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

COMMITTEE REPORT

3/22/76

HOUSE

FINANCE

Mr. Speaker:

Date April 29, 1976

The Committee on JUDICIARY has had SB 670

under consideration. A Majority of the members of the Committee

- () recommends it DO PASS
- () recommends it DO NOT PASS
- () recommends it DO PASS WITH ATTACHED AMENDMENT(S)
- recommends it BE REPLACED WITH CS FOR _____ AND THAT
CS FOR _____ DO PASS
- () "and" recommends it BE REFERRED TO THE _____
COMMITTEE
- () reports it back WITHOUT RECOMMENDATION
- () "other"

Members signing the Majority report:

<u>Terry Anderson</u>	<u>Don Hooper</u>	<u>Richardson</u>	DO PASS
_____	_____	_____	
_____	_____	_____	
<u>Speck</u>	" "		

Members NOT concurring in the Majority report:

- _____ recommends:
- _____ recommends:
- _____ recommends:
- _____ recommends:
- _____ recommends:

Terry Anderson Chairman

THE LEGISLATURE OF THE STATE OF ALASKA
FISCAL NOTE

Second Session - Ninth Legislature

I. REQUEST

Bill No. HCS for S.B. 670
 Title: Number of Superior Court Judges
 Requested by: Legislative Finance Date: _____
 Return Date Requested: _____
 Agency: Alaska Court System Program: _____

II. FISCAL DETAIL

Budget Request Unit(s) Affected: Alaska Court System

A. EXPENDITURES: (Thousands of dollars)

OBJECT	FY 76	FY 77	FY 78	FY 79	FY 80	FY 81
100 PERSONAL SERVICES		95.9	95.9	95.9	95.9	95.9
200 TRAVEL						
300 CONTRACTUAL		2.0	2.0	2.0	2.0	2.0
400 COMMODITIES		1.0	1.0	1.0	1.0	1.0
500 EQUIPMENT		37.0				
600 LAND & STRUCTURES		52.0				
700 GRANTS, CLAIMS, ETC.						
TOTAL		187.9	98.9	98.9	98.9	98.9

B. FUNDING: (Thousands of dollars)

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FEDERAL FUNDS						
OTHER						

C. POSITIONS:

PERMANENT/TEMPORARY	/	3 /	3 /	3 /	3 /	3 /
MAN MONTHS (P./T.)	/	/	/	/	/	/

III. ANALYSIS (See Fiscal Note Preparation Instructions, Section III)

House Comm: Substitute for Senate Bill 670 increases the number of Superior Court judges in the state by two. The Superior Court judge position in Sitka will replace the existing District Court Judge position there. Therefore, the additional cost of this judgeship is the difference between the salary of Superior and District Court judges, or \$7,500/year.

The Superior Court judge position in Fairbanks is a new position and will require the creation of three new permanent positions - judge, secretary, and in-court clerk. The total personnel services cost of these positions is \$88,400/year. These new positions will need (see attached page)

IV. ATTACHMENTS

V. DATE: _____ PREPARED BY: Richard H. Brown

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

HCS for S.B. 670

furniture, including desks, chairs, typewriters, bookcases, filing cabinets, and other office equipment. The one-time cost of this equipment is \$8,000. Also, an additional \$1,000/year for commodities and \$2,000/year for contractual expenses (phone, postage, equipment rental, etc.) will be needed in support of the 3 new positions.

The additional Superior Court judge will need a new courtroom if he is to be used most effectively. Since the Fairbanks court building is being remodeled at the present time, an additional Superior Court courtroom can be included at a minimum of expense. The major expense items will be the construction of a judge's bench, witness box, in-court clerk area and jury box, plus electrical and ventilation changes and carpeting, all of which would cost approximately \$52,000. In addition to these structural changes or additions, the courtroom must be equipped with spectator seating, jury seating, counsel tables and chairs, and recording equipment. This equipment expense will total \$29,000. The remodeling and equipment expense items are one-time costs and do not increase the ongoing operational cost of the facility.

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For the immediate future the Fairbanks Court can absorb a fourth Superior Court judge without adding a courtroom. Since Fairbanks is responsible for providing judicial coverage to Barrow and other rural locations in the fourth district, one judge is frequently on travel status. Also, vacation schedules and sick leave further reduce the number of days when all four judges would be holding court. When these days do occur, the Federal Court in Fairbanks has agreed to the use of its courtroom for the trying of state cases. In future capital planning for Fairbanks, four superior court courtrooms will be included. But for the present time, the court can manage with the three existing courtrooms.

This following letter was sent to each of the following candidates:

Mr. Geoffrey G. Currall
415 Main St., Room 304
Ketchikan, Alaska 99901

Mr. Stephen R. Cline
950 Cowles St., Rm. 120
Fairbanks, Alaska 99701

Mr. John Bosshard, III
P. O. Box 131
Sitka, Alaska 99835

Mr. George L. Gucker
320 Bawden, Suite 318
Ketchikan, Alaska 99901

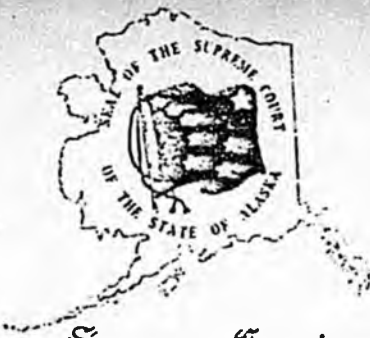
Mr. Peter S. Hallgren
Breast Island
P. O. Box 1203
Sitka, Alaska 99835

Mr. Thomas F. Keever
Suite 210, Nerland Building
532 Third Avenue
Fairbanks, Alaska 99701

Mr. Edward A. Stanla
P. O. Box 161
Ketchikan, Alaska 99901

Mr. Robin L. Taylor
Jernberg & Taylor
111 Stedman
P. O. Box 1769
Ketchikan, Alaska 99901

Mr. Richard Whittaker
P. O. Box 13
Ketchikan, Alaska 99901



Supreme Court

State of Alaska
December 26, 1975

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

Mr. John Bosshard, III
P. O. Box 131
Sitka, Alaska 99835

Dear Mr. Bosshard:

You doubtlessly have been informed by Mr. Rubinstein that the Supreme Court with the concurrence of the Judicial Council has decided to postpone appointment of a permanent district judge at Sitka. Recently, the Sitka Bar Association has advanced a proposal for a superior court judge in lieu of the district court judge. Since if a permanent district court judge is appointed, it will not be feasible to consider a change for a period of at least several years, we decided to defer such a permanent appointment until the Judicial Council has completed hearings at Sitka and the legislature has had the opportunity of considering the designation of an additional superior court judge for the First Judicial District.

In making this decision, we were very cognizant of the inconvenience that this change causes the applicants. There will be an acting district judge appointed to serve in Sitka until such time as a final decision is made with reference to the designation of a superior court judge and a permanent appointment of either a superior or district court judge is completed. If you are interested in applying for the acting district judgeship, please advise and we will transmit the papers that you have submitted to Judge Thomas B. Stewart, Presiding Judge of the First Judicial District, who has the authority to make the appointment. Also, if it is decided to create the superior court judgeship and if you decide to apply for that position, the papers which you have previously submitted will be kept on file and can be utilized if you so desire.

We have advised the Alaska Bar association to withhold tabulation of the bar poll so that no candidate will be adversely affected in that regard. Again, please accept my sincere apologies for this change in plans and my thanks to you for your interest in applying for the position.

Sincerely yours,

Robert Boochever
Chief Justice

cc: Michael Rubinstein

Introduced: 2/17/76
Referred: Judiciary and
Finance

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 CS SENATE BILL NO. 670

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

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

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

9 * Section 1. AS 22.10.120 is amended to read:

10 14 Sec. 22.10.120. NUMBER OF JUDGES. The superior court consists of
11 18 [17] judges, four [THREE] of whom shall be judges in the first judi-
12 cial district, one of whom shall be judge in the second judicial dis-
13 trict, ten of whom shall be judges in the third judicial district, and
14 4 [three] of whom shall be judges in the fourth judicial district. At the
15 time of submitting the names of nominees to the governor to fill a
16 vacancy on the superior court bench, the judicial council shall also
17 designate the district in which the appointee is to reside and serve.

18 * Sec. 2. This Act takes effect immediately in accordance with AS 01.10.-
19 070(c).

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Rick,

On the Sitka Judge bill
Need some history & documents.
I want to drag the judicial
Council & the Supreme Court
over the coals on their handling
of the whole thing. Need:

1. Dates of advertisement for
both sup & dis court seats
 2. lists of who applied
 3. when was decision made
by both supreme & council
to change approach
 4. When were applicants notified
 5. Jud Council hearing in Sitka
- Get any documents involved



Alaska Court System

State of Alaska

303 "K" STREET

ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

April 27, 1976

The Honorable Terry Gardiner
Chairman, House Judiciary Committee
Pouch V
Juneau, Alaska 99811

Reference: Senate Bill 670 (Relating to the number of
Superior Court Judges)

Dear Representative Gardiner:

Senate Bill 670, which would increase the number of Superior Court judges in the First Judicial District from three to four, is now in your Committee. We have just received an urgent request from the Presiding Judge of the Fourth Judicial District to seek immediate legislative authorization for an additional Superior Court judge for Fairbanks. After analyzing available statistical data on caseloads and trial rates, we believe this request is both reasonable and necessary. We would therefore ask that your Committee consider adopting a committee substitute for Senate Bill 670 that would also increase the number of Superior Court judges in the Fourth District from three to four.

We realize that this request comes rather late in the session. Although we have been aware of the dramatic increases in case filings in the Fairbanks Superior Court in recent years, it has only been during the first few months of this year that the number of trials has increased to the point that it is now clear that the workload in Fairbanks cannot continue to be handled effectively with existing judicial resources.

Our statistical data on caseloads goes back to January of 1972. The data for the years 1972 through 1975 and the projections for 1976 show a marked increase in case filings in the Fairbanks Superior Court. In 1972, 1631 cases were filed. Case filings for 1976 are expected to reach 3,174. This is an increase of 95 percent or nearly double in the space of five years. The 1975 case filings totaled 2,471, for an increase of 52 percent over filings for 1972.

April 27, 1976

Page 2

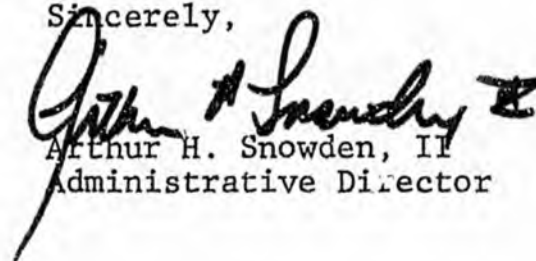
It should be noted in analyzing these figures that the third Superior Court judge in Fairbanks was appointed in late 1970. Thus the heavy increases in case filings reflected by this date must be compared against the lack of any increase in judicial resources during the period covered. In addition, the percentage of cases going to trial, particularly felony cases, is also increasing steadily in the Fairbanks Superior Court. During the first six months of 1975, 14 percent of all felonies in Fairbanks went to trial; during the last six months of 1975, 17 percent went to trial; and by the end of the first six months of this year, 21 percent will have gone to trial. These figures do not even reflect the civil trials that must also be heard.

