political  
16 subdivisions [;

17 (8) REPEALED].

18 \* Sec. 4. This Act takes effect on the effective date of an amendment  
19 by the Supreme Court to Rule 9(c)(2) of the Rules Governing the Adminis-  
20 tration of All Courts raising the filing fee for small claims actions from  
21 \$5 to at least \$15.

## ANALYSIS FOR HOUSE BILL 118

An Act relating to small claims and the duties of magistrates and providing for and effective date

### Section 1

Raises the limit on small claims court actions from the current \$2,000 to \$5,000.

### Section 2

Adds a new section to the chapter relating to small claims actions that would instruct the courts to inform all potential small claim litigants of mediation, arbitration or conciliation services available as an alternative to litigation.

### Section 3

Under current law, a magistrate may hear cases that involve the recovery of money or damages, specific personal property and the recovery of penalty or forfeiture if the amount does not exceed \$1,000. This section raises that limit to \$5,000.

### Section 4

The effective date of this act is contingent upon the Supreme Court amending Rule 9 (c)(2) of the Alaska Rules of Court. That change would raise the filing fee for small claims actions from \$5.00 to \$15.00.



From The  
**SENATE  
FINANCE COMMITTEE**

April 20, 1985

Jens -

Attached are two fiscal notes for HB 118. The first (dated 2/20/85, authored by Hayden Kaden for House Judiciary) was attached to the bill when it came into committee and has been included in committee files.

The second note (3/7/85, authored by Mr. Adams for House Finance) was gathered from House Finance files. It was reported out of that committee but apparently removed or inadvertantly dropped off of the bill before it reached us.

The House Finance fiscal note has not been included in committee files.

There is undoubtedly a story behind this. I will wait to hear from you prior to copying the note for members.

kathy

2/4/86

Replaced by  
1/31/86 updating  
fiscal note  
per Jens

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

**REQUEST**

Bill/Resolution No.: CSHB 118 (Jud)  
 Title: An Act Relating to Small  
 Claims and Magistrate Jurisdiction  
 Sponsor: Judiciary Committee  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

**FISCAL DETAIL**

Agency Affected: Alaska Court System  
 Program Category Affected: \_\_\_\_\_  
 Administration of Justice  
 BRU, Program or Subprogram(s) Affected: Trial Courts

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

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		94.8	100.5	106.5	112.9	119.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		9.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		105.8	102.6	108.7	115.2	122.1
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING: (Thousands of Dollars)**

GENERAL FUND		105.8	102.6	108.7	115.2	122.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		105.8	102.6	108.7	115.2	122.1

**POSITIONS:**

FULL-TIME		3	3	3	3	3
PART-TIME		1	1	1	1	1
TEMPORARY						

**SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:**

The original fiscal note submitted by the Court System for HB 118 is still correct; however, the costs incurred will be more than offset by the increase in filing fees required under Sec. 4 of the House Judiciary Committee Substitute for HB 118.

**ANALYSIS:**

Prepared By: Hayden Kaden, Committee Counsel Phone: 465-4990  
 Division: House Judiciary Committee Date: 2-20-85  
 Approved by [Signature] Chairman Date: 2-20-85  
 Agency: \_\_\_\_\_

**Distribution (by Agency preparing fiscal note):**

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

12/1/83

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

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

REQUEST

FISCAL DETAIL

Bill/Resolution No.: CSHB 118 (Jud) Agency Affected: Alaska Court System  
 Title: An Act relating to small Program Category Affected: \_\_\_\_\_  
Claims and Magistrate Jurisdiction Administration of Justice  
 Sponsor: Court BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
 Requestor: House Finance Trial Courts  
 Date of Request: 3/7/85

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES		94.8	100.5	106.5	112.9	119.7
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES		2.0	2.1	2.2	2.3	2.4
500 EQUIPMENT		9.0				
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>105.8</b>	<b>102.6</b>	<b>108.7</b>	<b>115.2</b>	<b>122.1</b>
<b>CAPITAL</b>						
<b>REVENUE</b>		<b>118.1</b>	<b>124.0</b>	<b>130.2</b>	<b>136.7</b>	<b>143.5</b>

FUNDING: (Thousands of Dollars)

GENERAL FUND		105.8	102.6	108.7	115.2	122.1
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>105.8</b>	<b>102.6</b>	<b>108.7</b>	<b>115.2</b>	<b>122.1</b>

POSITIONS:

FULL-TIME		3	3	3	3	3
PART-TIME		1	1	1	1	1
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

See Attached analysis sheet - page 2.

Prepared By: Al Adams - Chair Phone: 465-3706  
 Division: House Finance Date: 3/7/85  
 Approved by Commissioner: \_\_\_\_\_ Date: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Distribution (by Agency preparing fiscal note):

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

7/1/84

Alaska Court System  
Fiscal Note Analysis

CS HB 118 (Jud)  
by House Finance Committee

This bill only takes effect if the court increases small claims filing fees from the current \$5.00 to \$15.00. Therefore the fiscal impact shown here will only occur if the court increases the fee.

Revenues are computed as follows:

FY 84 10,735 small claims were filed.  
The fee for each filing would increase \$10.00

The Court estimates the number of filings will have increased 10% in FY 85.

10,735	X	\$10.00	=	\$107,350
1,073.50	X	\$10.00	=	10,735
(10,735 X .10)				
				<hr/>
				\$118,085.

The FY 86 figure of \$118,085 has increased 5% each succeeding year.

