

ALASKA LEGISLATURE COMMITTEE FILES 1983-1984 86 / 2

2549 SJ HB 569 - HB 575

2549

ALASKA STATUTES

CHAPTER 30. Cemetery Associations.

Sec. 10.30.125 Definition of "Cemetery Lot", one or more than one adjoining, lot, plot, space, grave, nich, mausoleum crypt, vault, and columbarium, for the interment of human remains.

ID
ry or crea
from execu
tion. A new
and exist
r owning
ng dead bodie
incinerate re
by gift or de
r the sole pur
crematory and
remains. Such
execution and
ropriation for
rtions of such
thereon may
exclusively for
with a view to
h corporation.
purposes shall
and already
ation is all
ereof may be
more than 20
held for the
burial of
ed 30 acres.
ch purposes
ly used the
by adding
at any one

tions on
corporation
purposes of
emetery or
and caring
ts bylaws,
the money
rial space,
s or other
in irredu
e creation
ended to

irect the
reducible
eported by
72, shall
into agri
ublishes
bank on
re trust
rectors
funds

the bank or trust company shall be governed by the provisions of ORS 128.057 and shall not be required to invest the money according to the list approved by the State Treasurer. An officer of the corporation shall file with the Secretary of State on or before April 15 of each year a verified statement in duplicate containing the same information pertaining to the irreducible fund as provided in ORS 97.810 (2) regarding endowment care funds. The Secretary of State may require the corporation to file, as often as he considers it to be necessary, a detailed report of the conditions and assets of the irreducible fund.

(3) The interest or income arising from the irreducible fund provided for in this section or by any bylaws, or so much thereof as is necessary, shall be devoted exclusively to the preservation and embellishment of the grounds, buildings and property of the corporation and the lots and space in buildings or grounds sold to the members of the corporation, or to the payment of the interest or principal of the debts authorized by subsection (5) of this section for the purchase of land, erecting buildings, and improvements. Any surplus thereof not needed or used for such purposes shall be invested as provided in this section and shall become part of the irreducible fund.

(4) After paying for the land and the erection of the original buildings and improvements thereon, all the future receipts and income of the corporation subject to the provisions in this section relating to the creation of an irreducible fund, whether from the sale of lots and burial space, cremation of bodies, donations, gifts and other sources, shall be applied exclusively to laying out, preserving, protecting, embellishing and beautifying the cemetery or the crematory and grounds thereof, and the avenues leading thereto, and to the erection of such buildings and improvements as may be necessary or convenient for cemetery or crematory purposes, and to pay the necessary expenses of the corporation.

(5) No debts shall be contracted by such corporation in anticipation of any future receipts, except for originally purchasing the lands authorized to be purchased by it, laying out and embellishing the grounds and avenues, erecting buildings and vaults on such land, and improving them for the purposes of the corporation. The corporation may issue bonds or notes for debts so contracted and may secure them by way of mortgage upon any of its lands, buildings, property and improvements excepting lots or space conveyed to the

members. (1969 c 580 §96; 1971 c.225 §11)

61.765 Selling land unsuited for burials. If in the board of directors' opinion, any portion of the lands of a nonprofit corporation organized and existing solely for the purposes of either owning or operating a cemetery or the cremation of dead bodies and the burial and care of incinerate remains is unsuitable for burial purposes or other purposes of the corporation, the board of directors may sell such portion and apply the proceeds to the general purposes of such corporation in the same proportion and manner as provided by ORS 61.005 to 61.125, 61.131 to 61.370, 61.375 to 61.481 and 61.505 to 61.950. (1959 c.580 §97)

61.770 Burial lots or space; use, exemption from taxation, execution and liens; lien for purchase price of gravestone. Burial lots or space for burial of incinerate remains in buildings or grounds sold by a nonprofit corporation organized and existing solely for the purposes of either owning and operating a cemetery or cremating dead bodies and burying and caring for incinerate remains shall be for the sole purpose of interment or deposit and safekeeping of incinerate remains. Such lots or space shall be exempt from taxation, execution, attachment or other lien or process, if used as intended by the purchaser thereof from such corporation, or his assigns or representatives, exclusively for burial purposes, and in no wise with a view to profit. The vendor of any gravestone, however, shall not be prevented from having and enforcing a lien thereon for all or part of its purchase price. If a suit is brought to enforce such a lien, the decree therein is enforceable thereafter; and, for the purpose of enabling the lien to be had and enforced, the gravestone shall be deemed personal property and may be severed and removed, under execution and order of sale, from the lot where it is situated and may be sold in the same manner as any other personal property. (1969 c 580 §98)

61.775 Recording plan; power to improve and regulate grounds. A nonprofit corporation organized and existing solely for the purposes of owning and operating a cemetery or cremating dead bodies and burying and caring for incinerate remains shall cause a plan of its land and grounds and of the lots laid out by it and of the niches or burial space in the buildings erected thereon to be made and recorded in the county in which such grounds and land are located, such lots or

**SPECIAL PROVISIONS
RELATING TO ORS 97.010 TO
97.040, 97.110 TO 97.450, 97.510
TO 97.730, 97.810 TO 97.920 and
97.990**

97.010 Definitions for ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920 and 97.990. As used in ORS 97.010 to 97.040, 97.110 to 97.450, 97.510 to 97.730, 97.810 to 97.920 and 97.990:

(1) "Human remains" or "remains" means the body of a deceased person in any stage of decomposition or after cremation.

(2) "Cemetery" means any place dedicated to and used, or intended to be used, for the permanent interment of human remains.

(3) "Burial park" means a tract of land for the burial of human remains in the ground used, or intended to be used, and dedicated for cemetery purposes.

(4) "Mausoleum" means a structure for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated for cemetery purposes.

(5) "Crematory" means a structure containing a retort for the reduction of bodies of deceased persons to cremated remains.

(6) "Columbarium" means a structure or room containing niches for permanent interment of cremated remains in a place used, or intended to be used, and dedicated for cemetery purposes.

(7) "Interment" means the disposition of human remains by cremation, inurnment, entombment or burial.

(8) "Cremation" means the reduction of a body of a deceased person to cremated remains in a crematory.

(9) "Inurnment" means placing cremated remains in an urn and depositing it in a niche.

(10) "Entombment" means the placement of human remains in a crypt or vault.

(11) "Burial" means the placement of human remains in a grave.

(12) "Grave" means a space of ground in a burial park used, or intended to be used, for burial of the remains of one person.

(13) "Crypt" or "vault" means a space in a mausoleum of sufficient size used, or intended to be used, to entomb uncremated human remains.

(14) "Niche" is a recess in a columbarium used, or intended to be used, for the interment

of the cremated remains of one or more persons.

(15) "Cemetery authority" includes cemetery corporation, association, corporation sole or other person or persons owning or controlling cemetery lands or property.

(16) "Cemetery association" means any corporation or association authorized by its articles to conduct any or all the businesses of a cemetery, but does not include a corporation sole or a charitable, eleemosynary association or corporation.

(17) "Cemetery business," "cemetery businesses" and "cemetery purposes" are used interchangeably and mean any business and purpose requisite or incident to, or necessary for establishing, maintaining, operating, improving or conducting a cemetery, interring human remains, and the care, preservation and embellishment of cemetery property.

(18) "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association.

(19) "Lot," "plot" or "burial space" means space in a cemetery owned by one or more individuals, an association or fraternal or other organization and used, or intended to be used, for the permanent interment therein of the remains of one or more deceased persons. Such terms include and apply with like effect to one, or more than one, adjoining grave, crypt, vault or niche.

(20) The term "plot owner" or "owner" means any person in whose name a burial plot stands as owner of the right of sepulture therein in the office of the cemetery authority, or who holds from such cemetery authority a conveyance of the right of sepulture or a certificate of ownership of the right of sepulture in a particular lot, plot or space.

(21) "Endowment care" means the general care and maintenance of developed portions of a cemetery and memorials erected thereon financed from the income of a trust fund established and maintained pursuant to the provisions of ORS 97.810 to 97.860. Endowment care cemeteries owned by a city or a county may supplement their general care and maintenance trust funds from general revenues.

(22) "Special care" is any care in excess of endowed care in accordance with the specific directions of any donor of funds for such purposes. (Amended by 1955 c. 545 §1, 1965 c. 296 §1)

Oregon

61.738 Procedure for revoking certificate of authority. ORS 57.735, relating to revocation of certificate of authority, is applicable to nonprofit corporations. [1963 c 492 §36 (enacted in lieu of 61.735)]

61.740 [Renumbered 61.984]

61.741 Application to corporation authorized to transact business in this state on December 31, 1959. Foreign corporations which are duly authorized to transact business in this state on December 31, 1959, for a purpose or purposes for which a corporation might secure such authority under ORS 61.005 to 61.125, 61.131 to 61.370, 61.375 to 61.481 and 61.505 to 61.950, shall, subject to the limitations set forth in their respective certificates of authority, be entitled to all the rights and privileges applicable to foreign corporations procuring certificates of authority to transact business in this state under ORS 61.005 to 61.125, 61.131 to 61.370, 61.375 to 61.481 and 61.505 to 61.950. [1959 c 580 §90]

61.745 Transacting business without certificate of authority. (1) No foreign corporation transacting business in this state without a certificate of authority shall be permitted to maintain any action, suit or proceeding in any court of this state, until such corporation shall have obtained a certificate of authority. No action, suit or proceeding shall be maintained in any court of this state by any successor or assignee of such corporation on any right, claim or demand arising out of the transaction of business by such corporation in this state, until a certificate of authority shall have been obtained by such corporation or by a corporation which has acquired all or substantially all its assets.

(2) The failure of a foreign corporation to obtain a certificate of authority to transact business in this state shall not impair the validity of any contract or act of such corporation, and shall not prevent such corporation from defending any action, suit or proceeding in any court of this state. [1959 c 580 §81]

CEMETERIES AND CREMATORIES

61.755 Lands of cemetery or crematory corporation; exemption from execution, taxation and condemnation. A nonprofit corporation organized and existing solely for the purposes of either owning and operating a cemetery or cremating dead bodies and burying and caring for incinerate remains, may purchase or take, by gift or devise, and own and hold lands for the sole purpose of either a cemetery or a crematory and burial place for incinerate remains. Such lands shall be exempt from execution and taxation, and from any appropriation for public purposes, and lots or portions of such land and space in any buildings thereon may be sold, if intended to be used exclusively for burial purposes, and in no wise with a view to the profit of the members of such corporation. The land so held for cemetery purposes shall not exceed 600 acres, but if the land already held for such purpose by the corporation is all practically used, the amount thereof may be increased by adding thereto not more than 20 acres at any one time. The land so held for the purposes of a crematory and the burial of incinerate remains shall not exceed 30 acres, but if the land already held for such purpose by the corporation is all practically used, the amount thereof may be increased by adding thereto not more than 10 acres at any one time. [1959 c 580 §95]

61.760 Revenues; restrictions on uses thereof. (1) A nonprofit corporation organized or existing solely for the purposes of either owning and operating a cemetery or cremating dead bodies and burying and caring for incinerate remains may, by its bylaw, provide that a stated percentage of the money received from the sale of lots and burial space, cremation of bodies, donations, gifts or other sources of revenue shall constitute an irreducible fund. Any bylaw enacted for the creation of the irreducible fund cannot be amended to reduce the fund.

(2) The board of directors may direct the investment of the money in the irreducible fund, but all investments of money deposited in the fund on or after January 1, 1972, shall be in securities in classes and amounts approved by the State Treasurer and published in a list pursuant to ORS 97.820. If a bank or trust company qualified to engage in the trust business is directed by the board of directors to invest the money in the irreducible fund,

bank or l
the provi
not be requir
to the list as
an officer of
the Secretary
each year a
containing th
the irreduc
§7.810 (2) n
The Secretar
ration to file
necessary, a
and assets of

(3) The ir
irreducible f
by any bylav
ary, shall b
ervation and
buildings an
the lots and
to the mem
payment of
debts autho
section for
buildings,
thereof not
shall be inv
and shall be

(4) Aft
erection of t
ments ther
income of th
tions in the
an irreducib
lots and bi
donations,
applied exc
protecting,
cemetery or
of, and the
erection of
as may be
tery or cre
necessary e

(5) No
corporation
cepts, exc
lands auth
not and ei
ect
and i
corpor
lands or ne
were ther
lands.
ata exce

HEALTH AND SAFETY CODE
DIVISION 7. DEAD BODIES
PART 1. GENERAL PROVISIONS

CHAPTER 1. DEFINITIONS

7000. The definitions in this chapter apply to this division and to Divisions 8 and 9 of this code.

7001. "Human remains" or "remains" means the body of a deceased person, and includes the body in any stage of decomposition and cremated remains.

7002. "Cremated remains" means human remains after incineration and necessary processing under Section 7054.1 in a crematory.

7003. "Cemetery" means any one, or a combination of more than one, of the following, in a place used, or intended to be used, and dedicated, for cemetery purposes:

(a) A burial park, for earth interments.

(b) A mausoleum, for crypt or vault interments.

(c) A crematory, or a crematory and columbarium, for cinerary interments.

7004. "Burial park" means a tract of land for the burial of human remains in the ground, used or intended to be used, and dedicated, for cemetery purposes.

7005. Except in Part 5 of Division 8 of this code, "mausoleum" means a structure or building for the entombment of human remains in crypts or vaults in a place used, or intended to be used, and dedicated, for cemetery purposes.

7006. "Crematory" means a building or structure containing one or more furnaces for the reduction of bodies of deceased persons to cremated remains.

7007. Except in Part 5 of Division 8 of this code, "columbarium" means a structure, room, or other space in a building or structure containing niches for inurnment of cremated human remains in a place used, or intended to be used, and dedicated, for cemetery purposes.

7008. "Crematory and columbarium" means a building or structure containing both a crematory and columbarium.

7009. "Interment" means the disposition of human remains by inurnment, entombment, or burial in a cemetery or, in the case of cremated remains, by inurnment, entombment, burial, or burial at sea as provided in Section 7117.

7010. "Cremation" means the reduction of the body of a deceased person to cremated remains in a crematory and the placement of the cremated remains in a grave, vault or niche or burial at sea as provided in Section 7117 of this code.

7011. "Inurnment" means placing cremated remains in an urn and placing it in a niche.

7012. "Entombment" means the placement of human remains in a crypt or vault.

7013. "Burial" means the placement of human remains in a grave.

7014. "Grave" means a space of ground in a burial park, used, or intended to be used, for burial.

7015. "Crypt" or "vault" means a space in a mausoleum of sufficient size, used or intended to be used, to entomb uncremated human remains.

7016. "Niche" means a space in a columbarium used, or intended to be

used, for inurnment of cremated human remains.

7017. "Temporary receiving vault" means a vault used or intended to be used for the temporary placement of human remains.

7018. "Cemetery authority" includes cemetery association, corporation sole, or other person owning or controlling cemetery lands or property.

7019. "Cemetery corporation," "cemetery association," or "cemetery corporation or association" mean any corporation now or hereafter organized which is or may be authorized by its articles to conduct any one or more or all of the businesses of a cemetery, but do not mean or include a corporation sole.