The disposition rate per judge in the Fairbanks Superior Court has been the highest of all Superior Court locations in the State. The number of case filings per Superior Court judge has also been higher in Fairbanks than in any other location. Further, the filing rate per judge in Fairbanks, with the addition of another Superior Court judge, will still be higher than the average for the Superior Courts statewide.

Clearly a certain amount of the increases in the workload in the Fairbanks Superior Court is attributable to pipeline impact. We do not believe it is realistic, however, to expect these caseloads to drop in any significant numbers even after the pipeline is in place. Civil cases accounted for 65 percent of all cases filed in 1975, and civil case filings increased 62 percent between 1972 and 1975. This rate of increase is expected to reach 124 percent by the end of 1976. Such factors as prepaid legal services, Native Land Claims, environmental disputes, and further resource development are not directly related to existing pipeline construction activity, and will undoubtedly continue to keep the civil caseloads close to or in excess of 1976 levels.

I have attached a copy of Senate Bill 670 with the requested additions noted on the copy, and will appreciate your consideration of the proposed changes. Please let me know if you wish to have additional information.

Sincerely,


Arthur H. Snowden, II
Administrative Director

Analysis of the Need for a Fourth Superior
Court Judge in Fairbanks

Methodology: In previous studies of this nature, we have compared the court to be analyzed with the like type court that showed the highest rate of dispositions per judge per year. Our hypothesis was that if the evaluated court processed cases at the highest rate so far demonstrated throughout the State, then they would need X judges. This approach disintegrates when we evaluate the Fairbanks Superior Court since, as shown in Table 1, this court also has the highest disposition rate district wide throughout the State.

Table 1 - 1975
Dispositions per Judge per Year

Judicial District Including Service Areas	Felony	Civil	Children	Probate	Total
First (3 judges)	20.3	235.3	100.3	42.3	403.3
Second (1 judge)	27.0	58.0	105.0	30.0	222.0
Third (10 judges)	41.0	348.7	38.5	53.4	493.4
Fourth (3 judges)	46.3	385.3	110.0	30.0	583.0
Total (17 judges)	37.5	318.1	65.9	47.5	477.4

Since it doesn't make sense to compare Fairbanks Superior Court to itself, we shall utilize a different approach which shows:

1. trends in case acting at this court;
2. how the court now compares to other courts, and
3. factors which cannot be measured but should be considered.

Case Activity: Table 2 shows case activity for the Fairbanks Superior Court from 1972 through 1976. The 1976 figures were projected from the first two months experience.

Table 2
Fairbanks Superior Court Filings

Type of Case	1972	1973	1974	1975	1976*
Felonies	180	183	208	203	252
Civil	998	1015	1228	1614	2238
Childrens	203	185	253	420	462
Probate	224	237	227	214	210
Other	26	11	21	20	12
Total	1631	1631	1937	2471	3174

*Projected based on filings for January and February

We do not have hard data prior to 1972, but even assuming no growth in prior years, the increase in caseload has been substantial since the addition of the third Superior Court at Fairbanks. Table 3 summarizes this increase.

Table 3
Increase in Filings

Type of Case	Precent Increase 1972 through 1975	Estimated Increase 1975 through 1976
Felonies	13%	40%
Civil	62%	124%
Childrens	107%	128%
Probate	-4%	-6%
Other	-23%	-54%
Total	52%	95%

It is estimated that, by the end of 1976, filings will have almost doubled since 1972. Even if we discount estimated 1976 increases, filings for 1975 were half again as many as in 1972.

In addition, the felony trial rate for this court is increasing significantly as shown by Table 4.

Table 4
Felony Trial Rate

1st 6 months 1975	-14%	16% for all of 1975
2nd 6 months 1975	-17%	
1st 6 months 1976	-21%	

The 1975 Fairbanks trial rate of 16 percent compares with a statewide rate of ten percent and a rate of eight percent for the Anchorage

Superior Court.

Comparison with other Courts (Districts): In order to accommodate for intra-district travel and service area assignments, the remainder of this analysis stratifies data according to judicial district and service area responsibility, if any. Table 5 shows filings per judge for the four districts.

Table 5 - 1975
Filings per Judge per Year

Judicial District Including Service Areas	Felony	Civil	Children	Probate	Total
First (3 judges)	27.0	308.0	96.7	71.7	512.7
Second (1 judge)	33.0	93.0	75.0	56.0	266.0
Third (10 judges)	55.8	514.7	42.7	102.0	729.5
Fourth (3 judges)	67.7	538.0	140.0	71.3	823.7
Total (17 judges)	51.5	457.5	71.3	89.1	580.6

The Fourth Judicial District has the highest rate of filings per judge in every category but Probate. Since Probate matters require far less judge time than do other matters, we will exclude these filings from filing charts.

Table 6 shows what filings (minus probate) per judge would be with the current three and the proposed four judges in the Fourth Judicial District.

Table 6

Filings per Judge per Year
(Minus Probate)

Judicial District Including Service Areas	Three Judges in Fourth	Four Judges in Fourth
First	441.0	441.0
Second	210.0	210.0
Third	627.5	627.5
Fourth	752.4	584.5
Total	491.5	464.1

With four Fourth District judges, filings per judges for the dips below that of the third, but still remains substantially higher than for the other two districts.

One final factor needs to be considered. Each of the districts has a Presiding Judge who spends approximately half his time (probably closer to one-third in the Second) on administrative matters. This one-half a judge represents only five percent of the judges available (10) in the Third District, but 17 percent of the judges available in the First and Fourth districts. Table 7 adjusts the figures in Table 6 to reflect the greater impact of these administrative duties in smaller judge districts.

Table 7

Filings per Judge per Year (Minus Probate and adjusting for administrative duties of Presiding Judge*)

Judicial District Including Service Areas	Three Judges in Fourth	Four Judges in Fourth
First	528.0	528.0
Second	313.4	313.4
Third	660.5	660.5
Fourth	902.9	668.0
Total	550.8	516.6

*one-half time for one judge in all but Second where it is estimated to be one-third of one judge.

The data from this table shows that, were a fourth Superior Court judge added to the Fourth Judicial District, the filings per judges available would be approximately equal for the Third and Fourth districts.

Other Factors: The above data speaks to the addition of a fourth Superior Court judge to the Fourth Judicial District. However, there are two factors which might hedge upon such a recommendation: 1). Much of the filing increase shown in Table 2 is pipeline-related - how much we really don't know. Neither do we know what the effect will be upon the Fairbanks area when the pipeline is completed. Population and activity may stabilize, or it may decline. Caution should be exercised to ensure that we don't establish a permanent judicial structure geared to a temporary project stimulus. 2). Table 7 shows that activity in the Second Judicial District is less than half that in the Third and Fourth, even when we adjust the data to

account for administrative duties of the Presiding Judge. An alternative to a new judge would be to use Judge Sanders in Fairbanks on a scheduled, rather than demand basis. This would allow us to hedge against the considerations discussed in the first factor above.

Conclusions and Recommendations:

1. The Fairbanks Superior Court is experiencing more filings per judge and producing more dispositions per judge than any other Superior Court in the State.
2. Addition of a fourth Superior Court judge to the Fourth Judicial District would still keep filings per judge at a leading level. There is no reason to suspect that dispositions per judge would decrease.
3. The future activity of Fairbanks is uncertain and there is available judge time in the Second Judicial District to help alleviate Fairbanks' current problem.

Recommendation: Conclusions one and two above are hard facts; conclusion three is tentative. I recommend addition of a fourth Superior Court judge in the Fourth Judicial District.

CHILD SUPPORT AGENCY
Caseload and Collections
FY77

<u>FY77 Caseload</u>	<u>AFDC Court System</u>		<u>URES</u>	<u>TOTAL</u>
Current Caseload	2,500	3,300	1,900	7,700
Less Duplications				
URES W/Court		(600)	600	-----
AFDC W/Court		(500) 10%		(500)
TURNOVER	1,000	* 425	500	1,925
		50% of 80% of yearly "orders"		
FY77 Caseload	<u>3,500</u>	<u>2,625</u>	<u>3,000</u>	<u>9,125</u>
 <u>FY77 Collections</u>				
Balance 7/1/76		1,700	600	2,300
Cases Processed - FY77	1,700	1,700	1,600	5,000
New Collections not requiring enforcement		* 425		425
		50% of 80% of yearly "orders"		
FY77 Collections	<u>1,700</u>	<u>3,825</u>	<u>2,200</u>	<u>7,725</u>

\$Collected \$15,360,000 (at \$2,000 per case of 1.9 children per case x 7,725).

* The Court System has estimated that 80% of "orders" involving child support would go thru the agency. If 50% of this figure are collections with no enforcement, then one-half would require enforcement services.

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IV. ATTACHMENTS

V. DATE: _____

PREPARED BY: *[Signature]*

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

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V. DATE: _____ PREPARED BY: Walter B. [Signature]

Original: Legislative Finance
cc: Budget and Management
Prime Sponsor (First Legislator Named)

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The Superior Court judge position in Fairbanks is a new position and will require the creation of three new permanent positions - judge, secretary, and in-court clerk. The total personnel services cost of these positions is \$88,400/year. These new positions will need furniture, including desks, chairs, typewriters, bookcases,

IV. ATTACHMENTS (see attached page)

V. DATE: _____ PREPARED BY: _____

Original: Legislative Finance
 cc: Budget and Management
 Prime Sponsor (First Legislator Named)

FISCAL NOTE

HCS for S.B. 670

filing cabinets and other office equipment. The one-time cost of this equipment is \$8,000. Also, an additional \$1,000/year for commodities and \$2,000/year of contractual expenses (phone, postage, equipment rental, etc.) will be needed in support of the 3 new positions.

For the immediate future the Fairbanks Court can absorb a fourth Superior Court judge without adding a courtroom. Since Fairbanks is responsible for providing judicial coverage to Barrow and other rural locations in the fourth district, one judge is frequently on travel status. Also, vacation schedules and sick leave further reduce the number of days when all four judges would be holding court. When these days do occur, the Federal Court in Fairbanks has agreed to the use of its courtroom for the trying of state cases. In future capital planning for Fairbanks, four superior court courtrooms will be included. But for the present time, the court can manage with the three existing courtrooms.



Supreme Court

State of Alaska

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

March 3, 1976

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

The Hon. Bill Ray, Chairman
Senate Finance Committee
Alaska State Senate ✓
Pouch V
Juneau, Alaska 99811

Re: SB 670

Dear Senator Ray:

I am in receipt of a letter from Senator Ziegler advising me that you were under the impression that I do not favor SB 670 which would create a new superior court position for the First Judicial District. The purpose of the legislation, as you know, is to authorize the appointment of a superior court judge to reside at Sitka in place of the district court judge now authorized.

When Judge Carlson received the appointment to the Third Judicial District and applications were solicited for his replacement, some members of the Sitka bar and municipal government advocated the location of a superior court judge at Sitka in addition to the district court judge residing there. This would, in effect, place the third Southeastern superior court judge at Sitka in the same manner that was attempted when Judge Carlson was initially appointed. There just was not enough work for two judges at Sitka, and there was urgent work for an additional superior court judge at Juneau and assisting in other areas of the state. I therefore did not support the concept of the third superior court judge residing at Sitka in addition to a district court judge resident there.