ALASKA COURT SYSTEM  
FISCAL NOTE ANALYSIS

HB 118 - SMALL CLAIMS & MAGISTRATE JURISDICTION

PERSONNEL:	SALARY	BENEFITS	TOTAL COST
1½ COURT CLERK I (Anchorage - 8B)	\$28,926	\$10,418	\$39,344
1 COURT CLERK I (Fairbanks - 8B)	21,744	7,496	29,240
1 COURT CLERK I (Juneau - 8B)	19,284	6,945	26,229
			-----
Total Personnel Costs			94,813
SUPPLIES			2,000
EQUIPMENT (one-time items)			8,996
			-----
TOTAL FY 86 COST			\$105,809
			=====

Subsequent fiscal years adjusted to reflect 6% inflation.

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

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

**REQUEST**

Bill/Resolution No. : CSHB 118 (JUD)  
 Title : Small Claims Jurisdictional  
Limitation  
 \_\_\_\_\_  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**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		172.5	182.9	193.9	205.5	217.8
TRAVEL						
CONTRACTUAL		12.0	12.7	13.5	14.3	15.2
SUPPLIES		2.5	2.7	2.9	3.1	3.3
EQUIPMENT		19.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>206.9</b>	<b>198.3</b>	<b>210.3</b>	<b>222.9</b>	<b>236.3</b>

<b>CAPITAL</b>						
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<b>REVENUE</b>		357.1*	378.5	401.2	425.3	450.8
----------------	--	--------	-------	-------	-------	-------

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		206.9	198.3	210.3	222.9	236.3
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>206.9</b>	<b>198.3</b>	<b>210.3</b>	<b>222.9</b>	<b>236.3</b>

**POSITIONS :**

FULL-TIME		6	6	6	6	6
PART-TIME						
TEMPORARY						

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

SEE ATTACHED ANALYSIS

\*Assumes filings double, and supreme court increases filing fee from \$5 to \$15.

Prepared by : Robert G. Fisher Phone : 264-8215  
 Division : Alaska Court System Date : 2/6/86

Approved by Commissioner : S. Cole, for Art Snowden Date : 2/6/86  
 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

### CSHB 118 (JUD) - SMALL CLAIMS JURISDICTION LIMITATION

#### FISCAL IMPACT

The Civil Division of the Anchorage Clerk's Office, which is the court location with the greatest number of small claims filings, anticipates that a jurisdictional increase from \$2,000 to \$5,000 would result in a 75-100% increase in small claims filings. A similar increase in filings is expected statewide.

A small number of these cases would be matters previously handled in District Court. Most would be new to the system, representing legal problems with a relatively low dollar amount involved for which persons are reluctant to incur the costs entailed for an attorney, but which they wish to handle themselves in small claims court.

Additionally, some litigants would be willing to waive the amount of their claim over \$5,000 and proceed in small claims court, balancing the waiver of the claim amount against the savings in attorney fees in small claims.

Additional clerical help will be required. The small claims procedures involve an extensive amount of clerical assistance, including mailing notices for litigants and substantial time expended in advising the public. General District Court matters require only simple filing and journaling of documents. This impact could be handled by the addition of six (6) permanent full-time positions. These personnel costs and other related costs are summarized on the attached sheet.

## ALASKA COURT SYSTEM

## CSHB 118 - SMALL CLAIMS JURISDICTIONAL LIMITATION

## FISCAL IMPACT

	Salary	Benefits	Total
<b>Personnel:</b>			
<b>Anchorage:</b>			
Court Clerk I - Range 8B, PFT	\$20,244	\$7,577	\$27,821
Court Clerk I - Range 8B, PFT	20,244	7,577	27,821
<b>Fairbanks:</b>			
Court Clerk I - Range 8B, PFT	22,836	8,160	30,996
<b>Juneau:</b>			
Court Clerk I - Range 8B, PFT	20,244	7,577	27,821
<b>Palmer:</b>			
Court Clerk I - Range 8B, PFT	20,880	7,762	28,642
<b>Kenai:</b>			
Court Clerk I - Range 8B, PFT	21,516	7,926	29,442
			-----
	<b>Total Personnel</b>		<b>172,543</b>
<b>Contractual:</b>			
Telephone service, postage, rental copiers, equipment maintenance, etc.			12,000
<b>Supplies:</b>			
File folders, copier paper, forms, desk supplies, etc.			2,500
<b>Equipment: (one-time items)</b>			
New employee equipment - desk, chair and typewriter			13,848
Other equipment - file cabinets, tables, chairs, etc.			6,100
			-----
	<b>Total Equipment</b>		<b>19,948</b>
			-----
	<b>Total FY 87 Cost</b>		<b>\$206,991</b>
			=====

Subsequent fiscal years adjusted to reflect 6% inflation.

ALASKA COURT SYSTEM  
SMALL CLAIMS FILINGS  
FY 85

Judicial District	Location	Case Filings	Percent of State
1	Juneau	1,671	11.70%
1	Ketchikan	323	2.26%
1	Sitka	186	1.30%
1	Petersburg	129	0.90%
1	Wrangell	118	0.83%
	District Total	2,427	16.99%
2	Nome	168	1.17%
2	Barrow	89	0.62%
2	Kotzebue	60	0.42%
	District Total	317	2.21%
3	Anchorage	6,754	47.27%
3	Palmer	1,158	8.11%
3	Kenai	592	4.14%
3	Homer	364	2.55%
3	Kodiak	331	2.32%
3	Seward	146	1.02%
3	Dillingham	144	1.01%
3	Glennallen	134	0.94%
3	Cordova	85	0.60%
3	Valdez	65	0.46%
3	Unalaska	41	0.29%
	District Total	9,814	68.71%
4	Fairbanks	1,475	10.33%
4	Bethel	225	1.58%
4	Tok	26	0.18%
	District Total	1,726	12.09%
	Statewide Total	14,284	100.00%