7020. "Cemetery business," "cemetery businesses," and "cemetery purposes" are used interchangeably and mean any and all business and purposes requisite to, necessary for, or incident to, establishing, maintaining, operating, improving, or conducting a cemetery, interring human remains, and the care, preservation, and embellishment of cemetery property, including, but not limited to, any activity or business designed for the benefit, service, convenience, education, or spiritual uplift of property owners or persons visiting the cemetery.

7021. "Directors" or "governing body" means the board of directors, board of trustees, or other governing body of a cemetery association.

7022. "Lot," "plot," or "interment plot" means space in a cemetery, used or intended to be used for the interment of human remains. Such terms include and apply to one or more than one adjoining graves, one or more than one adjoining crypts or vaults, or one or more than one adjoining niches.

7023. "Plot owner," "owner," or "lot proprietor" means any person in whose name an interment plot stands of record as owner, in the office of a cemetery authority.

7024. "Permit for Disposition of Human Remains" includes "burial permit" and is a permit, issued pursuant to law, for the interment, disinterment, removal, reinterment or transportation of human remains.

DIVISION 8. CEMETERIES

PART 1. GENERAL PROVISIONS

CHAPTER 1. CEMETERY DEFINED

8100. Six or more human bodies being buried at one place constitute the place a cemetery.

CHAPTER 2. VANDALISM

8101. (a) Every person is guilty of a misdemeanor and punishable by a fine of not less than two hundred fifty dollars (\$250) nor more than one thousand dollars (\$1,000), or by imprisonment in the county jail for not exceeding one year, or by both, who maliciously does any of the following:

(1) Destroys, cuts, mutilates, effaces, or otherwise injures, tears down, or removes any tomb, monument, memorial, or marker in a cemetery, or any gate, door, fence, wall, post or railing, or any inclosure for the protection of a cemetery or any property in a cemetery.

(2) Obliterates any grave, vault, niche, or crypt.

(3) Destroys, cuts, breaks or injures any building, statue, ornamentation, tree, shrub, or plant within the limits of a cemetery.

MEMORANDUM

State of Alaska

TO: Representative John Cowdery
Chairman, House Labor & Commerce
Committee
Pouch V
Juneau, Alaska 99811

DATE: February 15, 1984

FILE NO:

TELEPHONE NO: 279-0428

FROM: NORMAN C. GORSUCH
ATTORNEY GENERAL

SUBJECT: HB569 Nonprofit
cemetary
associations

By: Connie J. Sipe
Assistant Attorney General
Chief, Consumer Protection Section
1031 W. 4th, Suite 110
Anchorage, Alaska 99501

As per the testimony at the teleconference, I suggest the committee include in its Committee Substitute on this bill the following language (as you may choose to re-draft it):

* Sec. 13. AS 10.30 is amended by adding a new section to read:

Sec. 10.30.160. EFFECT OF AMENDMENTS. As this chapter is from time to time amended, all powers or obligations granted to or imposed upon the non-profit cemetery association or non-profit cemetery corporation shall apply to all assets and funds, including the irreducible fund, in the possession or control of the association or corporation at the time of the effective date of any amendment to this chapter.

*CJS HB569
Sec. 14*

As discussed in the hearing, such an addition is necessary so that the cemetery association is not left with an unworkable division among all its assets: those assets covered by the prior law and those assets covered by the bill's amendments. This is not a retrospective enactment but really a grant of prospective powers to the association or corporation to manage all of its assets in accordance with the new statute. (This section will, of course, also provide for orderly application of any future amendments.)

CJS/aw

cc Representative Joe Hayes (Jeff Day)
Representative Randy Phillips
Art Petersor Ago/Juneau

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: February 14, 1984

REQUEST

Bill/Resolution No.: HB 569
Title: An Act relating to Cemetary Associations.
Sponsor: Representative Phillips
Requestor: _____
Date of Request: _____

FISCAL DETAIL

Agency Affected: Commerce and Economic Dev.
Program Category Affected: Consumer Protection
BRU, Program or Subprogram(s) Affected: Banking, Securities and Corporations

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | | | | | |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |
| CAPITAL | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |
| REVENUE | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-------|-------|-------|-------|-------|-------|
| GENERAL FUND | | | | | | |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - | - 0 - |

POSITIONS:

| | | | | | | |
|-----------|--|--|--|--|--|--|
| FULL-TIME | | | | | | |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Willis F. Kirkpatrick, Director
Division: Banking, Securities and Corporations

Phone: 465-2521
Date: 2/14/84

Approved by Commissioner: Richard A. Lyon
Agency: Commerce and Economic Development

Date: 2/2/84

Distribution (by Agency preparing fiscal note):

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

12/1/83

H

B

5

6

1

COMMITTEE REPORT
SENATE

FURTHER:

Date _____

Mr. President

The Committee on _____ considered _____

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Ed Josephson

Chairman

Chairman recommendation

TO: Senator Bill Ray

FROM: Paula d. Scavera

DATE: April 13, 1984

RE: HB 561

SECTION 1

Raises the dollar amount from \$2000 to \$5000 for a small claim case

The court system has a fiscal note for the bill but the House Judiciary zero fiscal note was adopted by the House. This bill has a further referral to Senate Finance.

REQUEST

Bill/Resolution No.: HB 561
 Title: "Application to the small claims
 and judicial institution..."
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: Alaska Court System
 Program Category Affected: _____
 EAU, Program or Subprogram(s) Affected: _____

EXPENDITURES/REVENUE: (Thousands of Dollars)

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

| | | | | | |
|---------|--|--|--|--|--|
| CAPITAL | | | | | |
|---------|--|--|--|--|--|

| | | | | | |
|---------|--|--|--|--|--|
| REVENUE | | | | | |
|---------|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | |
|---------------|--|--|--|--|--|
| GENERAL FUND | | | | | |
| FEDERAL FUNDS | | | | | |
| OTHER | | | | | |
| TOTAL | | | | | |

POSITIONS:

| | | | | | |
|-----------|--|--|--|--|--|
| FULL-TIME | | | | | |
| PART-TIME | | | | | |
| TEMPORARY | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: W. J. Sullivan
 Division: House Judiciary Committee

Phone: 465-4990
 Date: 7 February, 1984

Approved by Commissioner: _____
 Agency: _____

Date: _____

Distribution (by Agency preparing fiscal note):

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

AMENDED TITLE:

AN ACT RELATING TO THE SMALL CLAIMS JURISDICTIONAL LIMITATION;
AND PROVIDING FOR AN EFFECTIVE DATE

GENERAL DOLLARS: \$0 (F. NOTE)

PRIME SPONSOR: BUSSELL.

OTHER DOLLARS: \$0

CO-SPONSORS:

CURRENT STATUS: 3/12/84 PASSED (H)

HB 561 HOUSE ACTION

DATE SEQ PAGE

LEGISLATIVE ACTION

| DATE | SEQ | PAGE | LEGISLATIVE ACTION |
|----------|-----|------|---|
| 02/01/84 | 01 | 2420 | FIRST READING -- COMMITTEE REPORTS |
| 02/08/84 | 02 | 2489 | JUD -- DP04, NR01, OTHER02 |
| 02/08/84 | 03 | 2489 | JUD F/NOTE EQUALS ZERO |
| 03/05/84 | 04 | 2806 | FIN -- DP06, NR02 |
| 03/09/84 | 05 | 2873 | SECOND READING |
| 03/09/84 | 06 | 2873 | ADVANCED TO 3RD READING BY UNAN CONSENT |
| 03/09/84 | 07 | 2873 | THIRD READING |
| 03/09/84 | 08 | 2873 | PASSED BY DIV 34-01-05 |
| 03/09/84 | 09 | 2873 | EFFECTIVE DATE VOTE SAME AS PASSAGE |
| 03/09/84 | 10 | 2874 | NOTICE OF RECONSIDERATION GIVEN |
| 03/12/84 | 11 | 2895 | RECONSIDERATION NOT TAKEN UP |
| **** | ** | ** | *** *** *** |



Official Business

Alaska State Legislature

House of Representatives

Office of the Majority Leader

Pouch V
State Capitol
Juneau, Alaska 99811

MEMORANDUM

TO: House Majority Coalition Members

FROM: Representative Ramona Barnes
House Majority Leader

DATE: March 9, 1984

RE: HB 561 "Act relating to the small claims jurisdictional limitation; and providing for an effective date."

ISSUE \$5000 is a high limit to have for a small claims case.

ANSWER A court can hear a civil case as a small claims case only if both parties to the dispute agree. If one of the parties does not want to use small claims procedures, then he still has the option of having the case tried using the formal rules of civil procedure, even if his claim is for less than \$5,000.

If a \$5000 limit is adopted, it will allow the district courts and magistrates to try cases in a very quick and simple fashion, without lawyers or a jury. Many low-value cases are currently tried with formal rules, using attorneys and juries, at great expense to the parties and to the state.

RB/rt

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: HB 561
 Title: Small Claims Jurisdiction
Limitation
 Sponsor: Bussell
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 80.7 | 85.5 | 90.6 | 96.0 | 101.8 |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | | | | | |
| 400 SUPPLIES | | | | | | |
| 500 EQUIPMENT | | 6.1 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 86.8 | 85.5 | 90.6 | 96.0 | 101.8 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|------|------|------|------|-------|
| GENERAL FUND | | 86.8 | 85.5 | 90.6 | 96.0 | 101.8 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 86.8 | 85.5 | 90.6 | 96.0 | 101.8 |

POSITIONS:

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

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ROBERT G. FISHER Phone: 264-0561
 Division: ALASKA COURT SYSTEM Date: 2/16/84

Approved by Commissioner: [Signature] Date: 2/16/84
 Agency: ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note):

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

12/1/83

ALASKA COURT SYSTEM

HB 561 - SMALL CLAIMS JURISDICTIONAL LIMITATION

FISCAL IMPACT

The Civil Division of the Anchorage Clerk's Office, which is the court location with the greatest number of small claims filings, anticipates that a jurisdictional increase from \$2,000 to \$5,000 would result in a 15-20% increase in small claims filings. Some of these cases would be matters previously handled in District Court. Others would be new to the system, representing legal problems with a relatively low dollar amount involved for which persons are reluctant to incur the costs entailed for an attorney, but which they wish to handle themselves in small claims court.

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

Judicial resources should not be impacted by the increase since most of these types of cases are already in the system. However, additional clerical help will be required. The small claims procedures involves an extensive amount of clerical assistance, including mailing notices for litigants and substantial time expended in advising the public. General District Court matters require only simple filing and journaling of documents. This impact could be handled by the addition of three (3) positions with costs calculated below. One and one-half of these positions would be located in Anchorage and the other one and one-half would be utilized on a statewide basis, primarily in the larger courts such as Fairbanks, Juneau and Ketchikan.

PERSONNEL:

| <u>Position</u> | <u>Salary</u> | <u>Benefits</u> | <u>Total Cost</u> |
|---------------------------------------|---------------|-----------------|-------------------|
| 1½ Court Clerk I (Range 8B-Anchorage) | \$28,926 | \$20,475 | \$39,401 |
| 1½ Court Clerk I (Range 8B-Statewide) | <u>30,744</u> | <u>10,559</u> | <u>41,303</u> |
| Total Personnel Costs | | | \$80,704 |
| Equipment (one-time cost) | | | <u>6,051</u> |
| TOTAL FY 85 COST | | | <u>\$86,755</u> |

Western Regional Office

CIVIL LITIGATION IN ALASKA
IMPROVEMENT THROUGH SIMPLIFICATION

A REPORT TO THE
SUPREME COURT OF ALASKA
BY THE NATIONAL CENTER FOR STATE COURTS

FREDERICK G. MILLER, STAFF ATTORNEY
LARRY L. SIPES, REGIONAL DIRECTOR
DECEMBER 1983



National Center for State Courts
720 Sacramento Street
San Francisco, California 94108

adoptions, child in need, domestic violence if child custody is an issue, or guardianship of a minor. By accelerating steps in the appellate process, which are explained in detail in the recommendations, final decisions would be obtainable in these cases within not more than 170 days from judgment.

G. District Court Jurisdiction

The personal injury and commercial task forces concluded that the monetary jurisdiction of the District Court is unrealistically low and would appreciably reduce the number of cases in the Superior Court if increased. This in turn would presumably expedite the processing of cases in the Superior Court. The task forces therefore recommended increasing District Court jurisdiction to include actions involving up to ^{(or higher) limit - 993,} \$25,000. As both recommendations are virtually identical, the recommendation is included in this report in the personal injury recommendations only at page 33.

H. Civil Rule 41: Voluntary Dismissal

Both the personal injury and the commercial task forces have recommended changes to Civil Rule 41 to assure that cases are not voluntarily dismissed to avoid court control of caseload. The personal injury task force recommends that a case governed by its proposed new Civil Rule 16.2 may not be dismissed without approval by the court. The commercial task force recommends additional language to Civil Rule 41 requiring certification of the reasons for dismissal.

V. PERSONAL INJURY TASK FORCE RECOMMENDATIONS

The task force recommends the following addition to existing Civil Rule 16 to provide for status conferences.

A. New Civil Rule 16.2: Status Conference

- (a) A status conference shall occur in each action filed in the Third District in which any party seeks damages for injury to person or property. The Judge in whose court the action is pending shall schedule and conduct the conference not more than 30 days following the last day on which a response to the complaint could have been filed. If service of process has not been completed the parties shall notify the court and the conference shall be continued until 30 days after service is completed.
- (b) Each party shall furnish to the other parties the following items or information and shall do so not later than the fifth day preceding the status conference:
- | | |
|--------------------------|------------------------------|
| 1) photographs | 6) medical reports and bills |
| 2) statements | 7) tax returns |
| 3) diagrams | 8) insurance policies |
| 4) investigative reports | 9) expert witness reports |
| 5) contracts | |

The documents to be produced are examples of those which would be subject to discovery under Civil Rule 34.

- (c) Each party shall attend the status conference in person or by counsel and shall be prepared to specify the discovery planned by that party. It is the intention that this Rule and the conference held herein be held after the parties have produced as much discoverable information about the incident complained of as possible in order to permit realistic evaluation of the case for possible settlement purposes or to draft a realistic litigation schedule to bring the case to conclusion within one year.
- (d) The Judge shall enter an order at the conclusion of the conference (1) setting a date not more than 180 days following the conference by which discovery shall be completed by all parties; (2) setting a date not more than 120 days following the conference for a second status conference if the Judge is persuaded for good cause that discovery cannot be completed within 180 days; (3) scheduling a pretrial conference, as provided in this Rule, not more than 30 days following the date set, if any, for completion of discovery.

- (e) In all cases where it appears to the court that the case should be considered as a complex case, then the court shall issue an order exempting the case from the time constraints of this Rule. The request for exemption shall be by motion under Civil Rule 77.
- (f) The Judge in whose court the action is pending shall order a party or counsel who fails to comply with any order issued pursuant to this Rule to pay \$200 for the first, \$300 for the second, and \$500 for each subsequent act of noncompliance. The Judge by written order may reduce, suspend, or eliminate an otherwise required payment upon a written and verified showing of good cause filed with the Court by which a party or counsel establishes that noncompliance was excusable.
- (g) All sanctions for violations of this Rule shall be considered under the provisions of Civil Rules 37 and 95.
- (h) A case assigned under this rule may not be dismissed under Civil Rule 41 without approval of the Court. Any stipulations between the parties or attorneys as to anything scheduled under this rule are invalid until approved by the court and the parties may not rely on such stipulation as an excuse to fail to comply with time limits, etc. unless the court has approved the same.