Subsequently, the suggestion was made to have a superior court judge at Sitka in lieu of the district court judge and as an additional superior court judge for the

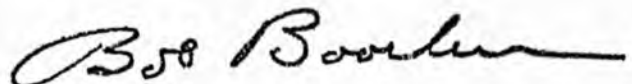
The Hon. Bill Ray
March 3, 1976
Page 2

First Judicial District. The Judicial Council held well attended hearings in Sitka on this matter, and the proposal was strongly endorsed by practically everybody attending the meeting. The Judicial Council endorsed the concept of an additional First Judicial District superior court judge to reside at Sitka with the elimination of the district court position there. This position was also endorsed by the Supreme Court with Justice Erwin dissenting.

I firmly believe that the additional superior court judge for the First Judicial District to reside at Sitka will result in improved judicial service and should either involve little additional expense to the state or possibly even result in a savings. A savings may be possible by elimination of a clerical position at Sitka which was required when two judges were serving the City coupled with the elimination of the travel time of the superior court judges who resided elsewhere and were required to travel to Sitka at regular intervals.

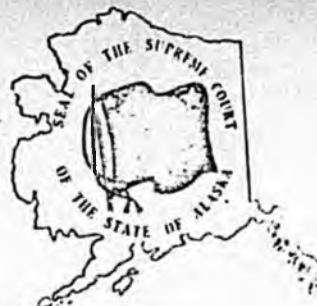
I hope that this letter clarifies my position on the matter, and I regret if there has been any confusion based on the prior history. Thank you for your consideration of the request for an additional superior court judge.

Sincerely yours, .



Robert Boochever
Chief Justice

cc: Senator Robert H. Ziegler, Sr.
Senator Pete Meland
Mr. Arthur H. Snowden, II



Alaska Court System

State of Alaska

303 "K" STREET

ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

February 3, 1976

Honorable Robert H. Ziegler, Sr.
Chairman, Senate Judiciary Committee
Pouch V
Juneau, AK 99811

Re: Sitka Superior Court

Dear Senator Ziegler:

Recently the Alaska Court System requested the introduction of a Bill to increase the number of Superior Court Judges in the First Judicial District from three to four. The purpose of the legislation is to authorize the appointment of a Superior Court Judge to reside in Sitka in place of the District Court Judge now authorized.

As you know, the Supreme Court has asked the Judicial Council not to proceed with the nomination process for filling the present vacancy in the Sitka District Court. Rather than filling this vacancy, the Supreme Court would like to leave unfilled the Sitka District Court judgeship and instead obtain authorization from the Legislature for the appointment of a Superior Court Judge for Sitka to handle both Superior and District Court matters. After reviewing the relative Superior Court and District Court workloads in Sitka, the Supreme Court came to the conclusion that upgrading the position from a District to a Superior Court judgeship would result in much better utilization of judicial manpower not only in Sitka, but throughout the First Judicial District.

The Superior Court workload in Sitka is now three times that of the District Court, based on case filings in Sitka and the present disposition rate in the First District for both Superior and District Courts. Because of this workload, the Court System spent nearly \$4,500 in 1975 to send Superior Court Judges from Juneau and Ketchikan to Sitka. In addition to the travel costs involved, these trips to Sitka took the Juneau and Ketchikan Judges away from necessary duties in those communities. We estimate that a Superior Court Judge residing in Sitka could dispose of all Superior Court and District Court matters and still have time remaining to provide additional services throughout Southeast Alaska, as needed.

Honorable Robert H. Ziegler, Sr. - 2
February 3, 1976

Early in the tenure of Sitka's first Superior Court Judge, it became evident that Juneau's Superior Court caseload was heavy enough to require two Judges much of the time. Because Sitka then had a resident District Court Judge, the Superior Court Judge did not need to be there full time, but was able to handle Sitka's Superior Court matters by traveling there about twice a month. This arrangement resulted in an underutilization of the District Court Judge, and in some inconvenience to Sitka litigants, whose Superior Court matters could only be heard at designated times during the month.

We believe that judicial services to Sitka and the rest of Southeast Alaska can be greatly improved with little extra cost by having a single general jurisdiction Judge permanently assigned to Sitka. Although our efforts toward developing a measure for the need for additional Judges have not yet produced a method that is completely accurate or satisfactory, our rough estimates indicate that if the Superior Court in the First District is going to maintain the same rate of dispositions per year that it achieved in 1974, it now requires 3.8 Superior Court Judges. Throughout the State, the need for inter-district judicial help is overwhelmingly greater for Superior Court matters than for District Court matters. While the Court System has had to utilize one of the Juneau Superior Court Judges fairly extensively to provide necessary service in other locations in the State, it appears from our figures on First District workloads that if the number of Superior Court Judges remains at three, this practice will become less and less feasible as judicial business in the First District increases.

The difference in salary between a Superior Court Judge and a District Court Judge is about \$7,000. With Superior Court travel to Sitka costing \$4,500 per year, the cost of upgrading the position will be only about \$2,500. It is impossible, of course, to place a dollar value upon increased convenience to Sitka residents, but we believe that these benefits will more than outweigh the relatively small added cost.

I would appreciate very much your attention to this matter. If you would like additional information, please let me know.

Very truly yours,

Arthur H. Snowden, II

Arthur H. Snowden, II
Administrative Director

AHS/bd



Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

April 19, 1976

Mr. Rick Svobodny
Administrative Assistant
Representative Terry Gardiner
House of Representatives
Pouch V
Juneau, Alaska 99801

Dear Rick:

I have Xeroxed for you the various documents from our files relating to the cancellation of the Sitka District Judgeship and the decision to request the legislative authorization for the new Superior Court position there. Please note I have also enclosed a copy of the minutes of the Public Hearing, following which the decision was finally reached.

I have also enclosed an extra copy of The Twentieth Century Fund report on Presumptive Sentencing, entitled "Fair and Certain Punishment".

Sincerely,

Michael L. Rubenstein

Enclosures



LAY MEMBERS
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CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

October 23, 1975

Dear Member of the Alaska Bar Association:

A vacancy on the District Court bench in Sitka will be created effective December 15, 1975 by the resignation of Judge Roger DuBrock. Applications from qualified candidates are now being solicited for the position of District Court Judge in the First Judicial District at Sitka.

A District Court Judge must be a citizen of the United States and of the State, at least 21 years of age, a resident of the State for at least one year immediately preceding his appointment, and at the time of appointment be licensed to practice law in the State. The active practice of law is defined in AS 22.05.070. The annual salary of the office is \$41,000. Special retirement benefits are provided in AS 22.25.010 et seq.

Interested persons should submit a resume of educational accomplishments, professional and other employment experiences, community activities and personal interests, the names and addresses of three references, and any other information that would assist the Council in evaluating qualifications. Applications should also include a statement from a physician assessing the physical capability of the applicant to perform the duties of a district court judge.

Applications must be received at the above address no later than the close of the business day, 4:30 p.m. on Monday, November 24, 1975.

Sincerely,

Robert Boochever/mb

Robert Boochever
Chairman, Ex Officio



LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

December 3, 1975

NEWS RELEASE

Ten applications have been received by the Alaska Judicial Council for the district court judgeship at Sitka a position recently created by the resignation of Judge Roger W. DuBrock, effective December 15, 1975. Applicants are: Thomas F. Keever, Stephen R. Cline, Richard Whittaker, Donald L. Craddick, John Bosshard III, Geoffrey G. Currall, Edward A. Stahla, Peter S. Hallgren, George L. Gucker and Robin L. Taylor.

According to Michael L. Rubinstein, Executive Director, the Alaska Judicial Council will receive comments in writing from any interested persons concerning either the judgeships or the applicants. Correspondence should be addressed to the Alaska Judicial Council, 303 'K' Street, Anchorage 99501.

The Alaska Judicial Council, a judicial nominating commission of three attorneys, three public members, and the Chief Justice of the Supreme Court, will meet on January 9, 1976 in Sitka to interview the district court applicants. The Council will then submit the names of two or more qualified applicants to the Governor, who in turn must exercise his appointment power within 45 days after receiving the nominations.

Sent to:

Anch. Times
Anch. Daily News
Fbx. News-Miner
Ketchikan News

Nome Nugget
Southeast Empire
Kodiak Mirror



Copy

LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

Alaska Judicial Council

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

303 K STREET
ANCHORAGE, ALASKA
99501

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

MINUTES OF THE PUBLIC HEARING
AND JUDICIAL COUNCIL MEETING
JANUARY 9, 1976 (SITKA)

The meeting was called to order at 10:00 a.m. by Chief Justice Boochever. Beverly Cutler commenced delivering the summary of her report on Sentences of Five Years or Greater in Length. Ms. Cutler suspended the presentation of her report at 10:30 to allow for the commencement of the public hearing.

The Council first heard the testimony of Mr. Warren Christianson, President of the Sitka Bar Association and past President of the Alaska Bar Association. Mr. Christianson reported that the Sitka Bar Association had met and decided that it would be most advantageous for Sitka, for Southeast Alaska and for Alaska in general if in lieu of a district court judge to replace Judge DuBrock, the Council request statutory authorization for a single superior court judge to reside in Sitka who will conduct a court of general jurisdiction encompassing both district and superior court matters.

Mr. Christianson explained that at the present a superior court judge visited at Sitka for 1-1/2 to 2 days every two weeks, and that this was insufficient. As a result of the intermittent judicial service now being provided, attorneys do not have time to prepare orders for the judge's signature before he leaves Sitka, with the result that justice is often delayed to the prejudice of the people of that city. Mr. Christianson then commenced a discussion of the economics of the Sitka Bar Association's request. He pointed out that by combining two courts under one, one clerical position could be eliminated as well as several items of office equipment. Additionally, he noted that there would be a reduction in money spent for travel and per diem. He stated that a combined superior court/district court judge would be able to keep busier in Sitka than could a single district court judge. Mr. Christianson noted two possibly negative effects of such a decision: (1) It would require new legislation, and (2) It would eliminate the intermediate appeal from district to superior court.

Mr. Stepovich noted at this point that the elimination of this intermediate appeal would cut down on the "percentages" of the individual citizen, especially in criminal cases. In other words, the right to appeal the decision of the district court judge up to the superior court would be lost if the trial is held in the first instance before a superior court judge. Mr. Rubinstein also noted that the right to "automatic" bail pending appeal likewise would be lost. Mr. Young pointed out the possibility of the superior court judge's

sitting as a district judge in misdemeanor cases or civil cases under the jurisdictional limit for the superior court. Chief Justice Boochever noted that there is nothing constitutional about the "double appeal", and he further noted that this situation was now accepted by the citizens of Kodiak. He also noted that the court system had previously undertaken studies concerning the institution of a single-level trial bench which would result in the elimination of a district court.