## DISTRICT COURTS SMALL CLAIMS CASE FILINGS

FY 82 - FY 85

COURT	FY 82	FY 83	FY 84	FY 85	% INCREASE	
					FY 82 - FY 85	FY 84 - FY 85
Anchorage	5306	4918	5041	6754	+ 27	+ 34
Barrow	104	43	74	89	- 14	+ 20
Bethel	321	154	134	225	- 30	+ 68
Cordova	63	83	105	85	+ 35	- 19
Dillingham	72	57	45	144	+100	+220
Fairbanks	767	777	946	1475	+ 92	+ 56
Glennallen	224	174	253	134	- 40	- 47
Homer	201	391	312	364	+ 81	+ 17
Juneau	1273	1133	1159	1671	+ 31	+ 44
Kenai	405	308	426	592	+ 46	+ 39
Ketchikan	328	311	417	323	- 2	- 23
Kodiak	240	156	222	331	+ 38	+ 49
Kotzebue	119	43	219	60	- 50	- 73
Nome	81	67	108	168	+107	+ 56
Palmer	841	578	651	1158	+ 38	+ 78
Petersburg	19	90	109	129	+579	+ 18
Seward	80	162	68	146	+ 83	+115
Sitka	241	226	152	186	- 23	+ 22
Tok	10	21	22	26	+160	+ 18
Unalaska	34	59	48	41	+ 21	- 15
Valdez	118	172	101	65	- 45	- 36
Wrangell	75	46	123	118	+ 57	- 4
<b>TOTAL</b>	<b>10922</b>	<b>9969</b>	<b>10735</b>	<b>14284</b>	<b>+ 31</b>	<b>+ 33</b>

### BY JUDICIAL DISTRICT

First	1936	1806	1960	2427	+ 25	+ 24
Second	304	153	401	317	+ 4	- 21
Third	7584	7058	7272	9814	+ 29	+ 35
Fourth	1098	952	1102	1726	+ 57	+ 57

FISCAL YEAR JULY 1 — JUNE 30

RECEIVED

SEP 10 1985

THE **EQUITABLE**  
FINANCIAL SERVICES

MAGISTRATE  
SERVICES

William R. Purrington  
Equity Qualified Agent  
3301 C. St., Suite 500  
Anchorage, AK 99503  
(907) 561-5355

September 9, 1985

Carole A. Baekey  
Director, Magistrate Services  
Alaska Court System  
303 K Street  
Anchorage, AK 99501

RE: Small Claims - H.B. 118

Dear Ms. Baekey:

Based upon the information that has been gathered to date by the Anchorage Chamber of Commerce Legislative Committee and forwarded to me, we believe at this time that a change from \$2,000 to \$5,000 as the limit for small claim actions would double the number of filings.

We also believe that the fees for said filings should be raised and that a fee amount related to the amount of the claim would be appropriate.

We also believe that the presence of attorneys at small claims proceedings is not currently an issue, and we do not care to change the status quo.

We realize that this change will necessitate a fair-sized fiscal note on the bill, but it appears that personnel increases are inevitable anyway, based upon current trends. We do believe, all facts and feelings considered, that the small claims limit should be raised to \$5,000.

We await your notification of our next committee meeting.

Respectfully,



William R. Purrington

WRP/bp

# STATE OF ALASKA 1986 LEGISLATIVE SESSION FISCAL NOTE

Revision Date: 1/31/86

**REQUEST**

Bill/Resolution No. : CSHB 118 (JUD)  
 Title : Small Claims Jurisdictional  
Limitation  
 \_\_\_\_\_  
 Sponsor : \_\_\_\_\_  
 Requestor : \_\_\_\_\_  
 Date of Request : \_\_\_\_\_

**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		143.5	152.1	161.2	170.9	181.2
TRAVEL						
CONTRACTUAL		12.0	12.7	13.5	14.3	15.2
SUPPLIES		2.5	2.7	2.9	3.1	3.3
EQUIPMENT		19.9				
LAND & STRUCTURES						
GRANTS, CLAIMS						
MISCELLANEOUS						
<b>TOTAL OPERATING</b>		<b>177.9</b>	<b>167.5</b>	<b>177.6</b>	<b>188.3</b>	<b>199.7</b>
<b>CAPITAL</b>						
<b>REVENUE</b>						

**FUNDING : (Thousands of Dollars)**

GENERAL FUND		177.9	167.5	177.6	188.3	199.7
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		<b>177.9</b>	<b>167.5</b>	<b>177.6</b>	<b>188.3</b>	<b>199.7</b>

**POSITIONS :**

FULL-TIME		4	4	4	4	4
PART-TIME		2	2	2	2	2
TEMPORARY						

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

Prepared by: Robert G. Fisher Phone: 264-8215  
 Division: Alaska Court System Date: 1/31/86  
 Approved by Commissioner: Arthur H. Snowden, II Date: 1/31/86  
 Agency: Alaska Court System

Distribution (by Agency preparing fiscal note):

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

page \_\_\_\_\_ of \_\_\_\_\_

10/25/85

*2/7/86*

*Toss -  
Has been updated  
per Jens*

## ALASKA COURT SYSTEM

### CSHB 118 (JUD) - SMALL CLAIMS JURISDICTION LIMITATION

#### FISCAL IMPACT

The Civil Division of the Anchorage Clerk's Office, which is the court location with the greatest number of small claims filings, anticipates that a jurisdictional increase from \$2,000 to \$5,000 would result in a 75-100% increase in small claims filings. A similar increase in filings is expected statewide.

A small number of these cases would be matters previously handled in District Court. Most would be new to the system, representing legal problems with a relatively low dollar amount involved for which persons are reluctant to incur the costs entailed for an attorney, but which they wish to handle themselves in small claims court.

Additionally, some litigants would be willing to waive the amount of their claim over \$5,000 and proceed in small claims court, balancing the waiver of the claim amount against the savings in attorney fees in small claims.

Additional clerical help will be required. The small claims procedures involve an extensive amount of clerical assistance, including mailing notices for litigants and substantial time expended in advising the public. General District Court matters require only simple filing and journaling of documents. This impact could be handled by the addition of four (4) permanent full-time positions and two (2) permanent part-time positions. These personnel costs and other related costs are summarized on the attached sheet.