B. District Court Jurisdiction

Jurisdiction of the District Courts should be increased to encompass actions in which the amount of monetary damages involved does not exceed \$25,000. *(or the jurisdictional limit)*

TABLE OF CONTENTS

| | | <u>Page</u> |
|------|---|-------------|
| I. | THEMES | 1 |
| II. | PROCESS | 4 |
| III. | SUMMARY OF RECOMMENDATIONS | 7 |
| | A. Conferences | 7 |
| | B. Exchange of Information Prior to the Conference | 7 |
| | C. Conference Orders | 8 |
| | D. Scope of and Limitations on Discovery | 9 |
| | E. Alternative Resolutions | 10 |
| | F. Appeals | 11 |
| | G. District Court Jurisdiction | 12 |
| | H. Civil Rule 41: Voluntary Dismissal | 12 |
| IV. | DOMESTIC RELATIONS TASK FORCE RECOMMENDATIONS | 13 |
| | A. New Civil Rule 16.1: Domestic Relations Scheduling conference | 13 |
| | B. New Form Memorandum | 15 |
| | C. Expedited Appeals in Child Custody Cases | 24 |
| | D. New Civil Rule 90.2: Mediation | 26 |
| | E. Partial Repeal of AS 09.55.115 and AS 25.20.080 | 29 |
| | F. Partial Repeal of AS 25.20.090 | 31 |
| | G. Amendment to AS 25.20.120 | 31 |
| V. | PERSONAL INJURY TASK FORCE RECOMMENDATIONS | 33 & 34 |
| | A. New Civil Rule 16.2: Status Conference | 33 |
| | B. District Court Jurisdiction | 34 |



ALASKA STATE LEGISLATURE
HOUSE OF REPRESENTATIVES
RESEARCH AGENCY

Pouch Y, State Capitol
Juneau, Alaska 99811
(907) 465 3991

February 3, 1984

MEMORANDUM

TO: Joseph Brewer
House Judiciary Committee

FROM: David Teal *Teal*
Legislative Analyst

RE: Inflation Rates in Alaska

The following pages from the Alaska Department of Labor's publication entitled Alaska Planning Information describe the Anchorage Consumer Price Index (CPI). Although the reader is cautioned against use of the CPI as a measure of inflation, the index is frequently used for that purpose. The Anchorage CPI from 1969 through September of 1982 is listed on page 78. More recent figures are presented in the attached article published by the Institute of Social and Economic Research. The article also discusses some problems with the index and its use as a measure of the rate of inflation in Alaska.

* * *

If you have additional questions on this subject, we would be pleased to help. You may also wish to speak with John Boucher of the Research and Analysis Section of the Department of Labor. He can be reached at 465-4500.

Attachments

The new method for calculating homeownership prices is named *rental equivalency*. BLS will estimate homeownership prices on the basis of what it costs to rent similar houses. This method will solve the problem caused by the exclusion of AHFC-financed houses from the survey. During 1983 and 1984 the CPI-U and CPI-W will use differing methodologies, which will probably result in significant divergence in the 2 measures. The effect of the methodology change in slowing or speeding the rate of change in the CPI cannot be predicted with any assurance.

COMPARISON OF ANCHORAGE TO UNITED STATES

The Anchorage CPI rose less rapidly than the national CPI from October 1967 through October 1973. This trend reversed during the pipeline buildup, reflecting the inflationary impact of drastic economic expansion. Price increases slowed once the pipeline work force and related infrastructure were in place. During the peak pipeline years, 1976 and 1977, Anchorage prices increased at roughly the national rate. A new trend began after completion of the pipeline with Anchorage prices increasing less rapidly than the rest of the nation. Decreased population and consumer spending, and overbuilding during the pipeline era caused this shift.

Following the 1980 domination of residential lending by AHFC an accurate comparison of Anchorage

Table VII-3
Anchorage CPI
January 1969 to Present

| | | Wage and Clerical | | | Wage and Clerical | All Urban Consumers 1/ |
|------|---------|-------------------|------|-----------|-------------------|------------------------|
| 1969 | January | 103.7 | 1978 | January | 179.2 | |
| | April | 105.3 | | March | 180.8 | 180.7 |
| | July | 105.6 | | May | 184.0 | 184.2 |
| | October | 107.3 | | July | 188.6 | 188.5 |
| 1970 | January | 107.9 | | September | 192.8 | 193.2 |
| | April | 108.2 | | November | 194.8 | 194.7 |
| | July | 109.6 | 1979 | January | 197.3 | 198.1 |
| | October | 111.5 | | March | 200.5 | 201.0 |
| 1971 | January | 111.6 | | May | 202.5 | 203.5 |
| | April | 111.7 | | July | 206.4 | 207.4 |
| | July | 113.0 | | September | 210.9 | 213.2 |
| | October | 114.4 | | November | 211.8 | 213.7 |
| 1972 | January | 114.2 | 1980 | January | 215.9 | 218.2 |
| | April | 115.8 | | March | 220.2 | 223.5 |
| | July | 115.9 | | May | 223.1 | 226.5 |
| | October | 116.9 | | July | 224.8 | 228.4 |
| 1973 | January | 116.4 | | September | 226.7 | 230.9 |
| | April | 117.4 | | November | 232.0 | 236.5 |
| | July | 120.4 | 1981 | January | 235.0 | 240.1 |
| | October | 123.8 | | March | 236.2 | 241.1 |
| 1974 | January | 125.6 | | May | 240.1 | 244.6 |
| | April | 129.8 | | July | 241.7 | 246.1 |
| | July | 134.0 | | September | 245.9 | 250.5 |
| | October | 140.0 | | November | 249.3 | 253.7 |
| 1975 | January | 142.9 | 1982 | January | 248.6 | 253.0 |
| | April | 150.0 | | March | 254.5 | 260.0 |
| | July | 153.8 | | May | 258.0 | 263.8 |
| | October | 157.4 | | July | 259.1 | 263.6 |
| 1976 | January | 158.8 | | September | 258.9 | 263.4 |
| | April | 161.7 | | | | |
| | July | 164.9 | | | | |
| | October | 167.6 | | | | |
| 1977 | January | 169.4 | | | | |
| | April | 172.6 | | | | |
| | July | 177.4 | | | | |
| | October | 177.3 | | | | |

Source: U.S. Department of Labor, Bureau of Labor Statistics

1/ Series began March 1978

and U.S. price trends is not possible. It appears that Anchorage prices are actually increasing somewhat faster than the national rate, although it cannot be proven that this is the case. The rapid economic expansion in 1981 and 1982 could be expected to result in faster price increases than would otherwise occur.

URBAN FAMILY BUDGET

While the rate of change of the Consumer Price Index for Anchorage can be compared to the rate of change of CPI's in other areas, actual price comparisons to other areas are not possible based on CPI data. Other data available do allow interarea cost comparisons. U.S. Department of Labor, Bureau of Labor Statistics produces *Urban Family Budgets and Comparative Indexes for Selected Urban Areas* which provide a comparison of costs for Anchorage, 28 other areas outside Alaska and an urban U.S. average. It contains estimated income required to support low, medium and high budget standards of living for a hypothetical family of 4. Budgets do not represent how families actually spend their money, nor are they intended to represent a minimum level of adequate income. The budgets are only intended

Table VII-4
Yearly CPI and Percentage Change
Wage and Clerical Workers Only

| | | United States | | Seattle | | Anchorage | | Fairbanks 3/ | |
|----------|------|---------------|----------|----------|----------|-----------|----------|--------------|----------|
| | | CPI | % Change | CPI | % Change | CPI | % Change | CPI | % Change |
| OCTOBER | 1967 | 100.0 | - | 100.0 | - | 100.0 | - | | |
| | 1968 | 105.7 | 5.7 | 106.0 // | 6.0 | 102.6 | 2.6 | | |
| | 1969 | 111.6 | 5.6 | 110.6 // | 4.3 | 107.3 | 4.4 | | |
| | 1970 | 118.1 | 5.8 | 114.9 // | 3.9 | 111.5 | 3.9 | | |
| | 1971 | 122.6 | 3.8 | 117.6 // | 2.3 | 114.4 | 2.6 | | |
| | 1972 | 126.6 | 3.3 | 121.2 // | 3.1 | 116.9 | 2.2 | | |
| | 1973 | 136.6 | 7.9 | 131.4 // | 8.4 | 123.8 | 5.9 | | |
| | 1974 | 153.0 | 12.0 | 147.9 // | 12.6 | 140.0 | 13.1 | | |
| | 1975 | 164.6 | 7.6 | 159.7 // | 8.0 | 157.4 | 12.4 | | |
| | 1976 | 173.3 | 5.3 | 167.9 // | 5.1 | 167.6 | 6.5 | | |
| NOVEMBER | 1977 | 184.5 | 6.5 | 182.5 // | 8.7 | 177.3 | 5.8 | | |
| | 1978 | 201.8 | 9.4 | 202.1 | 10.7 | 194.8 | 9.9 | | |
| | 1979 | 227.6 | 12.8 | 221.5 | 9.6 | 211.8 | 8.7 | 107.9 2/ | |
| | 1980 | 256.4 | 12.7 | 259.4 | 17.1 | 232.0 | 9.5 | 119.6 2/ | 10.8 |
| | 1981 | 280.4 | 9.4 | 285.7 | 10.1 | 249.3 | 7.5 | 126.8 2/ | 6.0 |

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ CPI is for November rather than October of years listed.

2/ CPI is for December rather than November of year listed.

3/ Discontinued February 1982 due to budget constraints.

Table VII-5
Annual Total Budget for a 4-Person Family
Autumn 1981 1/

| Budget Level | Urban U.S. | Anchorage | Seattle-Everett |
|--------------|------------|-----------|-----------------|
| Lower | \$15,323 | \$22,939 | \$17,124 |
| Intermediate | \$25,407 | \$31,890 | \$25,881 |
| Higher | \$38,060 | \$45,119 | \$37,396 |

Source: U.S. Department of Labor, Bureau of Labor Statistics.

1/ Source of data, methods of calculations and quantities of goods and services for each budget level are described in detail in BLS Bulletin 1570-5.

CHAPTER VII COST OF LIVING MEASURES

INTRODUCTION

This section summarizes several cost of living measures which are frequently requested. Because there are several different measures, the user of these types of data needs to carefully evaluate different available measures to determine which is most useful for a particular application. Outlined in Table VII-1 is a description of the various measures discussed in detail.

CONSUMER PRICE INDEX

The Consumer Price Index (CPI) is a commonly misunderstood economic statistic despite frequent reports in the media. Following is a brief explanation of how the CPI is used, how it is computed, what it does and does not measure, and how to use it. Changes in CPI methodology and use are also considered. The U.S. Department of Labor, Bureau of Labor Statistics (BLS) produces a CPI for the United States and for selected urban areas. There are no CPI's for an entire state. In Alaska, a CPI is currently produced bimonthly for Anchorage.

USES

The CPI has 3 major uses. It measures the change in prices over time of a constant market basket of goods. This measure is an important economic statistic, and is crucial in evaluating government policy and private investment decisions. To convert the CPI from the actual index number to a percentage, use the following procedure:

INDEX POINT CHANGE

| | |
|---------------------------|-------|
| CPI current index | 263.4 |
| Less previous index | 250.5 |
| Equals index point change | 12.9 |

Percentage change

| | |
|---------------------------|-------------|
| Index point difference | 12.9 |
| Divided by previous index | 250.5 |
| Equals change | 0.0515 |
| Multiplied by 100 | 0.052 x 100 |
| Equals percentage change | 5.2% |

This example illustrates that market basket prices for *all urban consumers* in Anchorage increased 5.2% between September 1981 and 1982.

The CPI is also used as a deflator of other dollar-denominated economic indexes. Time series data in *real*, or inflation-free dollars are produced in this manner. To adjust (discount) dollars for the effect of inflation from any given year, use the following procedure:

| | |
|---------------------------------|-------------|
| CPI for past time | 250.5 |
| Divided by CPI for current time | 263.4 |
| Equals | 0.951 |
| Multiplied by current dollars | x\$1,000.00 |
| Equals past dollars | \$951.03 |

The above example illustrates that \$1,000.00 dollars in Anchorage in September 1982 would be the equivalent of \$951.03 in September 1981.

A third use of the CPI is to escalate income and transfer payments. Many union contracts, government entitlement programs such as social security and food stamps, and private contractual agreements such as leases and child support contain escalation clauses based on the CPI. BLS estimates that a 1% increase in the national CPI results in a \$2.5 increase in government expenditure.

Although the CPI is frequently reported in the media as the *inflation rate* or *cost of living increase*, this is technically not correct. The CPI is based on a constant market basket of goods which was last revised in 1972. For this reason, it is *prices* which are measured, not the *cost of living*. To measure the actual *cost of living*, the market basket would have to be revised more frequently to account for changing consumption patterns. It would also have to take into account living costs such as income taxes, which are not a component of the CPI market basket.

METHODOLOGY

The CPI market basket includes all types of expenditures that typical consumers make, from medical

Table VII-1
Cost of Living Measures

| | CONSUMER PRICE INDEX (CPI) | URBAN FAMILY BUDGET | COST OF FOOD AT HOME | FEDERAL GOVERNMENT COST OF LIVING ADJUSTMENT |
|--------------------|--|--|--|---|
| Description | Measures Rate of Change in Price of a Fixed Market Basket of Goods Relative to a Base Year of 1967 | Estimated Income By Expenditure Necessary to Support Assumed Standards of Living in a Hypothetical family of 4 at Low, Intermediate and High Budget Levels | Cost of Food, Wood, Fuel, Electricity for Various Family Groups for a Week | Price Survey of Cost of Living Differentials for Federal Government Workers |
| Responsible Agency | U.S. Dept. of Labor Bureau of Labor Statistics | U.S. Dept. of Labor Bureau of Labor Statistics | University of Alaska Cooperative Extension Service | U.S. Office of Personnel Management |
| Source of Data | Bureau of Census Monthly Survey of Prices | Bureau of Census Price Survey and Consumer Price Index | Price Survey | Price Survey |
| Time Period | Bimonthly (Anch.) Monthly (US) Annual | Autumn of Each Year (Discontinued after 1981) | Quarterly | Annual |
| Industry Detail | None | None | None | None |
| Geographic Detail | 85 Areas 28 SMSA's 4 Regions (South, Northeast, Northcentral, West) for 5 Population classes 36 Select Areas U.S. City Average | 24 Major Metropolitan Areas, 4 Nonmetropolitan Areas Anchorage Urban U.S. Average | Select Alaskan Communities, Alaska and U.S. | Anchorage, Fairbanks, Juneau, Balance of State and Washington, D.C. |
| Published in | BLS News Releases | BLS News Releases | Cooperative Extension Service Newsletter | Office of Personnel Management Newsletter |

services and fuel, to food and entertainment. Each month, Bureau of Census employees check actual prices in all surveyed urban areas.