Chief Justice Boochever inquired of Mr. Christianson as to the number of attorneys in Sitka, and as to whether or not he believed that a well-qualified superior court judge would be kept professionally active and stimulated by the type of litigation generated in that city. Mr. Christianson said that the abilities of the applicants for the previously advertised district court position ought to go a long way in answering Chief Justice Boochever's questions. He pointed out that Anchorage had seven superior court judges to split the caseload in that city, whereas in Sitka one judge would handle the entire calendar. As a result, in Mr. Christianson's opinion the single judge in Sitka would have as interesting a caseload as any one of the seven judges in Anchorage. Mr. Williams expressed the fear that there were only two sorts of applicants who would likely apply for this superior court position: an applicant who wanted to travel, or an applicant who wanted to retire. Mr. Williams felt that this might be a real problem. Mr. Williams then asked Mr. Christianson

whether or not he intended to apply for the position himself were it to be created. Mr. Christianson said that although it was entirely possible, he was unprepared to commit himself at the moment. Chief Justice Boochever commented that Mr. Christianson sounded like a candidate for President of the United States.

The next person to give testimony at the hearing was former district judge Roger DuBrock. Judge DuBrock stated that he had been district judge at Sitka until recently and expressed the opinion that even if the superior and district court positions were combined the calendar would not be sufficiently busy to keep the judge completely active. Mr. Young pointed out that in Anchorage the ratio of judges to lawyers is one to thirty-five or forty, whereas in Sitka, the ratio would be only one to six. Mr. Young felt that there might be insufficient challenge to keep a well-qualified superior court judge professionally interested in working at Sitka. Judge DuBrock agreed with Mr. Young's view and stated that although he very much enjoyed living in Sitka and loved the town itself, at this point in his career he did not think that a superior court judgeship at Sitka would offer a great enough intellectual and professional challenge.

The next speaker was a member of the public who asked why the full Judicial Council was not represented at the public hearing since she noted the absence of Senator Bob Ziegler. This citizen offered a prayer for Divine guidance in the Judicial Council's quest for a suitable judicial candidate and exhorted the Council and the public

in attendance to pray for freedom, and for the United States of America. She said that of the various persons who had offered testimony at the hearing she most liked what Michael A. Stepovich had to say. She said that it was important that a judge should be picked "for the way he feels in his heart toward people".

The next person heard from was Ms. Barbara Lavalee who said she was a citizen interested in the administration of justice. Ms. Lavalee said that she was interested in the rights of the people in general, and not just for those people who commit crimes. Ms. Lavalee said that people who do not commit crimes also have rights. Further, she objected to the tenor of the preceding discussion in that she felt that a judge functioned to serve the public and that she did not think it was particularly relevant to inquire whether or not there were sufficient "interesting crimes" in Sitka to keep him intellectually stimulated. [Applause, cheers from audience.]

The next speaker was Mr. Cecil McClane, a member of the Chamber of Commerce and a supporter of the concept of a single superior/district judge. Mr. McClane said that Sitka's principle need was for "law and order" and that there was too much permissiveness in the judiciary. [Applause, cheers.]

The next speaker was Mr. Pete Hallgren who is now the city attorney at Sitka. Mr. Hallgren said that the statistics for misdemeanor cases in Sitka were somewhat

misleading because of their filing system under which they list OMVI's as "traffic". (In other reporting systems these cases are usually reflected as "misdemeanors" rather than "traffic".) Mr. Hallgren said that one of the principle problems Sitka was having was the absence of a district attorney. As a result the city prosecutor's office handles 90% of all crimes. A district attorney visits Sitka once every two weeks. Mr. Hallgren felt that there would be considerably more judicial and court activity if there were someone to prosecute cases for the State. Mr. Hallgren also said that whoever is appointed as a judge in Sitka would have to be familiar with the people of the town and their particular need.

The next speaker was Mr. Larry Kalvin who stated he was an interested citizen. Mr. Kalvin expressed the opinion that fines were much too small and that sentences were "back in the 1930's" in that they failed to take account of inflation. Mr. Kalvin also expressed the opinion that the prosecutors were too young and inexperienced, and that there was a very poor level of prosecution in general. He said that frequently judges takes the brunt of criticism for actions which more properly, should be attributed to failings on the part of district attorneys. Mr. Kalvin also expressed a concern for what he saw as insufficient sensitivity on the part of the court system to people who are called for jury duty. He cited the example of a person who was closely related to a party but who was nevertheless required to waste the entire day sitting around the courthouse before this determination was made.

Mr. Kalvin suggested that a local "judiciary council" be constituted in Sitka in order to deal with the judicial selection process and to recommend names to the Alaska Judicial Council. Mr. Kalvin thought that much of the bitterness and criticism directed toward the judiciary was a result of ignorance concerning the judicial process. He felt that such a citizens' panel, if properly constituted, could go a long way toward improving the relations between the judiciary and the public. Mr. Brady noted that the Judicial Council had previously taken a strong public position against two judges prior to their last retention elections but this had no apparent effect on the electorate. Mr. Williams stated that the probable reason for this apparent lack of effect was that the Judicial Council's position was not forcefully enough expressed. Mr. Williams noted that the reason for this was doubt as to whether existing legislation conferred the necessary authority on the Alaska Judicial Council. He explained that new legislation passed in the last session had increased the Judicial Council's power, and that the Council would in the future take a very strong and clear position concerning the qualifications of judges.

The next speaker was Ms. Brand Surry who stated that she was a social worker in Sitka and wished to express her approval and pleasure with the performance of Judges Stewart, Carlson and Schulz. She believed that all three of these judges were considerably superior to the judges in the Third Judicial District at Anchorage. Ms. Surry said there was a

problem, however, with provision of judicial services in that there were not enough judges in places like Petersburg and Sitka, and that frequently juvenile cases were prejudiced because a petition could not be filed timely due to the absence of a judge. She gave the example of a juvenile in Sitka who committed an additional serious crime in the intervening period between the preparation and filing of a petition.

The next speaker was Mr. Jerry Born who stated he was a mechanic and an interested citizen. Mr. Born said that his wife and sister had been beat up by a man in the park in Sitka on May 3rd. Mr. Born stated that the person who had beat his wife and sister received a \$50 fine. In contrast, he noted that his boy received a fine for \$75 for minor traffic violations. Mr. Born said that these experiences have left him with a feeling of contempt for the judiciary. [Applause, cheers.]

The next speaker was Mr. Walt Barker who stated that he was a newly elected assemblyman from Sitka. Mr. Barker said that the public is of the belief that judges are too lax and that there is a generally low opinion of the courts in this town. He said that children do not respect the law. Mr. Barker stated that Judge Stewart was in Sitka last year and promised to appoint an "advisory group" on criminal justice but had done nothing so far. Judge DuBrock at this point interjected that Judge Stewart was probably referring to a citizens' advisory panel on juvenile cases.

The next speaker was Mr. Gutierrez, who is the city administrator for Sitka. Mr. Gutierrez said that the people of Sitka want a conservative person as a judge. Mr. Young asked him for a definition of a conservative. Mr. Gutierrez cited the example of the Ketchikan district judge (Judge Keene) and noted: "They don't slouch on the rail in his court." Mr. Young stated that in his opinion the primary qualification of any judge is that he be bright enough to do the job. Mr. Young said that it was necessary to "keep the judge's brain alive".

The next speaker was Dr. Gaylin West, who stated that he was a dentist in Sitka. Dr. West testified that his wife and sister-in-law had been knocked out and kicked in a public park. The man was fined \$50 by the magistrate. Dr. West was concerned with the lightness of the fine and had spoken with the magistrate, with Judge DuBrock and with Judge Stewart.

The next speaker was Mr. Riley Hunter. Mr. Hunter stated that he was with the Division of Corrections in Sitka and also performed juvenile in-take functions. Mr. Hunter expressed concern with the problem of lack of continuity in the handling of juvenile cases. He stated that it was common for a single juvenile case to be heard by as many as seven different judges. He said that as a result of this lack of continuity justice is often greatly delayed and the ultimate sentence is ineffective.

The next speaker was Mr. Don Craddick, an attorney in private practice in Sitka. Mr. Craddick stated that he

was disappointed in that all of the previous discussion of the provision of judicial services to Sitka dealt with whether or not the judge could be stimulated by "legal concepts" and that this seemed to neglect the whole issue of social awareness. Mr. Craddick stated that there was a real challenge to providing important judicial services to a small town such as Sitka in devising innovative sentencing procedures which would serve the community and generally improve the level of life in that town. He stated that this sort of challenge was at least equal to any intellectual challenge presented by the nature of the legal problems confronting the court.

The next speaker was Mrs. Joyce Olsen who expressed concern with the problem of alcohol-related criminal conduct. Mrs. Olsen noted that Judge DuBrock had estimated that 85%-95% of all the charges in Sitka that had come before him as a district judge appeared to be connected with alcohol. Mrs. Olsen noted that there was not yet any approved alcohol treatment facility to replace the drunk tank in Sitka. Mrs. Olsen expressed the opinion that if a judge had free time on his hands as a result of a light caseload he could profitably devote that time to attempting to solve the problems connected with alcohol-related crime.

The next speaker was Mr. Charles Olsen. Mr. Olsen stated that if Indians had the same rights as juveniles they would own the country by now. Mr. Olsen stated that the criminal at the present time had more rights than the honest

man or the victim. Mr. Olsen said that Sitka needed a judge who would "peel off the veneer of legality and come down to the moral issues in every case, which is the Ten Commandments". Mr. Olsen said that they would like to have a judge like Vic Carlson in Sitka.

Chief Justice Boochever adjourned the public hearing.

* * *

Chief Justice Boochever called a meeting of the Judicial Council to order during a luncheon session at Revards Restaurant immediately after the close of the Sitka public hearing. All members of the Council were present. A resolution was unanimously adopted by the Council that authorization be sought from the Legislature for the creation of a superior court judgeship for the First Judicial District at Sitka. It was further resolved that Messrs. Lew Williams and Michael Holmes be authorized to convey the sense of the Judicial Council's resolution to the Legislature.

Chief Justice Boochever suggested that Mr. Rubinstein be requested to prepare an annual report of Judicial Council activities for the Legislature. This direction was unanimously approved.

Mr. Rubinstein initiated a discussion of the Judicial Council's procedures with respect to the November 1976 judicial retention elections. He noted that three areas of

information would be helpful to the judicial evaluation process: (1) the sentencing records of individual superior court judges, (2) how long it took the Supreme Court of Alaska to process an appeal to completion (and the individual records of each supreme court justice with respect to appellate delay, if any) and (3) information concerning the performance of individual superior court judges from the standpoint of justices of the Supreme Court of Alaska.

After discussion of each of the foregoing three items the Judicial Council unanimously resolved as follows:

1) That the supreme court be requested to release to the Judicial Council any and all records in its possession pertaining to the sentencing patterns of each superior court judge.

2) That the supreme court be requested to provide the Judicial Council with information concerning individual supreme court justices with respect to delays, if any, in the handling of appellate matters, and

3) That the Judicial Council request individual conferences with each justice of the supreme court concerning his opinions, if any, of the level of performance of superior court judges.