ALASKA COURT SYSTEM

CSHB 118 - SMALL CLAIMS JURISDICTIONAL LIMITATION

FISCAL IMPACT

	Salary	Benefits	Total
<b>Personnel:</b>			
<b>Anchorage:</b>			
Court Clerk I - Range 8B, PFT	\$20,244	\$7,577	\$27,821
Court Clerk I - Range 8B, PFT	20,244	7,577	27,821
<b>Fairbanks:</b>			
Court Clerk I - Range 8B, PFT	22,836	8,160	30,996
<b>Juneau:</b>			
Court Clerk I - Range 8B, PFT	20,244	7,577	27,821
<b>Palmer:</b>			
Court Clerk I - Range 8B, PPT	10,440	3,881	14,321
<b>Kenai:</b>			
Court Clerk I - Range 8B, PPT	10,758	3,963	14,721
			-----
	<b>Total Personnel</b>		<b>143,501</b>
<b>Contractual:</b>			
Telephone service, postage, rental copiers, equipment maintenance, etc.			12,000
<b>Supplies:</b>			
File folders, copier paper, forms, desk supplies, etc.			2,500
<b>Equipment: (one-time items)</b>			
New employee equipment - desk, chair and typewriter			13,848
Other equipment - file cabinets, tables, chairs, etc.			6,100
			-----
	<b>Total Equipment</b>		<b>19,948</b>
			-----
	<b>Total FY 87 Cost</b>		<b>\$177,949</b>
			=====

Subsequent fiscal years adjusted to reflect 6% inflation.

RECEIVED

SEP 10 1985

**THE EQUITABLE**  
FINANCIAL SERVICES

MAGISTRATE  
SERVICES

William R. Purrington  
Equity Qualified Agent  
3301 C. St., Suite 500  
Anchorage, AK 99503  
(907) 561-5355

September 9, 1985

Carole A. Baekey  
Director, Magistrate Services  
Alaska Court System  
303 K Street  
Anchorage, AK 99501

RE: Small Claims - H.B. 118

Dear Ms. Baekey:

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William R. Purrington

WRF/bp

ALASKA COURT SYSTEM  
SMALL CLAIMS FILINGS  
FY 85

Judicial District	Location	Case Filings	Percent of State
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3	Glennallen	134	0.94%
3	Cordova	85	0.60%
3	Valdez	65	0.46%
3	Unalaska	41	0.29%
	District Total	9,814	68.71%
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4	Bethel	225	1.58%
4	Tok	26	0.18%
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Kodiak	240	156	222	331	+ 38	+ 49
Kotzebue	119	43	219	60	- 50	- 73
Nome	81	67	108	168	+107	+ 56
Palmer	841	578	651	1158	+ 38	+ 78
Petersburg	19	90	109	129	+579	+ 18
Seward	80	162	68	146	+ 83	+115
Sitka	241	226	152	186	- 23	+ 22
Tok	10	21	22	26	+160	+ 18
Unalaska	34	59	48	41	+ 21	- 15
Valdez	118	172	101	65	- 45	- 36
Wrangell	75	46	123	118	+ 57	- 4
<b>TOTAL</b>	<b>10922</b>	<b>9969</b>	<b>10735</b>	<b>14284</b>	<b>+ 31</b>	<b>+ 33</b>

### BY JUDICIAL DISTRICT

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Fourth	1098	952	1102	1726	+ 57	+ 57

FISCAL YEAR JULY 1 — JUNE 30

COMMITTEE REPORT  
SENATE

FURTHER: FINANCE

3/11/85

Date 4-18-85

Mr. President

The Committee on JUDICIARY considered CSHB 118(Jud)  
relating to small claims, and the duties of magistrates; efd.

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

do pass

do pass with attached amendment(s)

~~repeal or amend~~ 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

*3/11/85*  
*Tim Kelly*

MEMBERS HAVING  
OTHER RECOMMENDATIONS

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

*Michael Kelly*

Chairman

DO PASS  
Chairman recommendation



Introduced: 1/25/85  
Referred: State Affairs  
and Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2 HOUSE BILL NO. 122

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTEENTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act abolishing inactive boards, councils, and  
7 commissions."

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

9 \* Section 1. AS 44.99.001 is amended to read:

10 Sec. 44.99.001. ADMINISTRATION OF HIGHWAY SAFETY PROGRAM. The  
11 governor may contract and do all other things necessary on behalf of  
12 this state under 23 U.S.C. sec. 401 -- 404 (Highway Safety Act of  
13 1966), and may cooperate with interested persons and agencies to  
14 effectuate the purposes of that Act. The governor may designate a  
15 person to serve as the governor's highway safety representative;  
16 however, the governor is the official in this state having the ulti-  
17 mate responsibility for dealing with the federal government with  
18 respect to programs and activities under the Federal Highway Safety  
19 Act of 1966. The governor shall coordinate the activities relating to  
20 highway safety of state departments, agencies, and subdivisions [AND  
21 OF THE GOVERNOR'S COMMISSION ON TRANSPORTATION SAFETY ESTABLISHED IN  
22 AS 44.19.190].

23 \* Sec. 2. AS 18.65.250; AS 44.19.064 -- 44.19.072, 44.19.110 -- 44.19.-  
24 122, 44.19.131 -- 44.19.140, 44.19.190 -- 44.19.192; AS 44.27.050(5);  
25 AS 44.33.020(23), 44.33.190 -- 44.33.230, 44.33.401 -- 44.33.430; AS 44.-  
26 47.160 -- 44.47.190; and AS 44.66.010(a)(9) are repealed.