Survey results are given to BLS and the CPI is computed by assigning weights to each good, depending on the importance of the good in the average consumer's expenditures. An index is available for individual components as well as a total for all items.

There are 2 sets of weightings, one for *all urban consumers*, and the other for *wage and clerical workers* which result in 2 CPI's for each urban area. The *all urban consumer* CPI (CPI-U) approximates the buying habits of 80% of the noninstitutional civilian population. The *wage and clerical* CPI (CPI-W) approximates the buying habits of 40% of noninstitutional civilian population. The *all urban consumers* CPI was begun in 1978. Previously only the *wage and clerical* CPI was available.

The form the CPI takes is a number rounded to one decimal place comparing the current cost of the market basket to the cost in an arbitrary base year. The base year currently being used is 1967. Rebasings of the index was scheduled for 1980 but has been indefinitely postponed due to federal budget constraints.

HOMEOWNERSHIP METHODOLOGY REVISION

Beginning in January 1983 for the CPI-U and January 1985 for the CPI-W, the method for calculating the homeownership component will be changed. Currently, BLS surveys house sale prices and mortgage prices to calculate the homeownership component. In Anchorage, the housing component is about 50% of the total for both CPI's, with homeownership constituting a large portion of housing. BLS does not include Alaska Housing Finance Corporation (AHFC)-financed houses or loans in its survey. AHFC finances almost all house sales in Anchorage. BLS, lacking sufficient sample in Anchorage, uses prices from similar-sized cities in the Western region as a substitute. While this procedure is satisfactory in many instances, in this case the result is a seriously flawed CPI, as Anchorage housing and mortgage prices have changed differently than the prices which are used as a substitute.

Table VII-2
Fairbanks CPI
February 1979 to February 1982 1/

| | | Wage and Clerical | All Urban Consumers |
|------|----------|----------------------|------------------------|
| 1979 | February | 100.0 | 100.0 |
| | April | 101.6 | 101.4 |
| | June | 103.7 | 103.9 |
| | August | 105.5 | 105.2 |
| | October | 108.1 | 108.2 |
| | December | 107.9 | 107.9 |
| 1980 | February | 110.4 | 110.2 |
| | April | 112.8 | 112.7 |
| | June | 113.5 | 113.4 |
| | August | 115.1 | 115.0 |
| | October | 117.6 | 117.4 |
| | December | 119.6 | 119.3 |
| 1981 | February | 121.8 | 121.5 |
| | April | 123.6 | 123.2 |
| | June | 124.9 | 124.3 |
| | August | 125.7 | 125.3 |
| | October | 126.2 | 125.8 |
| | December | 126.8 | 126.7 |
| 1982 | February | 128.0 | 128.1 |

Source: U.S. Department of Labor, Bureau of Labor Statistics

1/ Discontinued due to budget constraints.

H

B

5

7

1

COMMITTEE REPORT

SENATE

FURTHER:

Date 1/20/71

Mr. President

The Committee on Finance considered SB 100

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

- do pass
- do pass with attached amendment(s)
- replace with/or adopt CS for SB 100 (S)
- new title
- same title and recommends _____
- and attached a "LETTER OF INTENT" NEW FISCAL NOTE
- reports it back without recommendation
- recommends referral to _____ Committee

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: _____
 Title: NUMBERS OF SUPERIOR
AND DISTRICT COURT JUDGES
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM
 Program Category Affected: _____
ADMINISTRATION OF JUSTICE
 BRU, Program or Subprogram(s) Affected:
TRIAL COURTS

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 690.6 | 732.0 | 775.9 | 822.5 | 871.9 |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 4.5 | 4.8 | 5.1 | 5.4 | 5.7 |
| 400 SUPPLIES | | 2.2 | 2.3 | 2.4 | 2.5 | 2.7 |
| 500 EQUIPMENT | | 30.1 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 727.4 | 739.1 | 783.4 | 830.4 | 880.3 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|-------|-------|-------|-------|
| GENERAL FUND | | 727.4 | 739.1 | 783.4 | 830.4 | 880.3 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|----|----|----|----|----|
| FULL-TIME | | 11 | 11 | 11 | 11 | 11 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ROBERT G. FISHER Phone: 264-0561
 Division: ALASKA COURT SYSTEM Date: 1/30/84
 Approved by Commissioner: [Signature] Date: 1/30/84
 Agency: ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note):

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

12/1/83

ANALYSIS:

This bill will create a new superior court judge position, two new district court judge positions, and support staff in the Anchorage Trial Courts. Costs have been projected using an inflation factor of 6% after FY 85. The cost of equipment for the new positions is a one-time change. A detailed summary of the costs is presented below:

FISCAL IMPACT:

Personnel

| <u>Position</u> | <u>Salary</u> | <u>Benefits</u> | <u>Total Cost</u> |
|-------------------------------|---------------|-----------------|-------------------|
| 1 Superior Court Judge | \$ 73,620 | \$ 87,474 | \$161,094 |
| 1 Law Clerk (Range 13A) | 25,332 | 8,348 | 33,680 |
| 1 Secretary (Range 12B) | 24,516 | 8,164 | 32,680 |
| 1 In-Court Clerk (Range 12B) | 24,516 | 8,164 | 32,680 |
| 2 District Court Judges | 127,272 | -152,628 | 279,900 |
| 2 In-Court Clerks (Range 12B) | 49,032 | 16,328 | 65,360 |
| 1 Secretary (Range 12B) | 24,516 | 8,164 | 32,680 |
| 2 File Clerks (Range 8B) | 38,568 | 13,966 | 52,534 |
| TOTAL PERSONNEL COSTS | | | \$690,608 |
| Contractual | | | 4,500 |
| Commodities | | | 2,200 |
| Equipment (One-time item) | | | <u>30,135</u> |
| TOTAL FY 85 COST | | | <u>\$727,443</u> |

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: CSHB 571
 Title: Number of Superior and District Court Judges
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

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

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|------------------------|-------|----------------|----------------|----------------|----------------|----------------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 1,033.4 | 1,446.7 | 1,519.0 | 1,595.0 | 1,674.8 |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 308.8 | 432.4 | 454.0 | 476.7 | 500.5 |
| 400 SUPPLIES | | 4.4 | 4.6 | 4.8 | 5.0 | 5.3 |
| 500 EQUIPMENT | | 59.7 | | | | |
| 600 LAND & STRUCTURES | | 200.0 | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 1,606.3 | 1,883.7 | 1,977.8 | 2,076.7 | 2,180.6 |
| CAPITAL | | | | | | |
| REV. UE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|----------------|----------------|----------------|----------------|----------------|
| GENERAL FUND | | 1,606.3 | 1,883.7 | 1,977.8 | 2,076.7 | 2,180.6 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | 1,606.3 | 1,883.7 | 1,977.8 | 2,076.7 | 2,180.6 |

POSITIONS:

| | | | | | | |
|-----------|--|----|----|----|----|----|
| FULL-TIME | | 22 | 22 | 22 | 22 | 22 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: *W. M. Brown* Phone: _____
 Division: Alaska Court System Date: 3/28/84

Approved by Commissioner: _____ Date: _____
 Agency: Alaska Court System 3/28/84

Distribution (by Agency preparing fiscal note):

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

12/1/83

CSHB 571

(Committee Substitute for House Bill 571, establishing 2 new superior court and 4 new district court positions in Anchorage).

FISCAL NOTE ANALYSIS

FISCAL IMPACT:

Personnel

| <u>Position</u> | <u>Salary</u> | <u>Benefits</u> | <u>Total Cost</u> |
|--|---------------|------------------|---------------------------|
| 2 Superior Court Judges | \$147,240 | \$174,948 | \$ 322,188 |
| 2 Law Clerks (Range 13A) | 50,664 | 16,696 | 67,360 |
| 2 Secretaries (Range 12B) | 49,032 | 16,328 | 65,360 |
| 2 In-Court Clerks (Range 12B) | 49,032 | 16,328 | 65,360 |
| 4 District Court Judges | 254,544 | 305,256 | 559,800 |
| 4 In-Court Clerks (Range 12B) | 98,064 | 32,656 | 130,720 |
| 1 Secretary (Range 8B) | 24,516 | 8,164 | 32,680 |
| 4 File Clerks (Range 8B) | 77,136 | 27,932 | 105,068 |
| 1 Criminal Clerk (Range 10B) | 21,744 | 7,538 | <u>29,282</u> |
| | | | \$1,377,818 |
| Adjustment for First Year Hiring Period Vacancy - 3 month vacancy | | | (<u>344,454</u>) |
| Total First Year Personnel Costs | | | 1,033,364 |
| Contractual | | | |
| Word Processing Equipment | | 6,750 | |
| Office Space (15,000 sf at \$2.25/foot/month) | | <u>405,000</u> | |
| | | 411,750 | |
| Adjustment for First Year Hiring Period Vacancy - 3 month vacancy | | <u>(102,939)</u> | |
| Total First Year Contractual Costs | | | 308,811 |
| Commodities | | | 4,400 |
| Equipment (one-time item) | | | 59,704 |
| Leasehold Improvements - remodeling (one-time item) | | | <u>\$ 200,000</u> |
| TOTAL FY 85 COST | | | <u><u>\$1,606,279</u></u> |

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 11, 1984

REQUEST:

Bill/Resolution No.: CSHB 571 (Fin)
Title: "An Act relating to the number of superior and district court judges..."
Sponsor: House Finance Committee
Requestor: Senate Judiciary Committee
Date of Request: May 11, 1984

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: Southcentral and Northern Regional Corrections

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|--------------------------|------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 190.5 | 202.0 | 214.1 | 226.9 | 240.5 |
| 200 TRAVEL | | 3.6 | 3.8 | 4.0 | 4.3 | 4.5 |
| 300 CONTRACTUAL | | 23.6 | 25.0 | 26.5 | 28.1 | 29.8 |
| 400 COMMODITIES | | 3.0 | 3.2 | 3.4 | 3.6 | 3.8 |
| 500 EQUIPMENT | | 9.0 | -0- | -0- | -0- | -0- |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 229.7 | 234.0 | 248.0 | 262.9 | 278.6 |
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|-----|-------|-------|-------|-------|-------|
| GENERAL FUND | -0- | 229.7 | 234.0 | 248.0 | 262.9 | 278.6 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| TOTAL | -0- | 229.7 | 234.0 | 248.0 | 262.9 | 278.6 |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | -0- | 5 | 5 | 5 | 5 | 5 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funds to offset the fiscal impact of this bill have not been identified by the bill sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Roger C. Lange *Roger C. Lange*
Division: Administrative Services

Phone: 465-3376
Date: May 11, 1984

Approved by Commissioner: *[Signature]*
Department: DEPARTMENT OF CORRECTIONS

Date: *May 14, 1984*

Distribution:

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

ANALYSIS

A. Assumptions:

The addition of two superior court judges will not affect input but will increase the number of pre-investigation reports in a given time period. We can expect approximately a 15% increase in the number of presentence investigation requests and persons sentenced. It is also recognized that additional judges are needed because of the increasing number of persons arrested for felony offenses. Approximately 600 presentence investigations are currently completed each year in Southcentral Alaska. Therefore, it is estimated that 90 additional presentence investigations will be necessary. A full time presentence investigator/report writer (P.O. II) will publish 96 reports per year (8 per month). A full time caseload supervisor can successfully supervise 60 to 70 clients. Therefore, an additional Probation Officer II will be needed for this function. One additional Probation Officer II is needed to handle the presentence reports/case work for the additional offenders. The addition of seven (7) district court judges is expected to create, at a minimum, one full time case load for a Probation Officer II supervising misdemeanor offenders on probation. One clerical position is necessary to provide support for the four (4) probation officers.

A 6% inflation rate is assumed for all fiscal years subsequent to 1985.

B. Program Summary:

Positions

| | | |
|-------------------------------------|--------------|--------------|
| 1. Four Probation Officers II | (Each) | <u>Four</u> |
| Personal Services | \$41,007 | 164,028 |
| Travel | 900 | 3,600 |
| Contractual (rent, telephone, etc.) | 5,000 | 20,000 |
| Commodities (office supplies) | 600 | 2,400 |
| Equipment (desk, chair, etc.) | <u>1,500</u> | <u>6,000</u> |
| Total | \$49,007 | \$196,028 |

2. Clerk-Typist III (clerical support)

| | |
|------------------------------------|--------------|
| Personal Services | \$26,502 |
| Contractual (rent, copy supplies) | 3,600 |
| Commodities (office supplies) | 600 |
| Equipment (typewriter, desk, etc.) | <u>3,000</u> |
| Total | \$33,702 |

C. Economic Impact:

It is anticipated that there will be no impact on the State's economy if this proposed legislation is enacted.

D. Impact on Local Governments:

It is anticipated that there will be no fiscal impact on any local governmental unit if this proposed legislation is enacted.

DEPARTMENT OF CORRECTIONS
Pouch T
Juneau, Alaska 99811

POSITION PAPER
CS for House Bill No. 571 (Finance)

Committee Substitute for House Bill No. 571 (Finance) would create two additional superior court judgeships and eight additional district court judgeships. The two superior court judges would be assigned to the third judicial district. The district court judgeships would be numerically realigned as well as adding eight new judges. The third judicial district would gain eight district court judges; the fourth district would gain two district court judges; and the first and second judicial districts would each lose one district court judge.

Overcrowding in the correctional system exists statewide, but is particularly severe at the Cook Inlet Pretrial Facility. Convicted felons spend an average of 118 days in that facility from date of arrest for the crime to date of sentencing after their trial. It is our considered opinion that the length of time from arrest to sentencing can be reduced with the addition of judges. While it will not reduce the total inmate population, it will permit the transfer of sentenced offenders to other facilities, as considered appropriate through the classification process. This enhancement of moving inmates out of the Cook Inlet Pretrial Facility will take some of the pressure off that facility.

The Department of Corrections supports the concept of this bill.

Prepared by:

Roger C. Lange

Roger C. Lange
Internal Management Administrator

Date:

May 14, 1984

Approved by:

Roger V. Endell

Roger V. Endell
Commissioner
Department of Corrections

Date:

May 14, 1984

| | | | | | | | | | | |
|-----|--|-----------------------|-----------|------------|-------------------|-----------------------|-------------------|------|---------|--------|
| 1. | POSITION TITLE Probation Officer II | | | | RANGE/STEP 15A | BARG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAPP |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | | | | | | | |
| | 1 | | 2 | | 3 | | | | | |
| | PERSONAL SERVICES | | | | | | | | | |
| 5. | Salary | \$2,573/mo. | 30,876 | | | | | | | |
| 6. | Benefits | | 5,510 | | | | | | | |
| 7. | Supplemental Benefits | | 1,893 | | | | | | | |
| 8. | Fixed Benefits | | 2,723 | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 41,007 | | | | | | |
| 10. | Travel | | 02 | 2,000 | | | | | | |
| 11. | Contractual | | 03 | 5,000 | | | | | | |
| 12. | Commodities | | 04 | 600 | | | | | | |
| 13. | Equipment | | 05 | 1,500 | | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | | 50,107 | | | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | | | | | | | |
| 16. | | Federal Receipts 1002 | | | | | | | | |
| 17. | | G.F. Match 1003 | | | | | | | | |
| 18. | | General Funds 1004 | | 50,107 | | | | | | |
| 19. | | I-A Receipts 1005 | | | | | | | | |
| 20. | | Program Receipts 1028 | | | | | | | | |
| 21. | | Other | | | | | | | | |
| | FOR B&M USE ONLY | | | | | | | | | |
| | 4A KEY NUMBER | | | | | | | | | |

The position request is to provide a staff person to write presentence reports for the court. It is estimated that the addition of a superior court judgeship will result in an additional 90 presentence investigations and reports annually. A journeyman Probation Officer conducts approximately 96 investigations with reports per year.