* * *

Following the luncheon session the meeting was resumed at the Sitka Courthouse for the purpose of hearing

Ms. Cutler's conclusions with respect to her reports on Sentences of Five Years or Greater and Repeat Bail Recidivists. After a discussion of Ms. Cutler's findings it was generally decided that although there was an appearance of racial discrimination with respect to persons who received long sentences, because the data (42 cases in 1973) was insufficient, it was not possible to reach a firm conclusion in this regard. It was resolved that Chief Justice Boochever be requested to write a letter to each superior court judge in the Third Judicial District enclosing a copy of the analysis and conclusions of the sentencing study and noting the "appearance of racial discrimination". Chief Justice Boochever stated that he would write such a letter. It was further resolved that copies of the analysis and conclusions of Ms. Cutler's reports be distributed to each supreme court justice and to each superior court judge. A copy of each full report would be distributed to the Chairmen of the Judiciary Committees of the Alaska Senate and the Alaska House of Representatives.

The Judicial Council scheduled its next meeting for January 21st at 9:00 a.m. in Anchorage, at which time the Council will discuss substantive items of business and proposals for submission to the present legislative session.

mtg. for 18-9



EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

LAY MEMBERS
KENNETH L. BRADY
LEW W. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
JOSEPH L. YOUNG

CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

January 22, 1976

Senator Robert Ziegler, Sr.
Alaska State Senate
Pouch V
Juneau, Alaska 99801

Dear Senator Ziegler:

As you may know, the Judicial Council met in Sitka on January 9, 1976 and after a public hearing in that city voted unanimously to seek authorization from the Legislature for the creation of an additional superior court judgeship for the First Judicial District, the judge to reside at Sitka. This action followed and ratified the position previously taken by the Alaska Supreme Court, Justice Erwin dissenting. I should state that the Council's vote was also very much in conformity with the clear weight of opinion expressed by those persons in attendance at the public hearing at Sitka.

The Judicial Council voted unanimously that Mr. Lew Williams, a lay member from Ketchikan, and Mr. Michael Holmes, a law member from Juneau, be authorized to convey to the Legislature the sense of the Alaska Judicial Council's January 9th resolution. If you have any questions concerning this matter, or if there is any aspect of it which you wish clarified or further elaborated, either Mr. Williams, Mr. Holmes or I will be happy to be of assistance.

Very truly yours,
Michael L. Rubinstein/mb
Michael L. Rubinstein

MLR/mb
cc: Council Members

CSPT



LAY MEMBERS
KENNETH L. BRADY
LEW M. WILLIAMS, JR.
ROBERT H. MOSS

LAW MEMBERS
MICHAEL A. STEPOVICH
MICHAEL M. HOLMES
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CHAIRMAN, EX OFFICIO
ROBERT BOOCHEVER
CHIEF JUSTICE
SUPREME COURT

Alaska Judicial Council

303 K STREET
ANCHORAGE, ALASKA
99501

EXECUTIVE DIRECTOR
MICHAEL L. RUBINSTEIN

January 13, 1976

NEWS RELEASE


The Alaska Judicial Council unanimously voted to seek legislative authorization for the creation of a new superior court judgeship for the First Judicial District at Sitka, Alaska. If the Legislature grants the request the number of superior court judges in the First Judicial District, encompassing Southeast Alaska, will be increased from three to four. The Judicial Council's vote followed a public hearing at Sitka on January 9th attended by representatives of the Sitka Bar Association, the Chamber of Commerce, and numerous citizens at large who urged the creation of the new superior court position.

Sitka is served at present by a traveling superior court judge who visits the city on an average of 1-1/2 to 2 days every other week. According to Warren Christianson, President of the Sitka Bar Association, the present level of judicial services is inadequate to meet the needs of the community.

The new judge would perform the combined functions of both a district and superior court judge. Precedent for a combined superior-district judge was set by the appointment of Roy Madren as a superior court judge for Kodiak and Western Alaska on October 29, 1975.

Under the Alaska Constitution any change in the number of superior court judges must be accomplished by Act of the Legislature. The applicable law was last amended in 1970 when the number of superior court judges for the First Judicial District was increased from two to three. According to Michael L. Rubinstein, Executive Director of the Alaska Judicial Council, if the new judgeship is created by the Legislature the Council will act promptly to seek applicants for the position and will submit the names of two or more qualified nominees to the Governor. The Governor must then fill the judgeship within 45 days after receiving the Judicial Council's nominations.

0574 -



Supreme Court

State of Alaska
December 26, 1975

CHIEF JUSTICE
ROBERT BOOCHEVER

JUSTICES
JAY A. RABINOWITZ
ROGER G. CONNOR
ROBERT C. ERWIN
EDMOND W. BURKE

POUCH U
STATE COURT AND OFFICE BUILDING
JUNEAU, ALASKA
99811
907-465-3410

Mr. John Bosshard, III
P. O. Box 131
Sitka, Alaska 99835

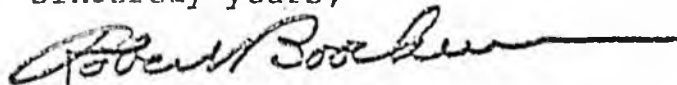
Dear Mr. Bosshard:

You doubtlessly have been informed by Mr. Rubinstein that the Supreme Court with the concurrence of the Judicial Council has decided to postpone appointment of a permanent district judge at Sitka. Recently, the Sitka Bar Association has advanced a proposal for a superior court judge in lieu of the district court judge. Since if a permanent district court judge is appointed, it will not be feasible to consider a change for a period of at least several years, we decided to defer such a permanent appointment until the Judicial Council has completed hearings at Sitka and the legislature has had the opportunity of considering the designation of an additional superior court judge for the First Judicial District.

In making this decision, we were very cognizant of the inconvenience that this change causes the applicants. There will be an acting district judge appointed to serve in Sitka until such time as a final decision is made with reference to the designation of a superior court judge and a permanent appointment of either a superior or district court judge is completed. If you are interested in applying for the acting district judgeship, please advise and we will transmit the papers that you have submitted to Judge Thomas B. Stewart, Presiding Judge of the First Judicial District, who has the authority to make the appointment. Also, if it is decided to create the superior court judgeship and if you decide to apply for that position, the papers which you have previously submitted will be kept on file and can be utilized if you so desire.

We have advised the Alaska Bar association to withhold tabulation of the bar poll so that no candidate will be adversely affected in that regard. Again, please accept my sincere apologies for this change in plans and my thanks to you for your interest in applying for the position.

Sincerely yours,



Robert Boochever
Chief Justice

cc: Michael Rubinstein

S B

6 7 3

COMMITTEE REPORT

3/19/76

HOUSE

FINANCE

Mr. Speaker:

Date

April 13, 1976

The Committee on JUDICIARY has had SB 673

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR SB 673 AND THAT

CS FOR SB 673 DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>Tommy Hawkins</u>	<u>DO PASS</u>	<u>W. J. (Adm. Val.)</u>
<u>Sam B. Sate</u>	<u>DO PASS IT PASSED</u>	
<u>W. J. (Adm. Val.)</u>	<u>DO PASS</u>	

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Tommy Hawkins Chairman

Bill — 3/25
Craig Borman
Atty Gen. Council
SB673 - Jud. appts.

Does not correct defect
that it was intended
to correct.

274-8942

after 3.30

Mike Rubenstein

who submitted

Introduced: 2/17/76
Referred: Judiciary

when act in cases
of vacancy in judgeship
no gap
til action taken.

Retirement Sept 1971 not
vacant til leaves
so must make instant
decision -> Gov then
has 45 day - long gap.

IN THE SENATE

BY THE JUDICIARY COMMITTEE

SENATE BILL NO. 673

IN THE LEGISLATURE OF THE STATE OF ALASKA

NINTH LEGISLATURE - SECOND SESSION

A BILL

For an Act entitled: "An Act relating to judicial appointments."

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

* Section 1. AS 22.15.170(a) is amended to read:

(a) The governor shall fill a vacancy in the office of district judge within 45 days after receiving nominations from the judicial council by appointing one of two or more persons nominated by the [JUDICIAL] council for each vacant position. The judicial council shall determine the city within a judicial district where the district judge is to sit.

* Sec. 2. AS 22.15.170(d) is amended to read:

(d) Vacancies for [JUDGES AND] magistrates shall be filled in the same manner as appointments. The office of a district court judge becomes vacant 90 days after the election at which he is rejected by a majority of those voting on the question, or for which he failed to file his declaration of candidacy to succeed himself. A vacancy in the office also occurs by reason of the death, retirement, resignation, forfeiture or removal from office of a judge. [In the event of any vacancy other than an initial vacancy, or immediately upon certification of rejection following an election,] or immediately upon failure of a judge to file a declaration of candidacy, the judicial council may meet, within 30 days thereafter and submit to the governor the names of two or more persons nominated to fill each vacancy. A successor to the office of district court judge may be appointed by the governor no more than 60 days before the vacancy occurs, if the reason for the vacancy is other

vacancy
30-day
may meet
beforehand

not more than

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than death, and the appointment becomes effective upon the vacancy occurring.

SA 75
Supr + Super Ct => same problem
might exist
will submit language for all three



SB 673

Alaska Court System

State of Alaska

303 "K" STREET

ANCHORAGE, ALASKA
99501

ARTHUR H. SNOWDEN II
ADMINISTRATIVE DIRECTOR

(907) 274-8611

February 3, 1976

Honorable Robert H. Ziegler, Sr.
Chairman, Senate Judiciary Committee
Pouch V
Juneau, AK 99811

Re: Vacancies in the District Court

Dear Senator Ziegler:

Recently I requested introduction of a Bill dealing with vacancies in the District Court.

In 1967, the Legislature extended the merit selection and tenure plan in effect for the Supreme and Superior Courts to the District Court. The Statutory provisions governing appointment and tenure of Supreme Court Justices and Superior Court Judges provide that a vacancy in these offices occurs 90 days after a Justice or Judge is rejected by the voters, or 90 days after his or her failure to file a declaration of candidacy for retention election. Legislation enacted in 1975 empowered the Governor to appoint a successor Justice or Superior Court Judge no more than 60 days before a vacancy occurs. Also, the Statutes dealing with appointments to these two levels of court provide that the Governor must make his appointment no more than 45 days after receiving nominations from the Judicial Council.

The Statutes dealing with the District Court (AS 22.15) contain no provisions for establishing the time that vacancies will occur following rejection by the voters, no provision for filling a vacancy before it actually occurs, and no limit on the amount of time the Governor may take to act on nominations. The proposed legislation is necessary to fill these gaps in the Statutes dealing with appointment and tenure of District Court Judges. Although we have never seen a vacancy occur as a result of rejection or failure to declare candidacy, it may well happen in the future. Without any guidance in the Statutes, there would be a good deal of uncertainty as to when the incumbent's tenure ended and the office was available for appointment of a successor. Similarly, while Governors have in the past followed the 45-day Rule in appointing District Court Judges, there is nothing requiring appointment within a specified time. If there were, however, a delay

Honorable Robert H. Ziegler, Sr. - 2
February 3, 1976

in the appointment beyond six weeks, it could be very disruptive to the operations of the Judiciary. Putting this provision in the Statutes would simply make the rule what has been the practice in the past.

The language of the proposed legislation is nearly identical to AS 22.05.080 and AS 22.10.100, the analagous provisions dealing with the Supreme and Superior Courts. The only substantial difference is that while AS 22.05.080 and AS 22.10.100 require the Judicial Council to act immediately to fill a vacancy on the Supreme or Superior Court, the proposed legislation would permit the Judicial Council to leave a vacant District Court judgeship open until such time as it may become necessary to fill it.