STATE OF ALASKA 1985 LEGISLATIVE SESSION  
FISCAL NOTE

089  
HB-122

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

REQUEST

Bill/Resolution No.: HB 122  
Title: Abolishing inactive boards, councils and commissions, and transferring responsibilities.  
Sponsor: ferring responsibilities.  
Requestor: Governor  
Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency Affected: Commerce & Economic Dev.  
Program Category Affected: Public Protection, Economic Development, Energy Development  
BRU, Program or Subprogram(s) Affected: \_\_\_\_\_

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 85	FY 86	FY 87	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>	-0-	-0-	-0-	-0-	-0-	-0-

<b>CAPITAL</b>						
----------------	--	--	--	--	--	--

<b>REVENUE</b>	-0-	-0-	-0-	-0-	-0-	-0-
----------------	-----	-----	-----	-----	-----	-----

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>	-0-	-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The boards and commissions that are being abolished by this bill that the Department of Commerce and Economic Development in some way participated in, have all been inactive for at least three years. No expenditures would be incurred in their formal abolishment.

Prepared By: Steven D. Hildebrand Phone: 465-2509  
Division: Administrative Services Date: \_\_\_\_\_

Approved by Commissioner: Loren H. Lounsbury Date: 1/9/85  
Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

NO 122

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 20, 1985

The Honorable Katie Hurley  
Chair, House State Affairs  
Committee  
Alaska House of Representatives  
Pouch V  
Juneau, AK 99811

FEB 25 1985

Dear Representative Hurley:

Pursuant to your request of February 7, requesting background information on the inactive boards and commissions listed in House Bill No. 122, I have prepared information which the Committee may find helpful.

Because there is confusion in the public's mind as to the existence of these boards and commissions, many people still continue to apply for them. By abolishing the boards which are inactive, the Legislature will assist in clearing up the confusion.

Basic information about the seven boards mentioned in this bill follows.

The bill abolishes the following boards, councils, and commissions by repealing the statutes governing their operation: Alaska International Development Commission, Governor's Commission on the Administration of Justice, Commission on the Conference of the Law of the Sea, Governor's Commission on Transportation Safety, Tourism Advisory Board, Advisory Council on Cultural Facilities, and the Rural Development Council. These entities, although still in existence on paper, have not been active or functioning for some time. They are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;
3. the specific need for which they were established no longer exists.

the Council's activities without the funding of the revolving fund. Additionally, the recommendations made by the Council eventually became the responsibility of each community, who would maintain and operate whatever capital project was decided upon by the community and funded by the Legislature.

ALASKA INTERNATIONAL DEVELOPMENT COMMISSION  
AS 44.19.064-072

The Alaska International Development Commission was created in the Office of the Governor in 1959. It was amended by the 1961 and 1963 Legislatures. The statute defines its duties as primarily involving planning in the development and use of water, minerals, power, and forest resources near the border of Alaska and Canada.

The Boards and Commissions Office has no documentation on this Board. Research reflects that the Board was dormant and not "on the books" at the beginning of former Governor Jay Hammond's tenure in 1974, nor since then.

The Alaska International Development Commission is not to be confused with the Alaska International Trade Commission, created by former Governor Hammond by Administrative Orders 57 and 66 in 1979 and 1981, respectively. The Alaska International Trade Commission is also dormant, having been replaced in function by the multi-faceted Office of International Trade with the Department of Commerce and Economic Development.

If you desire information regarding the Development Commission, the only source which may have information is the State Archives. Any information or reports emanating from the Development Commission would now be considered property of that office.

COMMISSION ON THE CONFERENCE OF THE LAW OF THE SEA  
AS 44.19.131-140

The Commission on the Conference of the Law of the Sea was created October 4, 1972, by AS 44.19.134 to aid the State in developing positions on the Law of the Sea Conference with specific regard to the State's uses of marine resources. The Commission was strictly an advisory board to the Governor and the Legislature.

The Commission is currently dormant because of the shift of Alaska into the Exclusive Economic Zone (EEZ).

The Extended Jurisdiction Office of the Alaska Department of Fish and Game monitors the Law of the Sea so that information can be had when matters arise at the federal level. However, ADFG considers the board dormant. No funds were expended for its operation in FY 83, FY 84, or FY 85.

# **CORRECTION**

**THIS DOCUMENT  
HAS BEEN REPHOTOGRAPHED  
TO ASSURE LEGIBILITY**

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

February 20, 1985

FEB 25 1985

The Honorable Katie Hurley  
Chair, House State Affairs  
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Alaska House of Representatives  
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Juneau, AK 99811

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1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;
3. the specific need for which they were established no longer exists.

Specific information regarding the seven boards is presented below.

GOVERNOR'S COMMISSION ON THE ADMINISTRATION OF JUSTICE  
AS 18.65.250; AS 44.19.110-122

When the Law Enforcement Assistance Administration was eliminated at the federal level in 1980 or 1981, the principal source of funding for the Commission and its programs was gone. Following that, the Legislature defunded the Criminal Justice Planning Agency, which was the Commission's planning arm.

The Commission still has a function under the security and privacy regulations pertaining to the criminal justice information systems (6 AAC). The Commission is also empowered to approve all secondary interim user applications. Because of the Commission's dormant status, the Attorney General has informally assumed this responsibility by virtue of his position as ex-officio chair of the Commission. A separate proposed bill regarding the Commission confers these powers to the Attorney General.

A Criminal Justice Working Group, or COG, as it is called, was formed in the fall of 1983 to examine specific criminal justice system problems and devise resolutions and plans. The Attorney General heads this group, which includes representation from all agencies dealing with criminal justice.

ADVISORY COUNCIL ON CULTURAL FACILITIES  
AS 44.27.050(5); AS 44.33.020(23); AS 44.33.401-430

The Advisory Council on Cultural Facilities was created by Chapter 62, SLA 1979, to establish criteria, by regulation, for the purpose of construction or development of cultural facilities under AS 43.18.500, etc. The five-member Council was housed under the Department of Commerce and Economic Development, and was appointed by Governor Hammond from a list provided to him for that purpose by the State Council on the Arts.