This additional workload cannot be absorbed by the currently authorized staff.

REQUEST FOR
13 NEW POSITION

AGENCY Adult Corrections
PROGRAM Offender Confinement, Reformation
and Supervision

BRU Southcentral Regional Corrections

COMPONENT Southcentral Regional Probation

FY 85

Page 1 of 3

Revised Date

| | | | | | | | | | | |
|---------------------|--|--------------------|-----------|------------|-------------------|-----------------------|-------------------|------|---------|---------|
| 1. | POSITION TITLE Probation Officer II | | | | RANGE/STEP 16A | BARG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAPP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | | | | | | | |
| | 1 | 2 | 3 | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | |
| 5. | Salary | \$2,573/mo. | 30,876 | | | | | | | |
| 6. | Benefits | | 5,510 | | | | | | | |
| 7. | Supplemental Benefits | | 1,893 | | | | | | | |
| 8. | Fixed Benefits | | 2,728 | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 41,007 | | | | | | |
| 10. | Travel | | 02 | 1,000 | | | | | | |
| 11. | Contractual | | 03 | 5,000 | | | | | | |
| 12. | Commodities | | 04 | 600 | | | | | | |
| 13. | Equipment | | 05 | 1,500 | | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | | 49,107 | | | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | | | | | | | |
| 16. | | Federal Receipts | 1002 | | | | | | | |
| 17. | | G.F. Match | 1003 | | | | | | | |
| 18. | | General Funds | 1004 | 49,107 | | | | | | |
| 19. | | I-A Receipts | 1005 | | | | | | | |
| 20. | | Program Receipts | 1020 | | | | | | | |
| 21. | | Other | | | | | | | | |
| FOR O&M USE ONLY | | | | | | | | | | |
| 4A KEY NUMBER _____ | | | | | | | | | | |

This position request is to provide a case supervisor level Probation Officer. It has been the experience of this agency that within a year from the creation of a superior court judgeship, a full caseload of persons requiring supervision on probation/parole exists.

The incumbent will provide the entire gamut of probation services/supervision to persons legally requiring the same.

This additional workload cannot be absorbed by the currently authorized staff.

REQUEST FOR
13 NEW POSITION

AGENCY Adult Corrections
PROGRAM Offender Confinement, Reformation and Supervision
BRU Southcentral Regional Corrections
COMPONENT Southcentral Regional Probation

FY 85

Page 2 of 5
Revised Date: _____

| | | | | | | | | | | |
|---|--|-----------------------|-----------|------------|-------------------|-----------------------|-------------------|------|---------|---------|
| 1. | POSITION TITLE Probation Officer II | | | | RANGE/STEP 16A | DARG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAPP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCH NUMBER | DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |
| 3. | CONTINUATION LEVEL | | | | JUSTIFICATION | | | | | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT | | | | | | |
| | 1 | 2 | 3 | | | | | | | |
| | PERSONAL SERVICES | | | | | | | | | |
| 5. | Salary | \$2,573/mo. | 30,876 | | | | | | | |
| 6. | Benefits | | 5,510 | | | | | | | |
| 7. | Supplemental Benefits | | 1,893 | | | | | | | |
| 8. | Fixed Benefits | | 2,728 | | | | | | | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 41,007 | | | | | | |
| 10. | Travel | | 02 | 500 | | | | | | |
| 11. | Contractual | | 03 | 5,000 | | | | | | |
| 12. | Commodities | | 04 | 600 | | | | | | |
| 13. | Equipment | | 05 | 1,500 | | | | | | |
| 14. | Other | | | | | | | | | |
| 15. | TOTAL COST | | | 48,607 | | | | | | |
| | RECEIPT CODE | FUNDING SOURCE | | | | | | | | |
| 16. | | Federal Receipts 1002 | | | | | | | | |
| 17. | | G.F. Match 1003 | | | | | | | | |
| 18. | | General Funds 1004 | | 48,607 | | | | | | |
| 19. | | I-A Receipts 1005 | | | | | | | | |
| 20. | | Program Receipts 1020 | | | | | | | | |
| 21. | | Other | | | | | | | | |
| FOR O&M USE ONLY 4A KEY NUMBER - - - - - | | | | | | | | | | |

The addition of seven (7) district court judges in the Third Judicial District will create, at an estimated minimum, one full-time misdemeanor probation caseload. The incumbent will provide street supervision of the probationers, establish collateral contacts, make progress reports, etc.

The additional workload cannot be absorbed by the currently authorized staff.

REQUEST FOR
13 NEW POSITION

AGENCY Adult Corrections
PROGRAM Offender Confinement, Reformation and Supervision
DRU Southcentral Regional Corrections
COMPONENT Southcentral Regional Probation

FY 85

Page 3 of 5
Revised Date

| | | | | | | | | | | |
|----|--|--------------------|-----------|------------|-------------------|-----------------------|-------------------|------|---------|-------|
| 1. | POSITION TITLE Probation Officer II | | | | RANGE/STEP 16A | BARG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAP |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |

| | | | | |
|-----|-------------------------|-------------|----------|--------|
| 3. | CONTINUATION LEVEL | | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT |
| | 1 | 2 | 3 | |
| | PERSONAL SERVICES | | | |
| 5. | Salary | \$2,573/mo. | 30,876 | |
| 6. | Benefits | | 5,510 | |
| 7. | Supplemental Benefits | | 1,893 | |
| 8. | Fixed Benefits | | 2,728 | |
| 9. | TOTAL PERSONAL SERVICES | | 01 | 41,007 |
| 10. | Travel | | 02 | 100 |
| 11. | Contractual | | 03 | 5,000 |
| 12. | Commodities | | 04 | 600 |
| 13. | Equipment | | 05 | 1,500 |
| 14. | Other | | | |
| 15. | TOTAL COST | | | 48,207 |

JUSTIFICATION

The position request is to provide a staff person to write presentence reports for the court and provide supervision to offenders.

This additional workload cannot be absorbed by the currently authorized staff.

| | | | |
|-----|--------------|-----------------------|-------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 48,20 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR 4A ONLY
 4A _____
 4A _____

AGENCY Adult Corrections
Offender Confinement, Reformation
and Supervision

PROGRAM _____

DRU Southcentral Regional Corrections

COMPONENT Southcentral Regional Probation

13 REQUEST FOR
 NEW POSITION

Page 4 of 5
 Revised Date _____

FY 8!

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: _____

REQUEST

Bill/Resolution No.: _____
 Title: NUMBERS OF SUPERIOR
AND DISTRICT COURT JUDGES
 Sponsor: _____
 Requestor: _____
 Date of Request: _____

FISCAL DETAIL

Agency Affected: ALASKA COURT SYSTEM
 Program Category Affected: _____
ADMINISTRATION OF JUSTICE
 BRU, Program or Subprogram(s) Affected:
TRIAL COURTS

EXPENDITURES/REVENUES: (Thousands of Dollars)

| OPERATING | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| 100 PERSONAL SERVICES | | 690.6 | 732.0 | 775.9 | 822.5 | 871.9 |
| 200 TRAVEL | | | | | | |
| 300 CONTRACTUAL | | 4.5 | 4.8 | 5.1 | 5.4 | 5.7 |
| 400 SUPPLIES | | 2.2 | 2.3 | 2.4 | 2.5 | 2.7 |
| 500 EQUIPMENT | | 30.1 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | | 727.4 | 739.1 | 783.4 | 830.4 | 880.3 |
| CAPITAL | | | | | | |
| REVENUE | | | | | | |

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|--|-------|-------|-------|-------|-------|
| GENERAL FUND | | 727.4 | 739.1 | 783.4 | 830.4 | 880.3 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|--|----|----|----|----|----|
| FULL-TIME | | 11 | 11 | 11 | 11 | 11 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: ROBERT G. FISHER Phone: 264-0561
 Division: ALASKA COURT SYSTEM Date: 1/30/84

Approved by Commissioner: [Signature] Date: 1/30/84
 Agency: ALASKA COURT SYSTEM

Distribution (by Agency preparing fiscal note):

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

12/1/83

ANALYSIS:

This bill will create a new superior court judge position, two new district court judge positions, and support staff in the Anchorage Trial Courts. Costs have been projected using an inflation factor of 6% after FY 85. The cost of equipment for the new positions is a one-time change. A detailed summary of the costs is presented below:

FISCAL IMPACT:

Personnel

| <u>Position</u> | <u>Salary</u> | <u>Benefits</u> | <u>Total Cost</u> |
|-------------------------------|---------------|-----------------|-------------------|
| 1 Superior Court Judge | \$ 73,620 | \$ 87,474 | \$161,094 |
| 1 Law Clerk (Range 13A) | 25,332 | 8,348 | 33,680 |
| 1 Secretary (Range 12B) | 24,516 | 8,164 | 32,680 |
| 1 In-Court Clerk (Range 12B) | 24,516 | 8,164 | 32,680 |
| 2 District Court Judges | 127,272 | -152,628 | 279,900 |
| 2 In-Court Clerks (Range 12B) | 49,032 | 16,328 | 65,360 |
| 1 Secretary (Range 12B) | 24,516 | 8,164 | 32,680 |
| 2 File Clerks (Range 8B) | 38,568 | 13,966 | <u>52,534</u> |
| TOTAL PERSONNEL COSTS | | | \$690,608 |
| Contractual | | | 4,500 |
| Commodities | | | 2,200 |
| Equipment (One-time item) | | | <u>30,135</u> |
| TOTAL FY 85 COST | | | <u>\$727,443</u> |

STATE OF ALASKA 1984 LEGISLATIVE SESSION
FISCAL NOTE

Revision Date: May 11, 1984

REQUEST:

Bill/Resolution No.: CSHB 571 (Fin)
Title: "An Act relating to the number of superior and district court judges..."
Sponsor: House Finance Committee
Requestor: Senate Judiciary Committee
Date of Request: May 11, 1984

FISCAL DETAIL:

Agency Affected: DEPARTMENT OF CORRECTIONS
Program Category Affected: Administration of Justice
BRU, Program or Subprogram(s) Affected: Southcentral and Northern Regional Corrections

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|--------------------------|------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 190.5 | 202.0 | 214.1 | 226.9 | 240.5 |
| 200 TRAVEL | | 3.6 | 3.8 | 4.0 | 4.3 | 4.5 |
| 300 CONTRACTUAL | | 23.6 | 25.0 | 26.5 | 28.1 | 29.8 |
| 400 COMMODITIES | | 3.0 | 3.2 | 3.4 | 3.6 | 3.8 |
| 500 EQUIPMENT | | 9.0 | -0- | -0- | -0- | -0- |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS, ETC. | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 229.7 | 234.0 | 248.0 | 262.9 | 278.6 |

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| CAPITAL | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

| | | | | | | |
|---------|-----|-----|-----|-----|-----|-----|
| REVENUE | -0- | -0- | -0- | -0- | -0- | -0- |
|---------|-----|-----|-----|-----|-----|-----|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|------------------------|-----|-------|-------|-------|-------|-------|
| GENERAL FUND | -0- | 229.7 | 234.0 | 248.0 | 262.9 | 278.6 |
| FEDERAL FUNDS | | | | | | |
| OTHER (Specify Source) | | | | | | |
| TOTAL | -0- | 229.7 | 234.0 | 248.0 | 262.9 | 278.6 |

POSITIONS:

| | | | | | | |
|-----------|-----|-----|-----|-----|-----|-----|
| FULL-TIME | -0- | 5 | 5 | 5 | 5 | 5 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |
| TOTAL | -0- | -0- | -0- | -0- | -0- | -0- |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

Funds to offset the fiscal impact of this bill have not been identified by the bill sponsor.

ANALYSIS: Attach a separate page for any Analysis.

Prepared By: Roger C. Lange
Division: Administrative Services

Phone: 465-3376
Date: May 11, 1984

Approved by Commissioner: [Signature]
Department: DEPARTMENT OF CORRECTIONS

Date: May 14, 1984

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

ANALYSIS

A. Assumptions:

The addition of two superior court judges will not affect input but will increase the number of pre-investigation reports in a given time period. We can expect approximately a 15% increase in the number of presentence investigation requests and persons sentenced. It is also recognized that additional judges are needed because of the increasing number of persons arrested for felony offenses. Approximately 600 presentence investigations are currently completed each year in Southcentral Alaska. Therefore, it is estimated that 90 additional presentence investigations will be necessary. A full time presentence investigator/report writer (P.O. II) will publish 96 reports per year (8 per month). A full time caseload supervisor can successfully supervise 60 to 70 clients. Therefore, an additional Probation Officer II will be needed for this function. One additional Probation Officer II is needed to handle the presentence reports/case work for the additional offenders. The addition of seven (7) district court judges is expected to create, at a minimum, one full time case load for a Probation Officer II supervising misdemeanor offenders on probation. One clerical position is necessary to provide support for the four (4) probation officers.

A 6% inflation rate is assumed for all fiscal years subsequent to 1985.

B. Program Summary:

Positions

| | | |
|--|---------------|--------------|
| 1. Four Probation Officers II | <u>(Each)</u> | <u>Four</u> |
| Personal Services | \$41,007 | 164,023 |
| Travel | 900 | 3,600 |
| Contractual (rent, telephone, etc.) | 5,000 | 20,000 |
| Commodities (office supplies) | 600 | 2,400 |
| Equipment (desk, chair, etc.) | <u>1,500</u> | <u>6,000</u> |
| Total | \$49,007 | \$196,028 |
| | | |
| 2. Clerk-Typist III (clerical support) | | |
| Personal Services | \$26,502 | |
| Contractual (rent, copy supplies) | 3,600 | |
| Commodities (office supplies) | 600 | |
| Equipment (typewriter, desk, etc.) | <u>3,000</u> | |
| Total | \$33,702 | |

C. Economic Impact:

It is anticipated that there will be no impact on the State's economy if this proposed legislation is enacted.

D. Impact on Local Governments:

It is anticipated that there will be no fiscal impact on any local governmental unit if this proposed legislation is enacted.

DEPARTMENT OF CORRECTIONS

Pouch T

Juneau, Alaska 99811

POSITION PAPER

CS for House Bill No. 571 (Finance)

Committee Substitute for House Bill No. 571 (Finance) would create two additional superior court judgeships and eight additional district court judgeships. The two superior court judges would be assigned to the third judicial district. The district court judgeships would be numerically realigned as well as adding eight new judges. The third judicial district would gain eight district court judges; the fourth district would gain two district court judges; and the first and second judicial districts would each lose one district court judge.