Thank you for giving this matter your consideration. Please let me know if you need further information on this subject.

Very truly yours,

Arthur H. Snowden, II

Arthur H. Snowden, II
Administrative Director

AHS/bd

(Cover all 3 courts) 4/15
Milton

1 IN THE SENATE

BY THE JUDICIARY COMMITTEE

2 HOUSE CS FOR SENATE BILL NO. 673

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to judicial appointments."

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

8 * Section 1. AS 22.15.170(a) is amended to read:

9 (a) The governor shall fill a vacancy or appoint a successor to
0 fill an impending vacancy in the office of district judge within 45
1 days after receiving nominations from the Judicial Council by appoint-
2 ment one of two or more persons nominated by the [JUDICIAL] Council
3 for each actual or impending vacancy. The appointment to fill an im-
4 pending vacancy becomes effective upon the actual occurrence of such
5 vacancy. [The Judicial Council shall determine the city within a judi-
6 cial district where the district judge is to sit.]

7 * Sec. 2. AS 22.15.170(d) is amended to read:

8 (d) Vacancies for [JUDGES AND] magistrates shall be filled in the
9 same manner as appointments.

0 * Sec. 3. AS 22.15.170 is amended by adding a new subsection to read:

1 (e) The office of a district court judge becomes vacant 90 days
2 after the election at which he is rejected by a majority of those voting
3 on the question or, if he fails to file his declaration of candidacy to
4 succeed himself, 90 days after the filing deadline. Upon the occur-
5 rence of (1) an actual vacancy; (2) the certification of rejection
6 following an election; or (3) the failure of a judge to file a declara-
7 tion of candidacy to succeed himself, the Judicial Council shall meet
8 within 45 days and submit to the governor the names of two or more
9 persons qualified for the judicial office; except that this 45-day

1 period may be extended by the council with the concurrence of the
2 supreme court. In the event of an impending vacancy other than by reason
3 of rejection or failure to file a declaration of candidacy, the council
4 may meet at any time within the 90-day period immediately preceding
5 the effective date of the vacancy and submit to the governor the names
6 of two or more persons qualified for the judicial office.

7 * Sec. 4. AS 22.10.100(a) is amended to read:

8 (a) The governor shall fill a vacancy or appoint a successor to
9 fill an impending vacancy in the office of superior court judge within
10 45 days after receiving nominations from the Judicial Council, by
11 appointing one of two or more persons nominated by the Judicial Council
12 for each actual or impending vacancy [VACANT POSITION]. An appointment
13 to fill an impending vacancy becomes effective upon the actual occurrence
14 of the vacancy.

15 * Sec. 5. AS 22.10.100(b) is repealed and re-enacted to read:

16 (b) The office of a superior court judge becomes vacant 90 days
17 after the election at which he is rejected by a majority of those voting
18 on the question or, if he fails to file his declaration of candidacy to
19 succeed himself, 90 days after the filing deadline. Upon the occurrence
20 of (1) an actual vacancy; (2) the certification of rejection following
21 an election; or (3) the failure of a judge to file a declaration of
22 candidacy to succeed himself, the Judicial Council shall meet within 45
23 days and submit to the governor the names of two or more persons quali-
24 field for the judicial office; except that this 45-day period may be
25 extended by the council with the concurrence of the supreme court. In
26 the event of an impending vacancy other than by reason of rejection or
27 failure to file a declaration of candidacy, the council may meet at any
28 time within the 90-day period immediately preceding the effective date
29 of the vacancy and submit to the governor the names of two or more

1 persons qualified for the judicial office.

2 * Sec. 6. AS 22.05.080(a) is amended to read:

3 (a) The governor shall fill a vacancy or appoint a successor to
4 fill an impending vacancy in the office of supreme court justice within
5 45 days after receiving nominations from the Judicial Council, by
6 appointing one of two or more persons nominated by the Judicial Council
7 for each actual or impending vacancy [VACANT POSITION]. An appointment
8 to fill an impending vacancy becomes effective upon the actual occurrence
9 of the vacancy.

10 * Sec. 7. AS 22.05.080(b) is repealed and re-enacted to read:

11 (b) The office of a supreme court justice, including the office
12 of chief justice, becomes vacant 90 days after the election at which
13 he is rejected by a majority of those voting on the question or, if he
14 fails to file his declaration of candidacy to succeed himself, 90 days
15 after the filing deadline. Upon the occurrence of (1) an actual
16 vacancy; (2) the certification of rejection following an election; or
17 (3) the failure of a judge to file a declaration of candidacy to suc-
18 ceed himself, the Judicial Council shall meet within 45 days and submit
19 to the governor the names of two or more persons qualified for the
20 judicial office; except that this 45-day period may be extended by the
21 council with the concurrence of the supreme court. In the event of an
22 impending vacancy other than by reason of rejection or failure to file
23 a declaration of candidacy, the council may meet at any time within the
24 90-day period immediately preceding the effective date of the vacancy
25 and submit to the governor the names of two or more persons qualified
26 for the judicial office.

SB

696

"An Act making a special appropriation to the Office of the Governor, office of telecommunications; and providing for an effective date."

COMMITTEE REPORT

HOUSE

3/25/76

FINANCE

Mr. Speaker:

Date April 17, 1976

The Committee on JUDICIARY has had SB 696

under consideration. A Majority of the members of the Committee

() recommends it DO PASS

() recommends it DO NOT PASS

() recommends it DO PASS WITH ATTACHED AMENDMENT(S)

() recommends it BE REPLACED WITH CS FOR _____ AND THAT

CS FOR _____ DO PASS

() "and" recommends it BE REFERRED TO THE _____

COMMITTEE

() reports it back WITHOUT RECOMMENDATION

() "other"

Members signing the Majority report:

<u>Terry Hardin</u>	<u>Do Pass</u>	_____	_____
<u>Speck</u>		_____	_____
<u>C. F. ...</u>	<u>Do Pass</u>	_____	_____

Members NOT concurring in the Majority report:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

_____ recommends:

Terry Hardin Chairman

Letter of intent

HOUSE JOURNAL

LETTER OF INTENT FOR

HCS SB 696

It is the intent of the House Judiciary Committee in offering HCS SB 696 to provide a pilot satellite television project for the state of Alaska.

The \$1.5 million appropriation is designed to provide a full-time satellite transponder leased for one year. This will provide one channel of television for selected villages, and bring live satellite coverage to the urban areas. The transponder may also be used to implement Health and Education video services to Alaska.

The priority use for a state-leased transponder is to provide television coverage for public and commercial facilities in urban and rural areas. To the extent that time is available beyond this basic intent, the GOT shall utilize the satellite time for any use in the public interest. The GOT shall include in the report to the legislature a plan for comprehensive satellite use, not limited to television broadcasting.

The appropriation goes to the Governor's Office of Telecommunications (GOT). The GOT is responsible for the completion of the project, however they have the authority to contract with any other state agency or private contractor for assistance with the project.

The village site selections shall be made by the Alaska Federation of Natives telecommunications committee, with the concurrence of the GOT. The AFN committee will work with the GOT and the AEBC in determining programming.

Commercial and Public broadcast stations with access to a large earth station will have the opportunity to receive network programs via the state-leased transponder. This will offer same-day viewing for many network programs, and allow live satellite broadcast for public affairs and special events state-wide.

This pilot program will offer the opportunity to determine the best technical and administrative procedure for a state-wide program. The GOT shall report to the next legislative session their recommendations for the implementation of a state-wide satellite television system.

Section 2 of the bill is to appropriate \$150,000 from the general fund to the GOT for the purpose of establishing a state-wide public radio network. The GOT is responsible for the project, however they have the authority to contract with private contractors or other state agencies for assistance. GOT shall work closely with the Alaska Educational Broadcasting Commission in the establishment of the public radio network.

A radio network is an economic way of bringing the state together. Existing radio stations can be interconnected in a network to make new informational material available so that all Alaskans can be informed as to what Alaska is doing.

Terry Gardiner, Chairman
House Judiciary Committee

Memo: Terry Gardiner
From: Eric Eckholm
Re: legislative intent, SB 696
4/16/76

As per your request, here is suggested addition to Senate letter of intent for SB 696.

Add, after paragraph **B**;

The priority use for a state-leased transponder is to provide television coverage for public and commercial ~~stations~~ ^{facilities} in urban and rural areas. To the extent that time is available beyond this basic intent, the GOT shall utilize the satellite time for any use in the public interest. The GOT shall include in the report to the legislature a plan for comprehensive satellite use, not limited to Television broadcasting.

or something like that....ee

adopted

SB 696 telecommunications

24 Rural Communities

Brown, O.T. & RCA

transponder - reflector in satellite

foot print - coverage area for satellite beam

25,000 miles - satellites stay in same place now

1 ATT

2 RCA satellites 12 transponders each

1 transponder - 1 TV channel

12 FM Radio

1,000 long distance calls

On Western Union satellite now

5 hours of Programming to 20 villages

ATT committee will advise

1. what communities

2. What Programming

19 hours left

\$800 an hour \$57 an hour for 24hr rate

500,

ATT has monopoly on lower 48 long lines transmission

MEMO

TO: TERRY GARDINER
FROM: RICK SVOBODNY
RE: Larry Golden's concerns with SB 696.

After reading SB 696 and the Senate Health, Education and Social Services Committee's letter of intent it appears clear to me that the legislation deals solely with satellite television. In order to use a satellite transponder for other than television I would suggest that SB 696 be amended to read as follows:

"The sum of 1.5 million dollars is appropriated from the general fund to the Office of the Governor, office of telecommunications for a satellite transponder lease project to demonstrate the feasibility of satellite communications in Alaska, priority being given to satellite television."

Along with this amendment would go a letter of intent explaining that the transponder lease project should not be limited solely to television.

The letter of intent should be something like the following:

The House Judiciary Committee by amending SB 696 has intended to expand the nature of the transponder lease project. The committee, recognizing such a project as an experiment intends that the Governor's office of telecommunications consider the use of satellite communication in a more flexible manner than originally proposed. The lease of a satellite transponder for television communication is highly desirable, however, there are many possible applications of satellite communications and it is the desire of the House Judiciary Committee that the Governor's office of telecommunications consider some of these possibilities in addition to satellite television broadcast.

In a pilot project of this nature, experimentation should be commenced regarding alternative methods of communication and should explore the applicability of satellite communications to diverse groups of Alaskans.

I had spoken with Fran ~~and~~ about my concerns with 696 and gave her a bit of background on Satellite communications. She expressed concern with the Bill as it had been initially presented to her by GOT & Brown. Was there justification for state funding of a satellite project whose goals were to extend ~~to~~ network T.V. ~~throughout Alaska~~ to rural Alaska and reduce delay time for programming into urban Alaska? As it turns out the Governor had some concerns revolving around creating an expectation for continued state funding to ~~aid in the~~ ~~broadcasting~~ provide network broadcasting to the bush etc. Fran and several persons in the Governor's office expressed interest in the kinds of ~~public~~ ~~additional~~ additional public uses I had mentioned. In the meantime Robert Walpe (Director of GOT) indicated to me his philosophical commitment in favor of trying such utilizations. The Governor, Brown, Ferguson and GOT worked out some sort (Tuesday 4/13) of informal agreement that some of these utilizations should be looked into during the pilot project and that no commercial broadcast would ~~be~~ have to make some kinds of compromises for transmission time.