The Department of Commerce and Economic Development stated that the Council performed much in-depth research and provided the Department with written documentation regarding their findings. However, the Council recommended to the Administration that approximately \$110 million be set aside in a revolving fund for the development and construction of cultural facilities. Neither the Legislature or the Administration implemented that recommendation.

It was stated by the contact agency (DCED) that the terms of the members of the Council were allowed to expire because the Council had presented its findings, there were no funds with which to implement them, and there was no real need for

the Council's activities without the funding of the revolving fund. Additionally, the recommendations made by the Council eventually became the responsibility of each community, who would maintain and operate whatever capital project was decided upon by the community and funded by the Legislature.

ALASKA INTERNATIONAL DEVELOPMENT COMMISSION  
AS 44.19.064-072

The Alaska International Development Commission was created in the Office of the Governor in 1959. It was amended by the 1961 and 1963 Legislatures. The statute defines its duties as primarily involving planning in the development and use of water, minerals, power, and forest resources near the border of Alaska and Canada.

The Boards and Commissions Office has no documentation on this Board. Research reflects that the Board was dormant and not "on the books" at the beginning of former Governor Jay Hammond's tenure in 1974, nor since then.

The Alaska International Development Commission is not to be confused with the Alaska International Trade Commission, created by former Governor Hammond by Administrative Orders 57 and 66 in 1979 and 1981, respectively. The Alaska International Trade Commission is also dormant, having been replaced in function by the multi-faceted Office of International Trade with the Department of Commerce and Economic Development.

If you desire information regarding the Development Commission, the only source which may have information is the State Archives. Any information or reports emanating from the Development Commission would now be considered property of that office.

COMMISSION ON THE CONFERENCE OF THE LAW OF THE SEA  
AS 44.19.131-140

The Commission on the Conference of the Law of the Sea was created October 4, 1972, by AS 44.19.134 to aid the State in developing positions on the Law of the Sea Conference with specific regard to the State's uses of marine resources. The Commission was strictly an advisory board to the Governor and the Legislature.

The Commission is currently dormant because of the shift of Alaska into the Exclusive Economic Zone (EEZ).

The Extended Jurisdiction Office of the Alaska Department of Fish and Game monitors the Law of the Sea so that information can be had when matters arise at the federal level. However, ADFG considers the board dormant. No funds were expended for its operation in FY 83, FY 84, or FY 85.

RURAL DEVELOPMENT COUNCIL  
AS 44.47.160-190; AS 44.66.010(a) (9)

The Rural Development Council, created on July 2, 1980, was established to promote rural Alaska's economic development and to recommend policies to the Governor and the Legislature in this regard. The Council was defunded in 1982 during the previous Administration.

By its creating authority, the Council was advisory in nature. Its duties have been picked up by other entities since its deactivation three years ago -- the Department of Community and Regional Affairs, the Governor's Special Staff Assistant for Rural Development, and additional public input vehicles created by both the Legislature and the Executive Branch specifically to facilitate communications with rural Alaska.

TOURISM ADVISORY BOARD  
AS 44.33.190-230

The Tourism Advisory Board has not functioned for at least four and one-half years, and there are no members attached to it, as their terms have expired.

Small industry and community development outreach is being handled internally by the staff of the Division of Tourism in the Department of Commerce and Economic Development. Additionally, the Division has institutionalized a relationship with the Alaska Visitors' Association. State officials from the Governor's Office, the Division of Parks within the Department of Natural Resources, and the Division of Tourism sit on the board of the Alaska Visitors' Association.

GOVERNOR'S COMMISSION ON TRANSPORTATION SAFETY  
AS 44.99.001; AS 44.19.190-192

This board, created by AS 44.19.190, on January 15, 1982, was never activated. Governor Hammond vetoed the legislation when it passed both houses; however, the Legislature overrode his veto. A fiscal note, which was attached to the original bill, got lost in the shuffle and there were no funds attached to the new Commission. Consequently, the prior Administration took no action to activate the Commission.

The Commissioner of the Department of Public Safety in the previous Administration took no position on the bill when it was before the Legislature because it removed the Highway Safety Planning Agency from the Department and placed it in the Governor's Office.

The Honorable Katie Hurley

-5-

February 20, 1985

The Department of Public Safety states that the charges of the Commission are being picked up by other offices within the Department and does not feel there is a need for this Commission.

If you have additional questions, please contact me at 465-3651. I have enclosed relevant pages from the November 1982 Boards and Commission Book in order to advise you of previous memberships.

Sincerely,



Carol A. Derfner  
Special Staff Assistant  
to the Governor

Enclosures

BILL SHEPHERD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

January 25, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill abolishing six non-functional boards, councils, and commissions. Section 2's repealer is the heart of this bill. Section 1 makes an amendment to correspond with the repealer.

In 1983 the Office of the Governor conducted an inventory of all state boards and commissions. Several boards, councils, and commissions were determined to be nonfunctional, the following seven of which require statutory changes: (1) Alaska International Development Commission (AS 44.19.064 -- 44.19.072); (2) Governor's Commission on the Administration of Justice (AS 44.19.110 -- 44.19.122), which will be dealt with in a separate bill; (3) Commission on the Conference of the Law of the Sea (AS 44.19.131 -- 44.19.140); (4) Governor's Commission on Transportation Safety (AS 44.19.190 -- 44.19.192); (5) Tourism Advisory Board (AS 44.33.190 -- 44.33.230); (6) Advisory Council on Cultural Facilities (AS 44.33.401 -- 44.33.430); and (7) Rural Development Council (AS 44.47.160 -- 44.47.190).