Overcrowding in the correctional system exists statewide, but is particularly severe at the Cook Inlet Pretrial Facility. Convicted felons spend an average of 118 days in that facility from date of arrest for the crime to date of sentencing after their trial. It is our considered opinion that the length of time from arrest to sentencing can be reduced with the addition of judges. While it will not reduce the total inmate population, it will permit the transfer of sentenced offenders to other facilities, as considered appropriate through the classification process. This enhancement of moving inmates out of the Cook Inlet Pretrial Facility will take some of the pressure off that facility.

The Department of Corrections supports the concept of this bill.

Prepared by:

Roger C. Lange

Roger C. Lange
Internal Management Administrator

Date:

May 14, 1984

Approved by:

Roger V. Endell

Roger V. Endell
Commissioner
Department of Corrections

Date:

May 14, 1984

| | | | | | | | | | | |
|----|--|--------------------|-----------|------------|-------------------|-----------------------|-------------------|------|---------|---------|
| 1. | POSIT ON TITLE Probation Officer II | | | | RANGE/STEP 16A | BARG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAPP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | | |

| | | | |
|-----|-------------------------|-------------|--------|
| 3. | CONTINUATION LEVEL | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | AMOUNT |
| | 1 | 2 | 3 |
| | PERSONAL SERVICES | | |
| 5. | Salary | \$2,5/3/mo. | 30,876 |
| 6. | Benefits | | 5,510 |
| 7. | Supplemental Benefits | | 1,893 |
| 8. | Fixed Benefits | | 2,728 |
| 9. | TOTAL PERSONAL SERVICES | 01 | 41,007 |
| 10. | Travel | 02 | 1,000 |
| 11. | Contractual | 03 | 5,000 |
| 12. | Commodities | 04 | 600 |
| 13. | Equipment | 05 | 1,500 |
| 14. | Other | | |
| 15. | TOTAL COST | | 49,107 |

JUSTIFICATION

This position request is to provide a case supervisor level Probation Officer. It has been the experience of this agency that within a year from the creation of a superior court judgeship, a full caseload of persons requiring supervision on probation/parole exists.

The incumbent will provide the entire gamut of probation services/supervision to persons legally requiring the same.

This additional workload cannot be absorbed by the currently authorized staff.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 49,107 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR O&M USE ONLY

4A KEY NUMBER _____

REQUEST FOR
13 NEW POSITION

AGENCY Adult Corrections
PROGRAM Offender Confinement, Reformation and Supervision
BRU Southcentral Regional Corrections
COMPONENT Southcentral Regional Probation

FY 85

Page 2 of 5
Revised Date _____

| | | | | | | | | | |
|----|--|--------------------|-----------|-------------------|------------------|-----------------------|-------------------|---------|--------|
| 1. | POSITION TITLE Probation Officer II | | | RANGE/STEP 16A | ORG. UNIT GCU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAPP |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCH NUMBER | DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | LEG. | |

| | | | |
|-----|-------------------------|-------------|--------|
| 3. | CONTINUATION LEVEL | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | AMOUNT |
| | 1 | 2 | 3 |
| | PERSONAL SERVICES | | |
| 5. | Salary | \$2,573/mo. | 30,876 |
| 6. | Benefits | | 5,510 |
| 7. | Supplemental Benefits | | 1,893 |
| 8. | Fixed Benefits | | 2,728 |
| 9. | TOTAL PERSONAL SERVICES | 01 | 41,007 |
| 10. | Travel | 02 | 100 |
| 11. | Contractual | 03 | 5,000 |
| 12. | Commodities | 04 | 600 |
| 13. | Equipment | 05 | 1,500 |
| 14. | Other | | |
| 15. | TOTAL COST | | 48,207 |

JUSTIFICATION

The position request is to provide a staff person to write presentence reports for the court and provide supervision to offenders.

This additional workload cannot be absorbed by the currently authorized staff.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 48,200 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR D&H USE ONLY
4A KEY NUMBER _____

13 REQUEST FOR NEW POSITION

AGENCY Adult Corrections
PROGRAM Offender Confinement, Reformation and Supervision
DRU Southcentral Regional Corrections
COMPONENT Southcentral Regional Probation

Page 4 of 5
Revised Date _____

FY 8!

| | | | | | | | | | | | |
|----|------------------------------------|--------------------|-----------|------------|------------------|-----------------------|-------------------|-----------|------|---------|---------|
| 1. | POSITION TITLE Clerk-Typist III | | | | RANGE/STEP 8B | BARG. UNIT GGU | FORM 12 | PAGE/LINE | GOV. | APPROV. | DISAPP. |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT | | LEG. | | |

| | | | | |
|-------------------|-------------------------|-------------|--------|--------|
| 3. | CONTINUATION LEVEL | ADDITION | | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT |
| | 1 | 2 | | 3 |
| PERSONAL SERVICES | | | | |
| 5. | Salary | \$1,598/mo. | 19,176 | |
| 6. | Benefits | | 3,423 | |
| 7. | Supplemental Benefits | | 1,175 | |
| 8. | Fixed Benefits | | 2,728 | |
| 9. | TOTAL PERSONAL SERVICES | 01 | | 26,502 |
| 10. | Travel | 02 | | |
| 11. | Contractual | 03 | | 3,600 |
| 12. | Commodities | 04 | | 600 |
| 13. | Equipment | 05 | | 3,000 |
| 14. | Other | | | |
| 15. | TOTAL COST | | | 33,702 |

JUSTIFICATION

This position will support three (3) Probation Officer II positions. This incumbent will have a significant amount of typing with lengthy pre-sentence reports and casefile entries for an estimated 60 to 70 probationer/parolees. In addition to the typing, there will be receptionist responsibilities, filing, photo copying, periodically making travel arrangements for professional staff, etc.

The workload created by the addition of three probation officers could not be absorbed by the currently authorized staff.

| | RECEIPT CODE | FUNDING SOURCE | |
|-----|--------------|-----------------------|--------|
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 33,702 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR B&M USE ONLY
4A KEY NUMBER

REQUEST FOR
13 NEW POSITION

AGENCY Adult Corrections
PROGRAM Offender Confinement, Reformation
and Supervision
BRU Southcentral Regional Corrections
COMPONENT Southcentral Regional Probation

FY 85

Page 5 of 5

Revised Date

FISCAL NOTE

Revision Date: March 8, 1984

REQUEST

Bill/Resolution No.: HB 571
 Title: "...number of superior and district court judges.."
 Sponsor: Repr. Abood
 Requestor: OMB - Gov.'s Off.
 Date of Request: 2-28-84

FISCAL DETAIL

Agency Affected: Department of Law
 Program Category Affected: "Administration of Justice"
 BRU, Program or Subprogram(s) Affected: Prosecution

EXPENDITURES/REVENUES: (Thousands of Dollars)

| | FY 84 | FY 85 | FY 86 | FY 87 | FY 88 | FY 89 |
|-----------------------|-------|-------|-------|-------|-------|-------|
| OPERATING | | | | | | |
| 100 PERSONAL SERVICES | | 197.0 | 208.8 | 221.3 | 234.6 | 248.7 |
| 200 TRAVEL | | 15.0 | 15.9 | 16.9 | 17.9 | 19.0 |
| 300 CONTRACTUAL | | 47.2 | 50.0 | 53.0 | 56.2 | 59.6 |
| 400 SUPPLIES | | 15.6 | 11.4 | 12.1 | 12.8 | 13.6 |
| 500 EQUIPMENT | | 18.0 | | | | |
| 600 LAND & STRUCTURES | | | | | | |
| 700 GRANTS, CLAIMS | | | | | | |
| 800 MISCELLANEOUS | | | | | | |
| TOTAL OPERATING | -0- | 292.8 | 286.1 | 303.3 | 321.5 | 340.9 |

| | | | | | | |
|---------|--|--|--|--|--|--|
| CAPITAL | | | | | | |
|---------|--|--|--|--|--|--|

| | | | | | | |
|---------|--|--|--|--|--|--|
| REVENUE | | | | | | |
|---------|--|--|--|--|--|--|

FUNDING: (Thousands of Dollars)

| | | | | | | |
|---------------|-----|-------|-------|-------|-------|-------|
| GENERAL FUND | -0- | 292.8 | 286.1 | 303.3 | 321.5 | 340.9 |
| FEDERAL FUNDS | | | | | | |
| OTHER | | | | | | |
| TOTAL | | | | | | |

POSITIONS:

| | | | | | | |
|-----------|-----|---|---|---|---|---|
| FULL-TIME | -0- | 4 | 4 | 4 | 4 | 4 |
| PART-TIME | | | | | | |
| TEMPORARY | | | | | | |

SOURCE OF FUNDS TO OFFSET FISCAL IMPACT OF BILL:

ANALYSIS: Attach a separate page for analysis

Prepared By: Richard I. Pegues, Director Phone: 465-3672
 Division: Administrative Services Division Date: 3-8-84

Approved by Commissioner: Norman C. Gorsuch Date: 3-8-84
 Agency: Department of Law

Distribution (by Agency preparing fiscal note):

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

12/1/83

March 8, 1984

The net effect of HB 571 is to increase the number of judges in the Third Judicial District by one superior court judge and two district court judges, at Anchorage. This increase has been requested by the courts because of substantial increases in both felony and misdemeanor cases and because of a growing backlog of both criminal and civil cases. During the last 15 months, the Anchorage area has grown by approximately 30,000 residents. This increase in itself exceeds the total population served by the criminal justice system in Juneau which is made up of 2 superior court judges, 1 district court judge and a District Attorney's Office consisting of three attorneys, one paralegal assistant and three legal secretaries. By comparison, no additional judicial or prosecution positions have been authorized to handle the increased caseload in Anchorage during this period.

Included in this population growth is a disproportionate number of young, highly transient males who tend to account for a considerable portion of the increase in serious criminal cases in the Anchorage area. Although many of the presently backlogged cases consist of minor offenses, there has also been a disturbing increase in the number of sexual assault cases involving children and in the number of complex homicide cases which require substantial additional judicial and prosecution resources in order to ensure that they are properly handled.

Historically, there has been a direct correlation between the number of judges in a particular district and the number of prosecutors required in order to meet court calendars. This correlation has in the past and should equal one prosecutor for each full-time judge. This balance is required in order to ensure that cases are effectively and efficiently processed. Over the past few years the balance between judges and prosecutors in the Third Judicial District has tipped towards the judicial side of the scales. There are currently 14 authorized superior court judges and 9 district court judges in the Third Judicial District. In addition, there are 4 full-time magistrates in the district who also have authority to serve as district judges, thus bringing the number of full-time judges to 27, as opposed to 23 prosecuting attorneys. The number of prosecutors has not kept pace with the number of judges due to legislative authorized increases in the last five to six years which have not included additional prosecuting attorney resources. To an extent, the Department of Law has been able to handle most case settings as a result of economies of scale realized over the past several years. However, we are rapidly falling behind in our ability to adequately cover present court calendars, particularly in the rural areas. This problem will become particularly severe if these additional judicial positions are added without an increase in prosecuting attorney positions.

The Criminal Division of the department will not be able to continue to handle all of the cases and court calendars, particularly with the addition of these new judges, without additional prosecution resources. This imbalance between judges and prosecutors will be particularly severe at the district court level because of the higher volume of cases, although there will also be substantial impact at the superior court level because of the need to assign the new superior court judge in Anchorage to criminal cases.

In his State of Judiciary message to the Legislature on February 28, 1984, Chief Justice Burke anticipated that the new superior court judge would be assigned to the criminal division. See Senate and House Joint Journal Supplement No. 20 at pages 7-8. The administrative office of the Court System has indicated, however, that the new superior court judge will be expected to devote half of his time to criminal cases and half to civil cases. Regardless of the actual breakdown of the duties assigned to the new judge, in order to meet the speedy trial requirements of Criminal Rule 45 in the face of the increased number and complexity of ^{120 day trials} felony criminal trials, it is certain that civil division judges will continue to handle a substantial percentage of the criminal case load.

Recognizing that the three new judges will devote some proportion of their time to civil cases, we are requesting that the District Attorney's Office at Anchorage be increased by two (rather than three) attorneys, one paralegal assistant and one legal secretary. One attorney will be assigned to the superior court to handle major felony prosecutions with emphasis on sexual assault and homicide cases. The second attorney will be assigned to district court cases and handle misdemeanor cases exclusively. The Criminal Division believes that it can, for the present, adequately cover the caseload through the addition of two attorneys, rather than three, through an additional paralegal assistant at substantially lesser cost to assist in case preparation and the coordination of witnesses. A single legal secretary position will be needed to provide support services in the processing of these cases and to handle the work that will be generated by the two attorneys and the paralegal. The total costs associated with these positions is (\$292,800.) Attached is a summary sheet which breaks this cost down by each position and relevant budgetary object code.

Fiscal Note Analysis
HB 571

FY 85
Cost Schedule

| <u>Object</u> | <u>Atty IV</u> | <u>Atty III</u> | <u>Paralegal Asst II</u> | <u>Leg. Sec I</u> | <u>Total</u> |
|---|----------------|-----------------|------------------------------|-----------------------|--------------|
| Personal Services | 67.5 | 59.7 | 40.6 | 29.2 | 197.0 |
| Travel - Witness travel subsistence, staff travel | 5.0 | 5.0 | 5.0 | -0- | 15.0 |
| Contractual Services | | | | | |
| Office commo., equip. repair | 4.8 | 4.8 | 4.8 | 2.4 | 16.8 |
| Copy - postage | | | | | |
| WP Maintenance | | | | 1.8 | 1.8 |
| Space Rental | 5.2 | 5.2 | 4.1 | 4.1 | 18.6 |
| Expert Witness/ Witness Costs | 5.0 | 5.0 | | | 10.0 |
| | | | | | <u>47.2</u> |
| Commodities - ongoing | | | | | |
| Office consumables | 1.8 | 1.8 | 1.8 | 1.8 | 7.2 |
| Law Library | 1.2 | 1.2 | 1.2 | -0- | 3.6 |
| Commodities - one time | | | | | |
| New position materials | 1.2 | 1.2 | 1.2 | 1.2 | 4.8 |
| | | | | | <u>15.6</u> |
| Equipment - one time | | | | | |
| New position equip. Word Processor | 1.5 | 1.5 | 1.5 | 1.5 12.0 | 6.0 12.0 |
| | | | | | <u>18.0</u> |
| TOTALS | <u>93.2</u> | <u>85.4</u> | <u>60.2</u> | <u>54.0</u> | <u>292.8</u> |

Costs beyond FY 85 include a 6% annual inflation factor.

| | | | | | | | | | |
|----|-------------------------------|--------------------|-----------|-------------------|------------------|-----------------------|------------------------|---------|------|
| 1. | POSITION TITLE ATTORNEY IV | | | RANGE/STEP 24A | DEPT. UNIT PX | FORM NO. PAGE/LINE | GOV. | APPROV. | DISA |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | |

| | | | |
|-----|-------------------------|----------|--------|
| 3. | CONTINUATION LEVEL | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | AMOUNT |
| | 1 | 2 | 3 |
| | PERSONAL SERVICES | | |
| 5. | Salary | 4,464 | 53,568 |
| 6. | Benefits | | 8,785 |
| 7. | Supplemental Benefits | | 2,550 |
| 8. | Fixed Benefits | | 2,630 |
| 9. | TOTAL PERSONAL SERVICES | 01 | 67,533 |
| 10. | Travel | 02 | 5,000 |
| 11. | Contractual | 03 | 15,000 |
| 12. | Commodities | 04 | 4,200 |
| 13. | Equipment | 05 | 1,500 |
| 14. | Other | | |
| 15. | TOTAL COST | | 93,233 |