Commercial Broadcasters

G.O.T. - Walpe - Shaganaw

Fred Brown

Frank Ferguson

Fran Ulmer

Potential Govt. Users. D.O.E. Health & Social Services

Brad Watson (information officer)

} should be notified about hearings and invited

How when or when ~~this~~ this informal agreement would be implemented, I don't know

Larry

4/17
Milton

Introduced: 3/9/76
Referred: Health, Education
and Social Services and
Finance

BY THE HEALTH, EDUCATION AND
SOCIAL SERVICES COMMITTEE

1 IN THE SENATE

2 SENATE BILL NO. 696

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 NINTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act making a special appropriation to the Office
7 of the Governor, office of telecommunications; and
8 providing for an effective date."

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

10 * Section 1. The sum of \$1,500,000 is appropriated from the general fund
11 to the Office of the Governor, office of telecommunications for a satellite
12 ~~television~~ *tele-transponder lease* *feasibility* *communication* project to demonstrate the viability of satellite television in
13 the state. *AK Priority to TV*

14 * Sec. 3. This Act takes effect July 1, 1976.

15 *Sec. 2. \$150,000 for AEBG.*
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letter of intent

file 58696

STATE OF ALASKA

DEPARTMENT OF EDUCATION

ALASKA EDUCATIONAL BROADCASTING COMMISSION

JAY HAMMOND, GOVERNOR

308 G STREET— ANCHORAGE 99501

March 16, 1976

Representative Terry Gardiner
Pouch V
State Capitol
Juneau, AK 99811

Dear Representative Gardiner:

There has been legislative interest in finding funds that would bring television to the bush. This will take better advantage of the money that has already been appropriated for satellite communications. Among these efforts are House Bill 778, Senate Bill 696, and Senate Resolutions #63 and #74; there may be more. Some estimates of the cost of these services range around \$3,000,000.

A radio network would take full advantage of money appropriated and would serve more with an attractive cost-benefit ratio. For less than \$150,000 the first year and with a declining amount yearly, existing radio stations could be interconnected via satellite to make news and informational material available so that all Alaskans could be informed of what Alaska is doing. It could encompass the various 'Legislative Reports' and let Rural Alaska know what Urban Alaska already knows of the happenings in the distant capital as well as let the capital city know what is going on in the distant villages.

Attached is a rough draft.

I would be delighted to refine this concept articulated by knowledgeable Alaskan Communicators. I would gladly testify on the merits of this concept compatible to the efforts to bring television to the bush.

March 16, 1976
Page Two

Had there been more time, it would have been prepared for the Governor's budget. However, I was not on duty until September 2 and was not aware of the needs of existing radio stations so fully, nor was I aware of the many who had messages they wished to intimately and instantaneously communicate with the entire state.

A radio network is an economic way of bringing the state together. It would improve existing public radio services and save costs. Radio, the 'kid brother,' is less romantic than the gaudy and four way stacked (color, sight, sound, motion) glamorous 'big sister,' but radio could let a lot more people know a lot more of the time about what 'inside' Alaska is about for a lot less money. Television is mostly 'outside.' TV costs so much to produce, it has to be that way. Broadcasting is a good family and plays well together. Don't forget the 'kid'!

Perhaps either in the Free Conference Committee or by amendment to existing bills or resolutions, consideration might be given to a complimentary and related Alaskan Communication need: An Alaska Radio Network.

Respectfully yours,



James G. Croll
Executive Director

bkm

Attachment

SIGNON

... an irregular newsletter whose frequency is on the state of public broadcasting

EDUCATIONAL
BROADCASTING
ALASKA COMMISSION

Feb. '76 Volume 1 Issue 5

AN ALASKAN RADIO NETWORK:

WHO? Produced and/or contracted for by the AEBC which was enabled by legislators to be and which is politically insulated. AEBC a part of Department of Education.

WHAT? A radio central studio capable of receiving, editing, and distributing the best of National Public Radio, Radio Canada International, and existing Alaska Public Funded Radio Stations costing not more than \$150,000 per year.

WHERE? The product is as near as the nearest radio set with Radio Central located in the existing office space leased by the AEBC in Anchorage.

WHEN? To start September 1, 1976, with service consisting of not less than 4, nor more than 12 hours a day, 7 days a week.

- WHY?
- 1) To interconnect Alaskans with other Alaskans with an instantaneous and intimate sound.
 - 2) To make the Capital City as close as the nearest radio set and to let rural Alaska hear a portion of the information made available now to urban Alaska.
 - 3) To bring sound reports of the happenings of the nation and world, relevant to Alaska, to all Alaskans.
 - 4) To bolster and assist all distant Alaska stations with a skeletal news, educational and informational format.
 - 5) To have an Alaskan voice available to transmit to other state and national networks and stations.

" Were it left for me to decide whether we should have a government without newspapers, or newspapers without a government, I should not hesitate a moment to prefer the latter" Thomas Jefferson

" Bethel receives no DAILY NEWS, no FAIRBANKS MINERS, no SOUTHEAST EMPIRES, and only 26 DAILY TIMES on an average day when any papers at all get there. The Bethel service area purchases 235 TUNDRA DRUMS (local paper) every two weeks. It takes up to 10 days for a TUNDRA DRUMS to get from Bethel to Kwethluk (17 miles away) through the mail. KYUK broadcasts three expanded and 5 capsule news shows per day and there are over 5,000 radio sets in the coverage area" Jim Croll, former KYUK Mgr.



Alaska State Legislature

Senate

JUNEAU, ALASKA

The Honorable Chancy Croft

It is the intent of the Senate Health, Education, and Social Services committee in introducing and passing Senate bill # 696 to provide a pilot satellite television project for the state of Alaska.

The \$1.5 million appropriation is designed to provide a full-time satellite transponder leased for one year. This will provide one channel of television for selected villages, and bring live satellite coverage to the urban areas. The transponder may also be used to implement Health and Education video services to Alaska.

The appropriation goes to the Governor's Office of Telecommunications (GOT). The GOT is responsible for the completion of the project, however they have the authority to contract with any other state agency or private contractor for assistance with the project.

The village site selections shall be made by the Alaska Federation of Natives telecommunications committee, with the concurrence of the GOT. The AFN committee will work with the GOT and the AEBC in determining programming.

Commercial and Public broadcast stations with access to a large earth station will have the opportunity to receive network programs via the state-leased transponder. This will offer same-day viewing for many network programs, and allow live satellite broadcast for public affairs and special events state-wide.

This pilot program will offer the opportunity to determine the best technical and administrative procedure for a state-wide program. The GOT shall report to the next legislative session their recommendations for the implementation of a state-wide satellite television system.

**Alaska Legislative Council
Subcommittee on Telecommunications**

conversations dovetailed directly into the development of what RCA calls the "mid-route" earth stations. These are satellite earth stations which are larger than the small ones now being installed in rural communities, and smaller than the very large stations at Talkeetna or Lena Point. They will be used for trunking telecommunications services throughout the state in the areas which do not require a Talkeetna-sized earth station but which must carry a substantial amount of traffic.

Professor Merritt has been examining the specifications for these mid-route stations, and is making suggestions to both RCA and the U. S. Air Force regarding them.

Professor Stanley has been present at many of the Kansas City meetings regarding the negotiations over the lease of the WACS.

Trips to Washington, D. C. have been necessary, as usual, because of a substantial amount of activity before the Federal Communications Commission (FCC). There are several cases which substantially affect Alaska. One of these cases involves the authority to serve Alaska on an interim basis with communications satellites, pending final decision by the FCC in various cases now before it. Recently the Legislature, at our urging, passed House Resolution 4 and Senate Resolution 2, directed to the FCC, addressing this particular case. We expect a decision by the FCC on the applications for reconsideration of the interim authority within a matter of a week or so.

The other cases pending before the FCC address the permanent authority to serve Alaska with communications satellites. These are highly complex and drawn out, and the FCC may not be deciding them for many months or even a year or so. Basically, the dispute is between RCA companies and American Telephone and Telegraph (AT&T). Other applicants have satellites which do not, in our view, seriously address the needs of Alaska.

II. DEVELOPMENTS REGARDING TELEVISION

The Television Advisory Committee, established at the request of the Subcommittee of the Council in December, met twice in February in Anchorage. This committee is made up of representatives of the private sector in broadcasting, representatives of cable television operators, public broadcasters, and state agencies which include the Alaska Educational Broadcasting Commission (AEBC) and the Alaska Public Utilities Commission (APUC). Of course, the GOT is also represented, as well as the Legislative Select Committee.

Alaska Legislative Council Subcommittee on Telecommunications

The TV Advisory Committee was established to address the practical problems involved in eventually providing television programming on a much broader and timely scale throughout rural and urban Alaska. It seemed clear to me that the state would eventually become involved in activities of this sort. I was concerned that this be done in an orderly and reasonable way.

The December 15 meeting of the TV Advisory Committee was addressed in the report submitted by the Subcommittee of the Legislative Council at the beginning of the current session.

At the February 6 and February 27 meetings of the TV Advisory Committee, we became much more involved in the particulars of providing television programming to rural areas and to the urban areas in a more timely way.

At first we talked about a three-step procedure. Under this hypothetical situation, the state would begin by providing support (part or whole) for the purchase of television programming from the urban broadcasters which would then be played on video tape machines connected to mini-TV transmitters in rural areas. This is very much like the kinds of services that are provided to the Alyeska Pipeline camps by Northern Television and Midnight Sun Broadcasting. At first this seemed to be a very modest proposal. It was thought that "bicycling" video tapes by mail throughout rural Alaska would be much more inexpensive than the use of a satellite.

Continuing in this hypothetical, the next step would be the provision of this programming by satellite from a center in Alaska. The programming center would obtain programs from the stations in, say, Anchorage, and transmit this out to the rural areas through the use of the small earth stations with the added "black box" that makes television reception possible.

The third step has many variations. It is the much more grandiose operation which I suggested in October and which was then reported in the press. That would involve the state and the private broadcasters jointly operating a tape delay center somewhere in Alaska to provide services to the private broadcasters in the urban areas and to the rural communities through the use of the small earth stations. This would probably require several television channels on satellites, one or more up-links from the lower 48, and extensive investments in video tape equipment that is compatible with the highest signal quality expected in commercial

Alaska Legislative Council
Subcommittee on Telecommunications

broadcasting. There are many ways this last step can be done, and we do not expect that the state or the private broadcasters would be involved in such a program or any of the suggested variations for several years.

After the discussion of these matters in the February 6 meeting, several of us investigated costs. The Legislative Consultants were looking carefully into the matter of the "black box" to be added to the small earth stations, as were representatives of the GOT and RCA Alascom. At the behest of all three, RCA Laboratories has been testing various units presently available on the market. Additionally, Mr. Donald Bond, who is a consultant to the various RCA companies in these matters, has been examining cost figures, and so has the staff of the GOT.

As a result of estimates from these various sources, and particularly as the result of projections made within the staff of the GOT, the TV Advisory committee came to the tentative conclusion that the first step may not be economical. That is, that the bicycling of video tapes by mail to various mini-TV stations may be more costly in the long run than beginning with the use of a satellite transponder. This occurs largely because of the cost of obtaining satellite time for only a few hours, rather than continuously.

We are told by RCA Alascom that a transponder can be obtained through lease for one year, including some terrestrial line charges, for \$500,000 if it is "unprotected", and that we can obtain one for \$720,000 if we wish one to be fully protected. One satellite transponder can carry one television signal to a small earth station. It may well be able to carry two television signals simultaneously to the larger earth stations in the urban centers in Alaska. The usual charges for satellite time for television range from \$200 to \$800 per hour. On the other hand, a transponder leased for one year, which will always have the capacity of one or more television signals, including some line charges, comes to \$57.26 per hour, based on the \$500,000 figures.

For this reason, we started talking about the leasing of a transponder and starting at what had been termed Step 2.

As we all know, things move incredibly fast in a legislative session, particularly toward the end. Since the discussions on these subjects, a bill has been introduced in the Senate to provide appropriation for \$1.5 million to the GOT for

Alaska Legislative Council
Subcommittee on Telecommunications

lease of a transponder and the provision of mini-TV transmitters and the television "black boxes" for 24 rural communities. A bill already in House Finance has been amended to include these same amounts for the same purposes. Each bill has passed through the committee system and is sitting in the respective Rules Committees for calendaring. I understand the Senate Bill is calendared for floor action some time this week.

The advantages of the demonstration project anticipated by this legislation are many, in my view. Rather than have the state jump in with a huge program without any experience in the area, it provides for a modest program, many of the facets of which would be financially supported by others. In each prospective application of the transponder, someone is having to pick up another part of the tab. By providing services to the urban broadcasters for obtaining their time-value programming (newscasts, etc.), we can obtain the consideration of program rights to network programs not otherwise available for the rural areas. By providing the bare bones station to the rural communities (only the "black box" and the mini-TV transmitter), we are encouraging each village to obtain other equipment itself. A village could have a tremendous amount of flexibility by purchasing for itself two video tape machines (the smaller ones can be obtained for approximately \$1300 each) and appropriate switching capacity, in order to have much more control over the source of programming being transmitted in the rural area. That is, a village might not want or like one particular program being transmitted from the satellite. If it had a library of video tapes, it could then play another video tape, which might be an entertainment program or an educational or news program. The second video tape machine could be used to record the program being transmitted from the satellite, in the event that it was, after all, desired for viewing by the residents. The extent to which such additional activities or equipment were used would depend upon the village itself.

The same thing holds true for the private broadcasters, in that some, but not all, of their line charges and terrestrial charges would be included in the tariff. They would have to pick up some of the tab in this respect. State agencies, like the University of Alaska and the Department of Education, would have to develop all of their own programming or software, and probably should pay the GOT for any satellite time used. Their uses would be subject, of course, to the priorities of the rural project and the urban broadcasters.

Alaska Legislative Council Subcommittee on Telecommunications

In the demonstration project, only 24 rural communities would be included. This starts us on a very small scale to determine what the problems are and what may be wrong with this way of doing things. The legislation anticipates that the GOT would then report back to the 10th Alaska Legislature and explain what these problems have been and make proposals for future activities. It might be that a different kind of partnership between private and public sectors is required; it might be that certain unforeseen legal problems arose; it might be that certain unforeseen technical problems arose with respect to the use of the small earth stations and the television-receive "black boxes"; it might be that such a project might be useful in ways not at all anticipated at the present time.

The House Select Committee on Telecommunications very much supports the legislation which would provide for the demonstration project at a cost of \$1.5 million. We feel this is a much better idea than waiting one, two or three years and finding a great amount of pressure for an un-planned and possibly unwise project that would cost many millions more. This way we can find out what we are doing and what we are talking about doing, and what will work. Then, a future Legislature can decide whether it wishes to do this on a large scale or in a different way.

The Television Advisory Committee will meet again here in Juneau on Friday, March 26 at 2 p.m. We are told that most of the participants can be there. Considering the timing of the Senate calendar, this will probably come after the Senate has considered and (hopefully) passed the appropriation for the television demonstration project. Therefore, we will probably be talking about the nuts and bolts details of the television demonstration project, and it may be of substantial interest to both urban and rural members. That meeting will be held in the House Resources Committee Room.

III CURRENT LEGISLATION

Other matters which have been pending before the Legislature regarding telecommunications have had the attention of the House Select Committee and of the Consultants.

House Bill 633, adding to the standards by which the APUC decides rate cases, has passed the House and is now in Senate Committee. HB 631, which creates a communications carrier section within the APUC, has been approved by the House Judiciary Committee and the House Finance Committee. The House Finance Committee did amend the fiscal note attached to that bill to cause a substantial reduction.

Alaska Legislative Council
Subcommittee on Telecommunications

17 March 1976

To: Senator J. Kerttula
From: Robert P. Merritt, Legislative Consultant
Subject: Television Demonstration Project

The information contained in this memo was compiled from material presented to the House Select Committee on Telecommunications, the Alaska Federation of Natives, Inc. Telecommunication Committee, the Governor's Telecommunication Advisory Committee, and members of the Alaska State Senate.

A demonstration project to accelerate the delivery of "same day" television programming to urban areas of Alaska and provide access to television for 24 rural communities not now receiving television will cost \$1,500,000 for the first year.

This project will lease a satellite transponder from the common carrier for \$500,000 per year for distribution of about 5 hours per day of television programs to the 24 rural communities. The AFN Telecommunications Committee supports the television demonstration, and has agreed to accept the responsibility to assist the Governor's Office of Telecommunications (GOT) to select the 24 communities and advise the GOT of the villagers' wishes on program content.

The 24 television receiver units (demodulators) will be installed at existing bush earth station locations. The receivers cost \$10,000 each, installed, and represent a technological break through stimulated by this procurement. At each village, the television program will be broadcast over a mini-transmitter to the homes and community center in the village. The transmitters cost \$10,000 each, installed, including the transmitting antenna, video switching panel and audio control.

Additional expense will be incurred in obtaining program material from the four national networks and tape and film libraries.

Alaska Legislative Council
Subcommittee on Telecommunications

17 March 1976

Some of these programs will be tape delayed and then transmitted up to the satellite from the lower 48 states or from an Alaska programming center.

The cost of programs, delay centers and management will be \$520,000.

Lease of one full time transponder	\$500,000
24 Earth Stations at \$10,000 each.	240,000
24 Mini-transmitters at \$10,000 each	240,000
Programs, delay center, management	520,000
TOTAL	<u>\$1,500,000</u>

The state-leased transponder will be available 24 hours each day. When not being used for the bush transmission, the transponder will be made available to commercial and public broadcasters to bring same day network programs to Alaska. The delay and schedule arrangement would be arranged by the urban broadcasters.

Some programs may be broadcast in real time to both urban and rural locations on the single transponder. A developmental project will be initiated for transmission of two simultaneous television programs into large (10 meter) earth stations.

The television demonstration project will not delay the implementation of the vital bush telephone system, nor will it divert any funds from that system procurement.

The GOT is required to report to the next legislative session their recommendations for the implementation of a state-wide satellite television system.

Included with this memo is the statement of legislative intent prepared by the Senate Health, Education and Social Services Committee for Senate Bill #696.

Memo: Terry Gardiner
From: Eric Eckholm
Re: legislative intent, SB 696
4/16/76

As per your request, here is suggested addition to Senate letter of intent for SB 696.

Add, after paragraph 2;

The priority use for a state-leased transponder ^{facilities} is to provide television coverage for public and commercial stations in urban and rural areas. To the extent that time is available beyond this basic intent, the GOT shall utilize the satellite time for any use in the public interest. The GOT shall include in the report to the legislature a plan for comprehensive satellite use, not limited to Television broadcasting.

or something like that....ee

My file
SB 696

TO; Fred Brown, Terry Gardiner, Frank Ferguson
FROM; Larry Goldin
RE; SB 696

Senate Bill 696, appropriating funds to the Governor's Office of Telecommunications (GOT) to lease a satellite transponder for a one year pilot project is a meritorious piece of legislation by virtue of its ability to help improve the quality and efficiency of television communication for entertainment and educational purposes. There are however many possible applications of satellite communications technology besides carrying network programming to Alaska. These include but are by no means limited to;

- Teleconferencing involving several persons far distant to each other
- Data and facsimile transmission to and from outlying areas
- Local government or citizen access via satellite to information stored in distant computers
- Ordering and transmission of audio-visual and possibly printed library materials
- Coordination of information and planning of local governments
- Two way communication between citizens and beureaucrats
- Legislative reporting to constituents
- Two way legislative communication such as making testimony before committees via satellite without leaving home communities
- Facilitation of a statewide educational radio or TV system

If the pilot project is to demonstrate the viability of satellite communications within Alaska, it should explore the applicability of some of these other uses at the same time it benefits Alaskans by bringing them improved national network TV. Access to transponder time and GOT expertise should not be limited solely to broadcasters and government. Non-profit or public interest groups should be allowed to explore the applicability of satellite technology to their day to day communications needs as they carry on business accross the state and with the lower 48. Expenditure of tax dollars clearly justifies granting access to consumers' groups, fishermen's cooperatives, villiage corporations, The League of Women Voters, The Capital Site Selection Committee, The Alaska Growth Policy Council and other like groups. More efficient and extensive statewide communication within and among such groups will increase citizens' abilities to carry out projects and make input to public policy, thus making our democracy more participatory.

While it would be unwise to encumber SB 696 (and subsequently GOT) with a long list of specifics and procedures, it might be advisable to draft a letter of legislative intent which in general terms expresses the legislatures thinking on the kinds of possible uses mentioned herein. Such a letter could also spell out legislative intent concerning public institution and citizen group access to the State leased transponder, recognizing the needs of the network broadcast segment of the pilot project. An earlier letter of intent from the Senate H&SS Committee refers to uses beyond network TV only by stating, "The transponder may also be used to impliment Health and Education Video services to Alaska." Perhaps a statement is needed which expresses a more active concern. There is presently no statement concerning public access to the transponder.



Alaska State Legislature

Senate

JUNEAU, ALASKA

The Honorable Clarence Croft

It is the intent of the Senate Health, Education, and Social Services committee in introducing and passing Senate bill # to provide a pilot satellite television project for the state of Alaska.

The \$1.5 million appropriation is designed to provide a full-time satellite transponder leased for one year. This will provide one channel of television for selected villages, and bring live satellite coverage to the urban areas. The transponder may also be used to implement Health and Education video services to Alaska.

The appropriation goes to the Governor's Office of Telecommunications (GOT). The GOT is responsible for the completion of the project, however they have the authority to contract with any other state agency or private contractor for assistance with the project.

The village site selections shall be made by the Alaska Federation of Natives telecommunications committee, with the concurrence of the GOT. The AFN committee will work with the GOT and the AEBC in determining programming.

Commercial and Public broadcast stations with access to a large earth station will have the opportunity to receive network programs via the state-leased transponder. This will offer same-day viewing for many network programs, and allow live satellite broadcast for public affairs and special events state-wide.

This pilot program will offer the opportunity to determine the best technical and administrative procedure for a state-wide program. The GOT shall report to the next legislative session their recommendations for the implementation of a state-wide satellite television system.