These entities are considered nonfunctional for one or more of the following reasons:

1. their function has been absorbed by another entity;
2. they have lacked funding by legislative appropriations more than two years in a row;
3. the specific need for which they were established no longer exists.

Despite their dormant state, these entities exist on the books of the Alaska Statutes. The purpose of this bill is to abolish these entities and repeal the statutes governing their operation. The cultural facilities development fund, AS 44.33.401 -- 44.33.417, which was to be handled by the

Advisory Council on Cultural Facilities, is also repealed; no money has been appropriated to the fund, and no grants have been awarded.

I urge your prompt and favorable action on this measure, to clean up the statutes and to clear up public confusion about these entities.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield". The signature is written in dark ink and is positioned above the typed name and title.

Bill Sheffield  
Governor



Introduced: 1/25/85  
Referred: Labor & Commerce, Health,  
Education & Social Services and  
Finance

BY THE RULES COMMITTEE BY  
REQUEST OF THE GOVERNOR

1 IN THE HOUSE

2

HOUSE BILL NO. 123

3

IN THE LEGISLATURE OF THE STATE OF ALASKA

4

FOURTEENTH LEGISLATURE - FIRST SESSION

5

A BILL

6 For an Act entitled: "An Act extending the termination date of the Board  
7 of Pharmacy; and providing for an effective date."

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

9 \* Section 1. AS 08.03.010(c)(4) is amended to read:

10 (4) Board of Pharmacy (AS 08.80.010) -- June 30, 1988  
11 [1984].

12 \* Sec. 2. This Act takes effect immediately in accordance with  
13 AS 01.10.070(c).

STATE OF ALASKA 1986 LEGISLATIVE SESSION  
FISCAL NOTE

Revision Date: October 9, 1984

REQUEST

Bill/resolution No.: HB 123  
 Title: An Act relating to the con-  
tinuation of the Board of Pharmacy  
 Sponsor: \_\_\_\_\_  
 Requestor: \_\_\_\_\_  
 Date of Request: \_\_\_\_\_

FISCAL DETAIL

Agency affected: Commerce & Econ. Dev.  
 Program Category Affected: \_\_\_\_\_  
Consumer Protection  
 BRU, Program or Subprogram(s) Affected: \_\_\_\_\_  
Occupational Licensing

EXPENDITURES/REVENUES: (Thousands of Dollars)

	FY 83	FY 84	FY 85	FY 88	FY 89	FY 90
<b>OPERATING</b>						
100 PERSONAL SERVICES						
200 TRAVEL						
300 CONTRACTUAL						
400 SUPPLIES						
500 EQUIPMENT						
600 LAND & STRUCTURES						
700 GRANTS, CLAIMS						
800 MISCELLANEOUS						
<b>TOTAL OPERATING</b>		-0-	-0-	-0-	-0-	-0-

--	--	--	--	--	--	--

--	--	--	--	--	--	--

FUNDING: (Thousands of Dollars)

GENERAL FUND						
FEDERAL FUNDS						
OTHER						
<b>TOTAL</b>		-0-	-0-	-0-	-0-	-0-

POSITIONS:

FULL-TIME						
PART-TIME						
TEMPORARY						

ANALYSIS: Attach a separate page if necessary

The bill extends the function of the Board of Pharmacy which was sunsetted and expected to terminate on June 30, 1985. Funding for operating costs of the board is included in the agency's FY '86 budget request.

Prepared By: Jennifer Strickler, Management Analyst Phone: 465-2144  
 Division: Occupational Licensing Date: 10/9/84  
 Approved by Commissioner: Richard A. Lyon Date: 12/11/84  
 Agency: Commerce and Economic Development

Distribution (by Agency preparing fiscal note):

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

7/1/84

BILL SHEFFIELD  
GOVERNOR



STATE OF ALASKA  
OFFICE OF THE GOVERNOR  
JUNEAU

143 123

January 25, 1985

The Honorable Ben Grussendorf  
Speaker of the House  
Alaska State Legislature  
Pouch V  
Juneau, AK 99811

Dear Representative Grussendorf:

Under the authority of art. III, sec. 18, of the Alaska Constitution, I am transmitting a bill extending the termination date of the Board of Pharmacy for four more years.

Under AS 08.03.010(c)(4), the board terminated on June 30, 1984. Under AS 08.03.020, however, the board is authorized to continue its activities, with no reduction in its powers or authority, until June 30, 1985. If the board's termination date is not extended before June 30, 1985, the board must cease its activities. Because of the valuable examination and oversight functions of the Board of Pharmacy, I believe the public interest would be best served by continuing the existence of the board.

The attached bill, therefore, amends AS 08.03.010(c)(4) to extend the life of the board until June 30, 1988.

Last session, I vetoed CSHB 716(L&C), which, in part, would also have extended the board's termination date until June 30, 1988. That bill, however, contained other provisions that I felt were administratively undesirable. I noted in my veto message that the legislature could still accomplish extension of the board before June 30, 1985.

I urge your prompt action on this bill.

Sincerely,

A handwritten signature in cursive script that reads "Bill Sheffield".

Bill Sheffield  
Governor

CSHB 685(Loans)

and the Alaska renewable resources investment fund; and providing for an effective date.)

Chapter 161, SLA 1984

CSHB 716(L&C)

The following letter dated July 6, 1984, was received:

Re: CSHB 716(L&C)  
(An Act relating to the  
Board of Pharmacy)

"Dear Mr. Speaker:

Under the authority granted in art. II, sec. 15 of the Alaska Constitution, I have vetoed Committee Substitute for House Bill No. 716 (L&C), concerning the Board of Pharmacy.

This bill would have authorized the Board of Pharmacy to hire its own executive secretary. This would have been an undesirable departure from the consolidation and uniformity of the occupational licensing system under AS 08.01. It would have set a disturbing precedent for other boards in securing autonomous staff, outside of the division of occupational licensing in the Department of Commerce and Economic Development.