JUSTIFICATION

This is one of two attorney positions that are being requested to provide the additional prosecution services that will be needed to handle an expanded court calendar when the number of judgeships in Anchorage is increased. This position will handle sexual assault cases in the superior court, particularly those involving children, and the position will also handle misdemeanor cases in the district court. Allocation to the full working level of Attorney IV is recommended because of the requirement to handle sensitive crimes independently.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Hatch 1003 | |
| 18. | | General Funds 1004 | 93,233 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR DEB USE ONLY
 4A KEY NUMBER _____

AGENCY DEPARTMENT OF LAW
 PROGRAM DUE PROCESS
 DRU PROSECUTION

13 REQUEST FOR
 NEW POSITION

FY 8!

| | | | | | | | | | |
|----|--------------------------------|--------------------|-----------|-------------------|------------------|-----------------------|------------------------|---------|--------|
| 1. | POSITION TITLE ATTORNEY III | | | RANGE/STEP 22A | DEPT. UNIT PX | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAP. |
| 2. | TYPE OF POSITION PPT | STAFF MONTHS 12 | RP NUMBER | PCH NUMBER | BRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | |

| | | | |
|-----|-------------------------|----------|--------|
| 3. | CONTINUATION LEVEL | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | AMOUNT |
| | 1 | 2 | 3 |
| | PERSONAL SERVICES | | |
| 5. | Salary 3,900 | 46,800 | |
| 6. | Benefits | 7,675 | |
| 7. | Supplemental Benefits | 2,550 | |
| 8. | Fixed Benefits | 2,630 | |
| 9. | TOTAL PERSONAL SERVICES | 01 | 59,655 |
| 10. | Travel | 02 | 5,000 |
| 11. | Contractual | 03 | 15,000 |
| 12. | Commodities | 04 | 4,200 |
| 13. | Equipment | 05 | 1,500 |
| 14. | Other | | |
| 15. | TOTAL COST | | 85,355 |

JUSTIFICATION

This is the second of two attorney positions being requested to handle the expanded court calendar that will occur when three new judges are added in the Third Judicial District at Anchorage. This position will be assigned to district court matters and handle the growing backlog of misdemeanor cases that has been caused by a rapidly growing population. Allocation to the Attorney III grade is recommended because of the level of criminal violations to be prosecuted by the position.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 85,355 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR B&H USE ONLY
4A KEY NUMBER

13 REQUEST FOR NEW POSITION

AGENCY DEPARTMENT OF LAW
PROGRAM DUE PROCESS
BRU PROSECUTION

FY 81

| | | | | |
|-----|--|--------------------|-----------|------------|
| 1. | POSITION TITLE PARALEGAL ASSISTANT II | | | |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER |
| 3. | CONTINUATION LEVEL | | | |
| 4. | TYPE OF EXPENDITURE | | | AMOUNT |
| | 1 | 2 | 3 | |
| | PERSONAL SERVICES | | | |
| 5. | Salary | 2,573 | 30,876 | |
| 6. | Benefits | | 5,064 | |
| 7. | Supplemental Benefits | | 1,893 | |
| 8. | Fixed Benefits | | 2,730 | |
| 9. | TOTAL PERSONAL SERVICES | 01 | 40,563 | |
| 10. | Travel | 02 | 5,000 | |
| 11. | Contractual | 03 | 8,900 | |
| 12. | Commodities | 04 | 4,200 | |
| 13. | Equipment | 05 | 1,500 | |
| 14. | Other | | | |
| 15. | TOTAL COST | | 60,163 | |

| | | | | | |
|-------------------|-----------------------|------------------------|------|---------|--------|
| RANGE/STEP 16A | ORG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAP. |
| DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | LEG. | | |

JUSTIFICATION

This paralegal position is requested to provide victim/witness assistance services to the victims of child sexual abuse. A part of the growing case backlog that caused by the courts to seek additional judges at Anchorage has been a disturbing increase in the number of child sexual abuse cases. The victims of this abuse often have the additional ordeal of appearing in court as witnesses against the persons who have abused them. Paralegal assistants have proven invaluable in interviewing and assisting these victims in a manner that assures their well-being as witnesses.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Match 1003 | |
| 18. | | General Funds 1004 | 60,163 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR BAK USE ONLY
4A KEY NUMBER _____

AGENCY DEPARTMENT OF LAW
 PROGRAM DUE PROCESS
 DRU PROSECUTION

13 REQUEST FOR
NEW POSITION

FY 85

| | | | | | | | | | | |
|----|-------------------------------------|--------------------|-----------|------------|-------------------|-----------------------|------------------------|------|---------|-------|
| 1. | POSITION TITLE LEGAL SECRETARY I | | | | RANGE/STEP 10B | ORG. UNIT GGU | FORM 12 PAGE/LINE | GOV. | APPROV. | DISAP |
| 2. | TYPE OF POSITION PFT | STAFF MONTHS 12 | RP NUMBER | PCN NUMBER | DRU PRIORITY | LOCATION Anchorage | ELECTION DISTRICT 8 | ICG. | | |

| | | | |
|-----|-------------------------|----------|-----------|
| 3. | CONFIRMATION LEVEL | ADDITION | |
| 4. | TYPE OF EXPENDITURE | | AMOUNT |
| | 1 | 2 | 3 |
| | PERSONAL SERVICES | | |
| 5. | Salary | 1,803 | 21,636 |
| 6. | Benefits | | 3,548 |
| 7. | Supplemental Benefits | | 1,326 |
| 8. | Fixed Benefits | | 2,730 |
| 9. | TOTAL PERSONAL SERVICES | | 01 29,240 |
| 10. | Travel | | 02 -0- |
| 11. | Contractual | | 03 8,300 |
| 12. | Commodities | | 04 3,000 |
| 13. | Equipment | | 05 13,500 |
| 14. | Other | | |
| 15. | TOTAL COST | | 54,040 |

JUSTIFICATION

This position is requested to provide the clerical support required to handle the paperwork that will be generated by the two attorneys and the paralegal who are being added in response to the three judges being added at Anchorage. This position will provide communications, staff scheduling, filing and produce the court documents generated by the new legal positions. Allocation of the position to Legal Secretary I level is therefore recommended.

| | | | |
|-----|--------------|-----------------------|--------|
| | RECEIPT CODE | FUNDING SOURCE | |
| 16. | | Federal Receipts 1002 | |
| 17. | | G.F. Hatch 1003 | |
| 18. | | General Funds 1004 | 54,040 |
| 19. | | I-A Receipts 1005 | |
| 20. | | Program Receipts 1020 | |
| 21. | | Other | |

FOR DRU USE ONLY
 4A KEY NUMBER _____

AGENCY DEPARTMENT OF LAW
 PROGRAM DUE PROCESS
 DRU PROSECUTION

13 REQUEST FOR
NEW POSITION

FY 85



Superior Court
State of Alaska

THIRD JUDICIAL DISTRICT

303 K Street
Anchorage, Alaska 99501



CHAMBERS OF
DOUGLAS J. SERDAHELY

March 15, 1984

The Honorable Charlie Bussell
Chairman, House Judiciary Committee
Alaska State Legislature
State Capitol Building, Room 124
Juneau, Alaska 99811

Re: House Bill 571

Dear Chairman Bussell:

I regret that I am unable to personally attend and testify at the hearing regarding the pending legislation seeking authorization for additional District Court and Superior Court judges (House Bill 571). With this letter, I wish to summarize the comments and testimony I would have provided at the hearing in Anchorage on March 17, 1984.

By way of background, I have been serving as a Superior Court Judge in Anchorage for over three years. I am, and have been, assigned to the Civil Division of the Court during all of this time.

I earnestly support the Alaska Court System's application for at least one additional Superior Court position -- and ideally more than one -- for the Anchorage Superior Court Bench.

Since coming to the Bench three years ago, I have seen my civil case load (meaning non-domestic, non-criminal cases) increase from approximately 600 cases in April of 1981 to approximately 1100 cases at the present time.

In addition to an absolute increase in the number of cases, it is also my impression that there is an increase in the complexity, length, and expense of the civil

The Honorable Charlie Bussell
March 15, 1984
Page 2

cases that are now being litigated. Thus, for example, I have spent the last four months trying two cases: a prisoners' class action case that lasted 7 weeks, and a securities litigation case that lasted 11-12 weeks. In the latter case alone, the parties filed 50-60 volumes of pleadings (exclusive of certain discovery documents), presented in excess of 3,000 documentary exhibits at trial, filed innumerable motions before and during trial, and took at least 15 petitions for review (interlocutory, appellate review attempts) to the Alaska Supreme Court. Although this latter case may be an extreme example, it is my impression that in the last year or so, the Court System has experienced a relative increase in complex civil litigation.

Besides, the cases mentioned above, during the last year I have also tried a class action civil rights case that lasted 5-6 weeks and a wrongful death action that lasted 4-5 weeks. During the next 12-14 months, I have currently scheduled for trial 4 cases which are expected to last one month or more in duration, including a condemnation action of approximately 4 weeks; a personal injury action of approximately 4-5 weeks; a wrongful death action of approximately 5 weeks; and a commercial insurance litigation case of approximately 8 weeks.

The impact of larger case loads, as well as lengthier and more complex civil litigation on the trial calendar is obvious. The four months of trial time I spent on the two cases mentioned above consumed nearly 40% of the total available trial time on this year's calendar, thereby making it impossible for other cases to be tried during that period. Further, delays in obtaining trial setting conferences, and trial dates, are increasing at a substantial rate. Currently, a trial which would require more than 2 weeks could not be set on my trial calendar until mid-April, 1985 -- a 12-14 month delay. I am informed that most of the other civil judges' calendars are in approximately the same circumstance.

Additionally, it is my impression that more cases, including the complex cases, are proceeding to trial, rather than settling, or being disposed of by some other means. This means that the judges will tend to "overset" fewer cases per week. Several years ago, when fewer cases were proceeding to trial, I was oversetting 3-4 cases per week. Now that more cases appear to be going through trial, I am oversetting only 1-2 cases a week -- and in some instances, not oversetting at all. This, of course, means still further delays between the commencement of an action and the trial date in the action.

The Honorable Charlie Russell
March 15, 1984
Page 3

The increase in cases and trials also impacts adversely on the Court's time and resources available for non-trial matters which require judicial attention. Thus, for example, during a typical day, a civil judge would hold trial from 8:30 a.m. through 1:30 p.m. During the "luncheon" break (1:30 - 2:30), the judge will typically meet with his or her law clerk and review emergency matters which must be considered that day. Then, for the remainder of the afternoon, the judge typically would have scheduled settlement conferences, trial setting conferences, oral argument hearings on motions, oral argument hearings on agency appeals, evidentiary hearings on injunctions, hearings on domestic violence petitions, and other emergency matters. In view of the foregoing hearings, it is not uncommon for a judge to run well into the early evening before completing the day's activities.

In addition to trial matters, hearings and conferences scheduled during the typical day, the judge must also deal with numerous matters submitted to the Court on motions or briefs, without requests for oral argument or hearing. A rough estimate of a typical day in my chambers is that we receive, and are required to give attention to, as many as 2-3 dozen matters per day. These matters would include motions on the briefs (including discovery motions, dispositive motions, motions for sanctions, motions to amend pleadings, and the like), stipulations, emergency motions, and appeals on the briefs from administrative agencies or entities. The Court must also deal with, as a matter of priority, domestic violence petitions. Such petitions are typically being handled through hearing time in the Courtroom, although the judges are on call 24 hours a day.

Given the increase in cases, and increase in complex cases, the number of matters submitted to the Court on the briefs has also dramatically increased. And, consistently, the delays in issuing rulings on such matters have likewise increased. For example, it may take months to issue rulings on summary judgment motions or agency appeals that have been submitted to the Court on the briefs, without oral argument.

In order to perform all of the foregoing tasks, the Court has an extremely limited staff, consisting of one full-time law clerk, one secretary, and the judge. In my view, substantially additional assistance is, and will be, absolutely necessary in order to process the increased work load in a prompt and professional manner. At a minimum, it seems to me that additional Superior Court judges are immediately required. Ideally, additional support staff,

The Honorable Charlie Bussell
March 15, 1984
Page 4

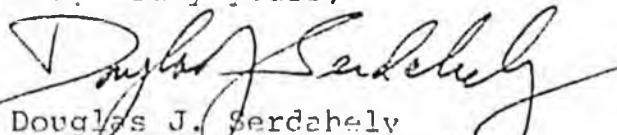
including further law clerk positions and/or externship positions would be extremely useful.

In the absence of additional judicial manpower, it seems to me quite realistic to expect that the already substantial delays in processing cases through trial will become even greater. Ultimately, I suppose, it becomes a policy question of how much delay is too much delay? I respectfully submit that for Alaska's population, and particularly for the population of the Southcentral area embodied in the Third Judicial District, delays of 1½ to 2 years to get cases to and through trials are unacceptable. Longer delays are, obviously, more unacceptable.

Accordingly, the thoughtful attention of you and your Committee to the pressing need for additional judicial manpower will be greatly appreciated.

Thank you sincerely for your consideration of these remarks.

Very truly yours,


Douglas J. Serdahely
Judge of the Superior Court

DJS:lge



Superior Court

State of Alaska

THIRD JUDICIAL DISTRICT
303 K STREET
ANCHORAGE, ALASKA 99501

February 22, 1984

MARK C. ROWLAND
Superior Court Judge

Hon. Charlie Bussell
Chairman, House Judiciary Committee
Alaska State Legislature
Room 124, State Capitol Building
Juneau, AK 99811

Dear Mr. Bussell:

The following is in response to a request for additional information through Rep. Abood's staff in support of our request for two additional district court judges and one additional superior court judge for the Anchorage trial courts.

ANCHORAGE DISTRICT COURT

Problem: The Anchorage district court has had seven judges since FY 1977. During that period, a 69% increase in Anchorage Police Department (APD) officers has contributed to a 175% increase in DWI arrests. A large portion of this increase was due to a special enforcement program operated by the APD and the Anchorage criminal prosecutor. This program, which is now funded by the Municipality of Anchorage, was instituted in 1981 and is slated to continue. The district court has simply been inundated with hearings and trials generated by the increased police activity, particularly that relating to DWI arrests. This, coupled with greater penalties, has caused attorneys to litigate longer and harder to protect their clients' interests. Complex, lengthy pretrial motions are routinely filed in criminal cases. Drunk driving cases often receive as much pretrial attention as many routine felonies. This causes the court to spend more time in each case than was previously necessary.