Another important reason for my veto is that the legislature failed to appropriate any money to fund the fiscal requirements of this position which was estimated by the department in a fiscal note to be \$135,000 this year.

Rather than allow this unfunded and administratively flawed bill to become law, I have directed the Department of Commerce and Economic Development and the Department of Law to review methods of better and more quickly implementing AS 17.30 concerning controlled substances. That chapter, which was enacted in 1982, gave the Board of Pharmacy some new powers and duties which have not been fully implemented, even though they largely overlap the board's continuing powers and duties under AS 08.80.

I believe that there are other better ways to implement the controlled substances legislation without unnecessarily disrupting the structure of the occupational licensing system. I am confident that the review I have directed will produce recommendations for alternatives that can be accomplished by the end of the next budget cycle, if the legislature will fund them.

Meanwhile even though this vetoed bill included a provision to extend the board's termination date from June 30, 1984 to June 30, 1988, under AS 08.03.020(a), the board will continue until June 30, 1985. Before that date the next

CSHB 716(L&C)

session of the legislature can extend the board without granting it the power to hire an executive secretary.

Sincerely,

/s/

Bill Sheffield  
Governor"

A PERFORMANCE REPORT  
ON THE  
BOARD OF PHARMACY

July 1, 1980 to February 28, 1983

Audit Control Number

08-1114-51-83-R

Commissioner, Department of  
Commerce and Economic Development

Richard A. Lyon

Deputy Commissioners, Department of  
Commerce and Economic Development

Vincent O'Reilly  
Terry Elder

Members of the Board of Pharmacy

Chairman  
Secretary  
Member  
Member  
Member  
Member  
Member

Eldon Ulmer  
Margaret Soden  
Susan Roberts  
Robert Snider  
James McCorcle  
Charles Rush  
Sidney Fry

# STATE OF ALASKA

AUDIT DIVISION  
POUCH W  
JUNEAU, ALASKA 99811

## THE LEGISLATURE

BUDGET AND AUDIT COMMITTEE

May 17, 1983

Members of the  
Legislative Budget and Audit Committee:

In accordance with the provisions of Titles 24 and 44 of the  
Alaska Statutes (sunset), the attached report is submitted  
for your review.

### A PERFORMANCE REPORT ON THE BOARD OF PHARMACY

July 1, 1980 to February 28, 1983



Gerald L. Wilkerson, CPA  
Legislative Auditor  
Division of Legislative Audit

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## PURPOSE AND SCOPE OF THE REPORT

### PURPOSE

In accordance with the intent of Titles 24 and 44 of the Alaska Statutes (sunset legislation), we have reviewed the activities of the Board of Pharmacy for the past three fiscal years. Our examination was conducted to determine if the Board has been operating in an efficient and effective manner.

Legislative intent requires consideration of this report during legislative oversight hearings to determine whether the Board of Pharmacy should be reestablished. The law now specifies that the Board will terminate June 30, 1984, and have one year from that date to conclude its affairs.

### SCOPE

The major areas of our examination were the licensing, examination, administration, complaint, and affirmative action functions of the Board. We reviewed and evaluated the following:

1. Applicable statutes and regulations.
2. Interviews with the license examiners.
3. Tests of files and documents of licensees.
4. Complaints filed with the Division of Occupational Licensing, Human Rights Commission, Equal Employment Opportunity Office, Attorney General's Office, and the Ombudsman Office.
5. Discussions with Board members.
6. Minutes of Board meetings and Division correspondence files.
7. Attorney General Opinions applicable to professional boards.

## ORGANIZATION AND FUNCTION

The Board of Pharmacy is a regulatory board with seven members; two public members having no direct financial interest in the health care industry, and five professional members with three years practical experience and licensed in Alaska. Whenever possible, each judicial district should be represented by a Board member.

The Board regulates five types of licenses; pharmacists, retail pharmacies, wholesale pharmacies, hospital pharmacies and drug rooms. The Board sets the minimum standards to practice in Alaska by:

1. Examining and issuing licenses to qualified applicants.
2. Establishing, amending, or eliminating regulations controlling pharmacy practices.
3. Revoking, annulling or suspending licenses in accordance with the Administrative Procedures Act when a person has violated pharmacy statutes or regulations.

Applicants for registration as a pharmacist are required to pass the National Association of the Boards of Pharmacy Licensing Examination (NABPLEX), and a jurisprudence exam covering Alaska pharmacy law and the Federal Controlled Substance Act.

Pharmacists licensed to practice in another state who apply for licensure in Alaska, can be licensed by credentials, except for those applicants from California or Louisiana. These two states require applicants to pass a state exam, not the national exam. Consequently, these applicants must take the national exam when applying in Alaska.

The Board may also issue temporary or emergency permits. Temporary permits allow qualified applicants to practice until the Board can formally license them; emergency permits allow pharmacists licensed in another state to practice in Alaska in an emergency. Both permits are limited in their duration and application.

## REPORT CONCLUSION

### Policy Issues

This report contains policy issues raised as a result of our evaluation of various Board practices. The final policy decisions affecting these practices are not within the scope of this report but require legislative consideration. In debating these issues, the oversight committees should take into consideration the findings and recommendations presented in this report so the potential impact of policy changes can be evaluated.

### Report Conclusion

In our opinion, the Board of Pharmacy should be reestablished. The regulation and licensing of qualified professionals is necessary to protect the public's health, safety, and welfare. The Board provides this service by establishing minimum educational and experience requirements that provide reasonable assurance that persons licensed are qualified. Also, assurances that those licensed act in a competent manner is provided by active investigation of complaints and revocation or suspension of licenses where appropriate.

However, the following findings describe areas where weaknesses or conflicts exist. We have made recommendations which, if implemented, will improve the efficiency and effectiveness of the Board.