Consequences: The Anchorage district court is at the point of being unable to keep abreast of all the DWIs as well as other cases coming before it. Routinely, each day's calendar has

Hon. Charlie Bussell
February 22, 1984
Page 2

cases scheduled for calendar a day when the calendar is full are waited to the next day and so on until heard so passed - Rule 45 - then they must be dismissed. The trailing cases push into trailing status.

between five to ten criminal cases trailing, i.e., cases which were set for trial that day or earlier but cannot be reached because the judges are trying other cases. Almost daily the court is faced with the threat of having to dismiss cases under Criminal Rule 45 for not being able to hear the case within 120 days of arrest. If the Anchorage district court does not receive some added judicial and clerical resources, some criminal cases will be dismissed simply because they cannot be reached.

Solution: The district court, in conjunction with the administrative office of the courts, has developed and implemented procedural changes to speed up the trial process. Clerical staff have been added. Visiting judges and magistrates have been scheduled to sit in Anchorage. Supreme court justices, appellate court and superior court judges have sat in district court when their schedules allow. However, these are stopgap measures. Additional judicial resources are now necessary to meet the growing backlog.

ANCHORAGE SUPERIOR COURT

Problem: The Anchorage superior court has had ten superior court judges since FY 81. Since that time, felony cases and civil cases have become more complex and presumptive sentencing, along with other factors, has made it more likely that criminal cases will be tried. Criminal felony trials have more than doubled from 40 during FY 81 to 92 during FY 83, an increase of 130%. In July 1981, each civil judge had a pending caseload of 588 cases. As of December 1983, that number passed 1,000 cases, an increase of 70%. The Anchorage superior court is also responsible for traveling to six bush locations 36 out of 52 weeks each year (69%). This is a further drain on judicial resources in Anchorage. The bush calendars are predominately criminal cases.

Lengthy trials in both criminal and civil matters are becoming more common. The increased length and number of trials, coupled with Criminal Rule 45 which requires trials be started within 120 days of arrest, has necessitated assignment of criminal cases to the civil division. The civil division has heard approximately 25% of the criminal division's caseload, which has helped create a backlog of civil cases awaiting disposition.

The civil division has had its share of lengthy cases as well. The Olsen v. Afognak case involving multiple parties will require almost ten weeks of trial before completion. The lawsuit challenging Anchorage jail conditions has required seven weeks of

Hon. Charlie Bussell
February 22, 1984
Page 3

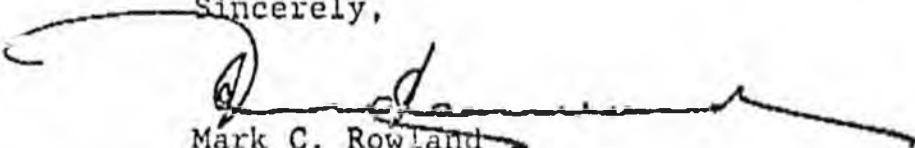
trial. One civil division judge has five cases coming up, each of which will require four weeks or longer to try.

Consequences: Without additional resources, more civil cases will have to be postponed in order for the court to hear felony cases. This means more and more domestic cases and other civil cases will take a back seat to the criminal calendar. This will prolong the disruption and uncertainty experienced by civil litigants, particularly in divorce cases involving custody of children. The level of judicial services to which the residents of the third judicial district are entitled will continue to diminish and could approach the inordinate delays of three or more years a person must wait for a civil trial in some jurisdictions in the "lower 48".

Solution: Additional judicial and support resources are required if we are to avert the scenario above. The superior court calendaring system was modified in 1981 with a great deal of success. Growth in court business since then has overcome the benefits of that change. When schedules allow, visiting or retired judges are scheduled into the Anchorage superior court. However, as with the district court, this is a temporary solution.

Both Elaine Andrews, assistant presiding judge for the district court, and I hope to have an opportunity to meet with you at your convenience. If you have any questions regarding this information or any aspect of our request, please contact me at 264-0406. Thank you.

Sincerely,



Mark C. Rowland
Presiding Judge

MCR pb

cc Members of the House Judiciary Committee
Hon. Mitch Abood
Chief Justice Edmond W. Burke
Arthur H. Snowden, II
Anchorage Superior Court Judges
Anchorage District Court Judges
Albert H. Szal, Area Court Administrator

Enclosures

In that the district court has not increased its size since FY 77 and the superior court has not increased since FY 81, the statistical information below represents caseload growth before those two courts since FY 77 and FY 81 respectively.

ANCHORAGE DISTRICT COURT

| | <u>FY 77</u> | <u>FY 83</u> | <u>Increase</u> | <u>Pctge.</u> |
|---|--------------|--------------|-----------------|---------------|
| <u>Caseload (Factors)</u> | | | | |
| Anchorage Police Department (APD) Officers | 174 | 294 | 120 | 69% |
| Square Mileage Patrolled | 31 | 110 | 79 | 255% |
| DWI Arrests by APD | 651 | 1,790 | 1,139 | 175% |
| Search Warrants Requested | 99 | 350* | 251 | 254% |
| Small Claims Filings | 2,744 | 4,734 | 1,990 | 73% |
| <u>Judicial Staffing</u> | | | | |
| District Court Judges | 7 | 7 | 0 | 0% |
| Committing Magistrates | 1 | 1** | 0 | 0% |

*182 handled by committing magistrates.

**One committing magistrate work station is manned 24 hours each day, 365 days per year by five individuals on a rotating schedule. This position is primarily responsible for setting bail during non-duty hours and conducting traffic trials during duty hours. From 1977 to 1978, one individual was assigned traffic trials only during duty hours.

ANCHORAGE SUPERIOR COURT

| | <u>FY 81</u> | <u>FY 83</u> | <u>Increase</u> | <u>Pctge.</u> |
|------------------------------|--------------|--------------|-----------------|---------------|
| <u>Caseload (Filings)</u> | | | | |
| Felony Cases | 413 | 583 | 170 | 41% |
| Domestic Relations Cases | 3,737 | 4,917 | 1,180 | 32% |
| Other Civil Cases | 2,156 | 2,511 | 355 | 16% |
| Children's Matters | 445 | 593 | 148 | 33% |
| Probate Cases | <u>777</u> | <u>1,356</u> | <u>579</u> | <u>75%</u> |
| Total Increase | 7,528 | 9,960 | 2,432 | 32% |
| <u>Felony Trials</u> | 40 | 92 | 52 | 130% |
| <u>Judicial Staffing</u> | | | | |
| Superior Court Judges | 10 | 10 | 0 | 0% |
| Superior Court Masters | <u>4</u> | <u>4</u> | <u>0</u> | <u>0%</u> |
| Total Increase | 14 | 14 | 0 | 0% |

6

H

B

5

75

COMMITTEE REPORT

SENATE

FURTHER: FINANCE

11/17/84

Date _____

Mr. President

The Committee on JUDICIARY considered CSNY 575 (Fin) 11/16/84

Permanent Fund dividends for individuals incarcerated after conviction for a felony, etc.

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

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

MEMBERS SIGNING
DO PASS

MEMBERS HAVING
OTHER RECOMMENDATIONS

Chairman

Chairman recommendation

Sec. 43.23.065. EXEMPTION OF PERMANENT FUND DIVIDENDS. Fifty percent of the annual permanent fund dividend payable to an individual is exempt from levy, execution, garnishment, attachment, or any other remedy for the collection of debt. This exemption applies to an eligible individual's permanent fund dividend both before and after payment is made to the individual. No exemption is available under this section for permanent fund dividends taken to satisfy child support obligations required by court order or decision of the child support enforcement agency under AS 47.23.140 - 47.23.220. The exemption provided by this section does not apply to the collection of a debt owed to the state or to a court-ordered payment of restitution to the victim of a crime.

Original sponsors: Barnes, Hayes,
Russell, et al

By Josephson

1 IN THE HOUSE

BY THE JUDICIARY COMMITTEE

2 SENATE CS FOR CS FOR HOUSE BILL NO. 575 (Judiciary)

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 THIRTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to permanent fund dividends for
7 individuals incarcerated after conviction for a
8 felony; and providing for an effective date."

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

10 * Section 1. AS 43.23.005 is amended by adding new subsections to read:

11 (d) Notwithstanding the provisions of (a) - (c) of this section,
12 an individual who has been convicted of a felony is not eligible for a
13 permanent fund dividend for a year when, during all or part of the
14 eligibility period for that year's dividend, as a result of the con-
15 viction the individual is incarcerated for the felony. An individual
16 incarcerated in accordance with this subsection is considered to be
17 ineligible whether or not the individual has applied for the dividend.

18 (e) The spouse of an individual ineligible to receive a perma-
19 nent fund dividend under (d) of this section may apply for and receive
20 that individual's dividend if the spouse is an eligible individual
21 under (a) of this section. If there is no spouse the ^{dependent} children of the
22 ineligible individual or their authorized representative, may apply
23 for and receive the permanent fund dividend in equal shares, but only
24 children who are eligible individuals under (a) of this section may
25 receive all or part of a dividend under this subsection.

26 * Sec. 2. AS 43.23.025 is amended by adding a new subsection to read:

27 (b) for the purpose of calculating the amount of a permanent
28 fund dividend under (a) of this section an individual who is ineli-
29 gible to receive a dividend under the provisions of AS 43.23.005(d)

1 shall be considered to be an eligible individual.

2 * Sec. 3. AS 43.23.055 is amended to read:

3 Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

4 (1) annually pay permanent fund dividends from the dividend
5 fund;

6 (2) adopt regulations under the Administrative Procedure
7 Act (AS 44.62) that establish procedures and time limits for claiming
8 a permanent fund dividend; the department shall set the time limit for
9 applications for permanent fund dividends so that the number of eli-
10 gible applicants is determined by December 1 of the year for which the
11 dividend is declared and permanent fund dividends for a year are paid
12 before April 30 of the year following that year;

13 (3) adopt regulations under the Administrative Procedure
14 Act (AS 44.62) that establish procedures and time limits for an indi-
15 vidual upon emancipation or upon reaching majority to apply for perma-
16 nent fund dividends not received during minority because the parent,
17 guardian, or other authorized representative did not apply on behalf
18 of the individual;

19 (4) assist residents of the state, particularly in rural
20 areas, who because of language, disability, or inaccessibility to
21 public transportation need assistance to establish eligibility and to
22 apply for permanent fund dividends;

23 (5) annually determine, in cooperation with the Department
24 of ^{Corrections} Health and Social Services, the number and identity of individuals
25 ineligible for a permanent fund dividend under AS 43.23.005(d);


26 (6) adopt other regulations that are necessary to implement
27 the provisions of this chapter.

28 * Sec. 4. This Act applies only to eligibility for permanent fund
29 dividends for years after 1983.

1 * Sec. 5. It is the intent of the legislature that an amount approxi-
2 mately equal to the money that would otherwise be paid as permanent fund
3 dividends to individuals ineligible under AS 43.23.005(d), enacted by sec.
4 1 of this Act, less the amount paid to the spouse and children of the
5 ineligible individuals under AS 43.23.005(e), enacted by sec. 1 of this
6 Act, be appropriated annually from the dividend fund to the crime victim
7 compensation fund (AS 18.67.162), to be used for the purposes stated in
8 AS 18.67 or be appropriated to the Department of Corrections to pay for
9 prison operations.

10 * Sec. 6. This Act takes effect immediately in accordance with AS 01.-
11 10.070(c).
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

MEMO

TO: SEN JOE P. JOSEPHSON
FR: REX L. BUTLER, ADMIN. ASS'T 
RE: SECTIONAL ANALYSIS AMENDMENTS TO CSHB575
DA: APRIL 27, 1984

SECTION ONE:

The court is given the authority to order that the defendant's permanent fund dividend be used to satisfy a restitution order.

SECTION TWO:

(d) Establishes that the defendant is not entitled to a permanent fund dividend until the restitution order is fully complied with.

(e) Establishes that the entire permanent fund dividend or however much is needed be used to satisfy the restitution order.

SECTION THREE:

(i) Establishes that an unsatisfied order of restitution will operate as a dividend application for the purposes of carry forth the intent of this bill.

SECTION FOUR:

(b) Creates the eligibility requirement for the person against whom an outstanding order of restitution exist.

SECTION FIVE:

Sets out the duty of the Department of Revenue.

SECTION SIX:

Amends section 43.23.065. to clarify that when an outstanding order of restitution and an order for child support are competing for the permanent fund dividend, the child support order takes priority.

SECTION SEVEN:

Establishes that those defendants affected will be those who apply for permanent fund dividends after 1983.

A title change to the current bill is necessary to accommodate these changes. The new title should reflect defendants upon conviction rather than just those incarcerated.

DRAFT #2

* Section 1. AS 12.55.045 is amended by adding a new subsection to read:

(d) If a defendant is unable to immediately satisfy an order of restitution, the court may order the payment of an eligible defendant's permanent fund dividend under AS 43.23 to satisfy the order. An order under this subsection carries over from permanent fund year to permanent fund year until total restitution is paid. A certified copy of a restitution order issued under this subsection shall be sent to the Department of Revenue.

Sec. 2. AS 43.23.005 is amended by adding a new subsections to read:

(d) Notwithstanding the provisions of (a)-(c) of this section, an individual who has an unsatisfied order of restitution issued under AS 12.55.045(d) is not eligible for a permanent fund dividend until the order of restitution is satisfied.

(e) An amount equal to the money that would otherwise be paid to an individual ineligible under (d) of this section shall be paid to the victim of the offense as set forth in the order of restitution issued under AS 12.55.045(d).

Sec. 3. AS 43.23.015 is amended by adding a new subsection to read:

(i) Notwithstanding the provisions of AS 43.23.005(a) and (a)-(f) of this section, an unsatisfied order of restitution issued under AS 12.55.045(d) against an individual operates as an application for a dividend for that individual.

Sec. 4. AS 43.23.025 is amended by adding a new subsection to read:

(b) for the purpose of calculating the amount of a permanent fund dividend under (a) of this section, an individual with an unsatisfied order of restitution issued under AS 12.55.045(d) shall be considered an eligible individual.

Sec. 5. A.S. 43.23.055 is amended to read:

Sec. 43.23.055. DUTIES OF THE DEPARTMENT. The department shall

(1) annually pay permanent fund dividends from the dividend fund:

(2) adopt regulations under the Administrative Procedure Act (AS 44.62) that establish procedures and time limits for claiming a permanent fund dividend; The

department shall set the time limit for applications for permanent fund dividends so that the number of eligible applicants is determined by December 1 of the year for which the dividend is declared and permanent fund dividends for a year are paid before April 30 of the following year;

(3) adopt regulations under the Administrative Procedure Act (AS 44.62) that establish procedures and time limits for an individual upon emancipation or upon reaching majority to apply for permanent fund dividends not received during minority because the parent, guardian, or other authorized representative did not apply on behalf of the individual;

(4) assist residents of the state, particularly in rural areas, who because of language, disability, or inaccessibility to public transportation need assistance to establish eligibility and to apply for permanent fund dividends;

(5) adopt regulations under the Administrative Procedure Act (AS 44.62) that establish procedures and time limits for payment of a permanent fund dividend to victims set forth in an unsatisfied order of restitution issued under AS 12.55.045(d). The department may provide a procedure for proof of satisfaction of an order issued under AS 12.55.045(d).

Sec. 6. AS 43.23.065 is amended to read: