



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 176-91

Meeting Date: February 12, 1991

1 FROM: MAYOR
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 3 SUBJECT: LEGAL ANALYSIS OF PROPOSED AO 91-15(S) -- AMENDING
 4 AMC CHAPTER 2.30 BY ADDING SECTION 2.30.085,
 5 SUBPOENA POWERS
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9 This subject was presented to the Department of Law for a
 10 legal analysis by Anchorage Assemblyman Fred Dyson. The mat-
 11 ter is set to be heard for public comment on the Assembly's
 12 calendar on Tuesday, February 12, 1991. The purpose of this
 13 memorandum is to evaluate and comment on the language of the
 14 proposed amendment to AMC Chapter 2.30.
 15

16 I. The AMC 2.30.085 Amendment As Proposed.
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18 As can be seen from a reading of the AM 131-91, the analysis
 19 prepared by Jean G. Ruppert, it is the apparent intent in
 20 seeking adoption of proposed AMC 2.30.085 to give the
 21 Assembly subpoena powers similar to that granted the Alaska
 22 Legislature under state law.
 23

24 II. Comparison of Proposed AMC 2.30.085 to State Statutes
 25 Regarding Legislative Subpoena Powers.
 26

27 A. Alaska Statute (AS) 24.25. Witnesses.
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29 Chapter 25 of Title 24 of the Alaska Statutes pertains to
 30 the State Legislature's power to compel witnesses to appear
 31 before standing or special committees or interim committees
 32 of the Legislature. A copy of the full text of Chapter 25,
 33 AS 24.25.010-.080 is affixed hereto as Attachment No. 2.
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35 You will note from a review of the full text of AS 24.25 that
 36 this statute is much more comprehensive and detailed than the
 37 proposed language of AMC 2.30.085. For instance, certain
 38 procedural safeguards are included in the text of the state
 39 statute to assure protection of witnesses' rights and to
 40 clarify the extent of the Legislature's subpoena powers and
 41 authority. AS 24.25.050 - Witness fees and mileage - assures
 42 that witnesses are compensated, at least to some degree, for
 43 their appearance time and the mileage they may have to travel
 44 to make an appearance. The proposed language of AMC 2.30.085
 45 does not contain a similar section, but it is an issue to
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 47
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AO 91-15 (S)

1 anticipate being raised by a subpoenaed witness. It is also
2 an issue that possibly could be raised as a defense for not
3 appearing, should the matter proceed to court for
4 enforcement. The Alaska Court System's provision for compen-
5 sating witnesses, be it for appearances at a hearing, trial,
6 deposition or other judicial-type proceeding, is treated
7 under Administrative Rule 7 of the Rules of Court, a copy of
8 which is affixed hereto as Attachment No. 3.

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10 Other issues that should be expected to be brought up pertain
11 to the type of immunity grants and claims of privileges
12 against self-incrimination that are permitted. (See AS
13 24.25.070) and the issue of punishment, etc., for non-
14 compliance with a subpoena, (See AS 24.25.030, .040, and
15 .080.). There are no similar language provisions in the pro-
16 posed text of AMC 2.30.085 on these issues and they are
17 issues which should be expected to be raised by someone sub-
18 poenaed or which otherwise will come up at some time before a
19 Municipal Assembly proceeding.

20
21 There are at least two other sections contained in the Alaska
22 Statutes that relate to issuance of subpoenas by an adminis-
23 trative type body. See AS 24.20.060 (Legislative Council -
24 Powers) and AS 24.20.201 (Legislative Budget and Audit
25 Committee - Powers), copies of which are affixed hereto as
26 Attachments 4 and 5, respectively.

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28 Note, Rule 45(g) of the Alaska Rules of Civil Procedure
29 grants the court the power to enforce administrative
30 subpoenas. A copy of CR 45(g) is affixed hereto as
31 Attachment No. 6.

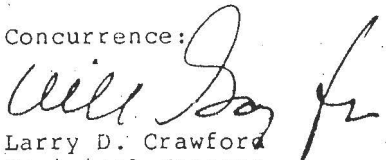
32
33 Section B of proposed AMC 2.30.085 (see Attachment No. 1)
34 states that enforcement of the Assembly's subpoena power will
35 be through the Superior Court for any subpoena compliance
36 refusals. It should be noted that once an action is filed,
37 the court rules pertaining to timing of the proceedings will
38 result to certain degrees in the Assembly's proceeding or
39 inquiry at issue being "stayed" or held in abeyance while the
40 matter is considered. This would be true, of course, as to
41 matters related only to the subpoena at issue. Under certain
42 circumstances, the Rules of Court do permit "expedited
43 consideration" of a matter, though. See Civil Rule 77(i), a
44 copy of which is affixed hereto as Attachment No. 7.

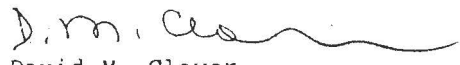
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46 III. Enactment of Proposed AMC 2.30.085 Should Not Conflict
47 With Purposes of AMC 3.70 - Employee Relations or Other
48 Similar Ordinances.


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50 AMC 3.70.020 - Declaration of Policy - states that it is the
51 declared policy of the Municipality that it promote harmoni-
52 ous and cooperative relations between the municipality and
53 its employees: "These polices are to be effectuated by good
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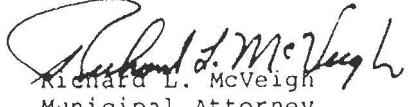
1 faith discussions between the municipality and employee
2 organizations recognizing the right of employees to organize
3 for the purpose of collective bargaining; . . . ". In mat-
4 ters requiring "impartial" investigations into the municipal
5 and employee bargaining relationships, AMC 3.70.050 estab-
6 lishes an Employee Relations Board. This board has the power
7 of subpoena. See AMC 3.70.050D8, a copy of which is attached
8 hereto as Attachment No. 8.

9
10 Should AMC 2.30.085 be enacted, in its present form or as may
11 subsequently be rewritten, the Assembly should limit use of
12 its subpoena power to situations that do not interfere with
13 any ongoing employee relations matters or labor negotiations.
14 This is one area of potential conflict between the proposed
15 amendment to Chapter 2.30 and other sections of the AMC.
16 Further research may reveal other examples of potential con-
17 flicts in this regard.

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20 Concurrence:
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24 Larry D. Crawford
25 Municipal Manager

Prepared by:

David M. Clower
Assistant Municipal Attorney

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28 Respectfully submitted:
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32 Tom Fink
33 Mayor

Concurrence:

Richard L. McVeigh
Municipal Attorney

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38 (Legal/6:DYSON5-7)
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Submitted by: Assemblyman Dyson
Prepared by: Assembly Budget Analyst
For reading: February 12, 1991

ANCHORAGE, ALASKA
AO NO. 91-15(S)

AN ORDINANCE OF THE MUNICIPALITY OF ANCHORAGE AMENDING AMC
CHAPTER 2.30 BY ADDING SECTION 2.30.085, SUBPOENA POWERS

THE ANCHORAGE MUNICIPAL ASSEMBLY ORDAINS:

Section 1: That AMC Section 2.30.085 is enacted to read as follows:

2.30.085 Subpoena powers.

A. Subject to the privileges which witnesses have in courts of this State, the Chairman of the Assembly, with the approval of a majority vote of the Assembly may:

1. Compel by subpoena, at a specified time and place, the appearance and sworn testimony of a person whom the Assembly reasonably believes may be able to give information relating to a matter involving municipal funds and policy being considered; and

2. compel a person, by subpoena, to produce documents, papers or objects which the Assembly reasonably believes may relate to the matter under consideration.

B. If a person refuses to comply with a subpoena issued under subsection A, hereof, the Superior Court may, on application of the Chairman of the Assembly, compel obedience by proceedings for contempt in the same manner as in the case of disobedience to the requirements of a subpoena issued by the Court for refusal to testify in the Court.

Section 2: That this ordinance is effective upon passage and approval.

PASSED AND APPROVED by the Anchorage Assembly this ____ day
of _____, 1991.

Chair

ATTEST:

Municipal Clerk
JGR:egj
DOCC/AO2

- ATTACHMENT NO. 1 -
- - -



MUNICIPALITY OF ANCHORAGE

ASSEMBLY MEMORANDUM

No. AM 131-91

Meeting Date: January 29, 1991

From: Assemblyman Dyson
Subject: An Ordinance of the Municipality of Anchorage Amending
AMC Chapter 2.30 By Adding Section 2.30.085, Subpoena
Powers

The attached ordinance gives the Municipal Assembly the subpoena power similar to what the Alaska Legislature has under State Statutes. This allows the Chairman of the Assembly, with approval of a majority of the members, to compel appearance and sworn testimony of a person or compel producing documents or papers relating to matters under consideration.

Is recommended that this ordinance be passed.

Prepared by:

Jean G. Ruppert

Jean G. Ruppert
Assembly Budget Analyst

Respectfully submitted,

Fred Dyson
e.g.f.

Fred Dyson
Assemblyman

JGR:egj
DOCC/AM06

Attachment

Sec. 24.23.050. Evaluation. If a contract is awarded by a legislative committee, the committee or the project director shall provide a written evaluation of the services provided under the contract before final payment on the contract may be made. The evaluation shall be filed under AS 24.23.060 and is open for public inspection. (§ 3 ch 144 SLA 1982)

Sec. 24.23.060. Filing. (a) A copy of each contract and each exemption granted under AS 24.23.020(b) shall be filed, as is appropriate, with the Legislative Affairs Agency, the ombudsman, the legislative finance division, or the legislative audit division, and is open for public inspection. The request for proposals and each proposal submitted shall be attached to the filed copy unless the contract is one in which requests for proposals are not required.

(b) A contract for services provided to the legislative audit division in the preparation of an audit report is not required to be filed under (a) of this section until the audit report is released under AS 24.20.311. (§ 3 ch 144 SLA 1982)

Sec. 24.23.070. Definition. In this chapter "professional services" means professional, technical, or consultant's services that are predominantly intellectual in character and that

- (1) include analysis, evaluation, prediction, planning, or recommendation; and
 - (2) result in the production of a report or the completion of a task.
- (§ 3 ch 144 SLA 1982)

Chapter 25. Witnesses.

Section	Section
10. Issuance and form of subpoena	60. Oath and penalty for violation of oath
20. Service of subpoena	70. Grant of immunity on claim of privilege of self-incrimination
30. Disobeying subpoena or refusing to testify	80. Punishment for disobedience to subpoena or refusal to testify
40. Arrest for disobedience to subpoena	
50. Witness fees and mileage	

Sec. 24.25.010. Issuance and form of subpoena. (a) A subpoena requiring the attendance of a witness before either house of the legislature may be issued by the president or the speaker.

(b) A subpoena requiring the attendance of a witness before a standing or special committee of the legislature may be issued by the chairman of a committee when authorized to do so by a majority of the membership of the committee and with the concurrence of the president or the speaker, or with the concurrence of the house or the senate.

(c) A subpoena requiring the attendance of a witness before an interim committee established by either house of the legislature, or by both, may be issued by the chairman of a committee when authorized to do so by a majority of the membership of the committee and with the concurrence of the president or the speaker.

(d) The subpoena is sufficient if

(1) it states before whom the proceeding is held;

(2) it is addressed to the witness;

(3) it requires the attendance of the witness at a time and place certain;

(4) it is signed

(A) by the president or the speaker under (a) of this section, or

(B) by the committee chairman with the concurrence of the president or the speaker under (b) and (c) of this section.

(e) This section does not apply to the Legislative Council nor to the Legislative Budget and Audit Committee. (§ 4-4-1 ACLA 1949; am § 1 ch 94 SLA 1975)

Cross references. — For legislative council's power to issue subpoenas, see AS 24.20.060(2). For legislative budget and audit committee's power to issue subpoenas, see AS 24.20.201(a)(2).

Collateral references. — 72 Am. Jur. 2d, States, Territories, and Dependencies, § 48.

Power of legislative body to compel attendance of witnesses. 50 ALR 21; 65 ALR 1518.

Testing validity or scope of command of subpoena duces tecum in proceeding before legislative committee. 130 ALR 339.

Sec. 24.25.020. Service of subpoena. A person over the age of 19 years who is competent as a witness in the state courts may serve the subpoena. The person's affidavit that the person delivered a copy to the witness is evidence of service. (§ 4-4-2 ACLA 1949; am § 8 ch 245 SLA 1970)

Sec. 24.25.030. Disobeying subpoena or refusing to testify. If a witness neglects or refuses to obey a subpoena, or neglects or refuses to testify or to produce upon reasonable notice any material and proper books, papers or documents in the possession or under the control of the witness, the senate or house of representatives may by resolution entered on its journal commit the witness for contempt. If contempt is committed before a committee, the committee shall report the contempt to the senate or house of representatives, as the case may be, for such action as may be considered necessary. (§ 4-4-3 ACLA 1949)

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Collateral references. — 17 Am. Jur. Perjury or false swearing as contempt,
2d, Contempt, §§ 119, 121-124. 89 ALR2d 1258.

Sec. 24.25.040. Arrest for disobedience to subpoena. A witness who neglects or refuses to attend in obedience to subpoena may be arrested by the sergeant-at-arms and brought before the senate or house of representatives, as the case may be. The only warrant or authority necessary authorizing arrest is a copy of a resolution of the senate or house of representatives signed by the president of the senate or speaker of the house of representatives, as the case may be, and countersigned by the secretary of the senate or the clerk of the house of representatives, as the case may be. (§ 4-4-4 ACLA 1949)

Sec. 24.25.050. Witness fees and mileage. A person appearing before either house, or both, or a legislative committee in response to a subpoena is entitled to \$20 for each day's attendance, and for the time necessary in coming and returning to the person's place of residence and mileage at the rate of 15 cents a mile for the distance traveled in going to and returning from the place of attendance. The witness fee and mileage fee shall be paid out of the state treasury upon presentation of a certificate of attendance and mileage due, signed by the presiding officer of the house that authorized issuance of subpoena. (§ 4-4-5 ACLA 1949; am § 1 ch 31 SLA 1951)

Sec. 24.25.060. Oath and penalty for violation of oath. The president of the senate and speaker of the house of representatives and the chairman of every committee of either body may administer an oath to a witness appearing before the respective bodies. A person who wilfully swears or affirms falsely concerning any matter material to the subject under investigation or inquiry is guilty of perjury and upon conviction is punishable by imprisonment for not less than one year nor more than five years. (§ 4-4-6 ACLA 1949)

Collateral references. — 60 Am. Jur. Perjury or false swearing as contempt,
2d, Perjury, § 1 et seq 89 ALR2d 1258.

Sec. 24.25.070. Grant of immunity on claim of privilege of self-incrimination. (a) A person called as a witness before the senate, house of representatives, or a committee of either or both, who refuses to answer any question or to produce any book, paper or document relating to the matter under inquiry, on the ground that the answer or the production may tend to incriminate the person, may be granted immunity from punishment for the offense to which the question or evidence relates by resolution of the house that is conducting the inquiry. The resolution shall be entered upon its journal, and the

witness may then be compelled to answer the question or produce the evidence.

(b) If a witness is granted immunity and compelled to testify or produce evidence after claiming the privilege of self-incrimination, the witness may not thereafter be prosecuted in any court for the offense to which the question or evidence relates. (§ 4-4-7 ACLA 1949)

NOTES TO DECISIONS

Cited in *Surina v. Buckalew*, Sup. Ct. Op. No. 2255 (File Nos. 5205, 5462), 629 P.2d 969 (1981).
Collateral references. — 81 Am. Jur. 2d, Witnesses, § 30 et seq.

Privilege against self-incrimination, 120 ALR 1102.
Waiver of privilege, 144 ALR 1001.

Sec. 24.25.080. Punishment for disobedience to subpoena or refusal to testify. A person subpoenaed as provided in this chapter who fails, neglects or refuses to attend at the time and place where the person's presence is required, or fails, neglects or refuses to produce the books, papers, or instruments or other evidence designated in the subpoena, or who having attended in response to the subpoena, or having appeared voluntarily, refuses to testify as to any material and proper matter within the power of the senate, house of representatives, or a committee to investigate, upon conviction, is punishable by a fine of not less than \$100 nor more than \$500, or by imprisonment for not less than 30 days nor more than six months. (§ 4-4-8 ACLA 1949)

Chapter 30. Enactment of Statutes.

Secs. 24.30.010 — 24.30.100 [Renumbered as AS 24.08.010 — 24.08.100]

Sec. 24.30.110. Effective date of laws. [Repealed, § 9 ch 126 SLA 1966. For current law see AS 01.10.070.]

Sec. 24.30.120. [Renumbered as AS 24.08.110]

Sec. 24.30.130. [Renumbered (a) as AS 24.08.200 and (b) as AS 24.08.210]

ADMINISTRATIVE RULES

Rule 4

and district courts...
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7 (Statistical Reports)...
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Farrell, Op. No. 1917, 979

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state with the words "Seal of the District Court of the State of Alaska" and a designation of the district surrounding the vignette.

(d) Seal of the Consolidated Trial Courts. In those court locations where the superior and district courts have been consolidated for administration and when ordered by the presiding judge of the district, the seal for the superior and district courts is a vignette of the official flag of the state with the words "Seal of the Trial Courts of the State of Alaska" and a designation of the district surrounding the vignette.

(e) Possession of Seals. The clerk of the court, or if there is no clerk, the judge or magistrate, shall keep possession of the seal of the court.

(Amended by SCO 443 effective November 13, 1980)

Rule 5. Disposal of Money Paid to or Deposited With the Court.

(a) The administrative director shall designate, in accordance with written procedures established by him, the banking institutions to serve as depositories for all monies paid to, or deposited with, the courts. Certain accounts in the designated banks shall be the depositories for trust funds held by the various courts. Monies may be withdrawn from the accounts in accordance with procedures established by the administrative director.

(b) The proceeds of all fees, forfeitures, penalties and all other monies (except trust funds) collected by or deposited with the courts shall be deposited in the appropriate bank account, or transfer to the general fund of the state in accordance with procedures established by the administrative director.

Rule 6. Fees of Interpreters and Translators.

(a) Amount. The fee for an interpreter or translator for attendance in any court or at a coroner's inquest shall be set by that court. The fee shall be subject to the following limitations:

(1) For time spent in actual performance of interpreter or translator services during the proceedings, the fee shall not exceed \$30.00 per hour; and

(2) For standby time during which the interpreter or translator is required by the court to be in attendance at the court facility, the fee shall not exceed \$15.00 per hour.

The court shall not authorize the maximum hourly rate unless the interpreter or translator has had formal training in court interpreting or has demonstrated specialized language skills beyond mere bilingual ability.

(b) Payment. Interpreters and translators must be approved by the court pursuant to Evidence Rule 604. Interpreters and translators will be provided and their fees paid:

(1) by the court in coroner's inquests and presumptive death hearings;

(2) in civil and criminal cases, by the party who requires translation or interpretation to understand the proceedings or who calls a witness whose testimony must be translated or interpreted. These costs may be taxed and collected in civil cases as other costs, except as provided in subparagraph (3) below; and

(3) in civil and criminal cases where a party is deaf, mute, or otherwise unable to effectively communicate because of a physical disability, the fee for necessary in-court services of an interpreter or translator shall be paid by the court, subject to the limitations of paragraph (a) of this rule; however, if the court in a civil case finds that a party has made a frivolous claim or defense, or otherwise litigated in bad faith, the court shall order that party to pay the fees of any interpreter or translator required by any party to the case.

(Amended by SCO 469 effective June 1, 1981; and by SCO 816 effective August 1, 1987)

Annotations

- Cases
(b), (d) Accounting Instructions, Superior Courts, 1959, Office of Admin. Director.
(b) Supreme Court Order No. 11 (Clerk of Supreme Court to Establish Bank Accounts)
(c), (d) Accounting Instructions, District and Deputy Magistrates, 1959, Office of Admin. Director.
Admin. Director Instruction 60-1 (Supplementary Instructions, Trust Funds)
(d) Admin. Director Instruction 60-12 (Unearned Docket or Filing Fees); 60-13 (Fines Levied Before Transition— Collected After Transition); 60-4 (Accounting Instructions for Payment of Jurors and Witness Fees, and Expenses by State of Alaska Field Warrants.
Admin. Office Bulletin 62-1 (Examination of Accounting Records and Proceedings)

Rule 7. Witness Fees.

(a) Amount. A witness attending before any court, referee, master, grand jury or coroner's jury or upon a deposition in a discovery proceeding, whose testimony is necessary and material to the action, shall receive a witness fee of \$12.50 if such attendance, including the time necessarily occupied in traveling from his residence to the place of his attendance and returning from that place, requires not more than three consecutive hours. If such attendance requires more than three consecutive hours, the witness shall receive a witness fee of \$25.00 for each day of attendance. Any witness who attends at a

point so far removed from the residence as to necessarily prohibit return thereto from day-to-day shall receive per diem at the rate allowed for state employees.

(b) **Travel Expense.** Every witness who is required to travel in excess of 30 miles from his residence is entitled to receive reimbursement for round-trip travel from the witness' residence to the place of court at the rate allowed for state employees.

(c) **Expert Witnesses.** Recovery of costs for a witness called to testify as an expert is limited to the time when the expert is employed and testifying and shall not exceed \$50.00 per hour, except as otherwise provided in these rules. A party may not recover costs for more than three expert witnesses as to the same issue in any given case, unless the judge permits recovery for an additional number of expert witnesses.

(d) **Payment.** Witness fees, travel expense and per diem shall be paid from the appropriation to the judiciary only for witnesses called or appointed by the court or in coronor's cases. In all other cases, these fees and expenses shall be paid by the parties, and in civil cases, shall be taxed and collected as other costs.

(e) **Demand of Payment in Advance in Civil Cases.** Witnesses in civil cases, except when subpoenaed by the state, a municipality, a borough, a city, or an officer or agency thereof, may demand the payment in advance of their travel expense and their per diem fee for one day, and when so demanded shall not be compelled to attend until the allowances are paid.

(f) **Parties and Attorneys as Witnesses.** A party to the action or hearing, if a witness, is entitled to receive the same witness fees, per diem and travel expense as any other witness. A person appearing as an attorney for any party to an action or hearing, who also testifies as a witness therein, is not entitled to receive any witness fee, per diem or travel expenses.

(Amended by SCO 559 effective May 2, 1983; and by SCO 791 effective March 15, 1987)

Annotations

Cases

Court erred in basing award of expert witness fees on the time the expert spent in court observing and testifying rather than only on the time the expert was actually testifying. *Eagle Air v. Corroon, Etc.*, Op. No. 2538, 648 P2d 1000 (Alaska 1982).

Trial judge did not abuse his discretion in denying fees for one of prevailing party's expert witnesses on ground that no timesheet was submitted for the witness. *Truckweld Equipment Co. v. Swenson Trucking*, Op. No. 2545 649 P2d 234 (Alaska 1982).

The taxing of costs for witness fees is governed by Civil Rule 83 and Administrative Rule 7(c) rather than the general provisions of Civil Rule 79(b). *Miller v. Sears*, Op. No. 2447, 636 P2d 1183 (Alaska 1981)

Expert witness fees in excess of state limits were proper where awarded pursuant to a federal act, 15 U.S.C. § 2310, rather than state law. *Universal Motors, Inc. v. Waldoch*, Op. No. 3060, 719 P2d 254 (Alaska 1986).

Trial court's finding that losing party acted in bad faith was clearly erroneous, thus award of expert witness fees to prevailing party in excess of the twenty-five dollars per hour limit of this rule was invalid. *Fairbanks North Star Borough v. Tundra Tours*, Op. No. 3052, 719 P2d 1020 (Alaska 1986).

A party may not recover costs for experts' preparation of reports and any costs associated with the experts if they do not testify. *Atlantic Richfield Co. v. State*, Op. No. 3096, 723 P2d 1249 (Alaska 1986).

Trial court could award prevailing defendant expert witness fees, not to exceed \$25.00 per hour, for the time the expert actually spent testifying, but not for time spent in trial preparation. *Hutchins v. Schwartz*, Op. No. 3110, 724 P2d 1194 (Alaska 1986).

Where experts testified by deposition at trial, prevailing party was entitled to recover only fees for the time spent actually reading the depositions in court, since the depositions were taken prior to prevailing party's offer of judgment. *Hutchins v. Schwartz*, Op. No. 3110, 724 P2d 1194 (Alaska 1986)

Rule 8. Physicians' Fees.

Physicians shall be allowed a reasonable fee for performing the following services:

(a) An examination under order of court pursuant to AS 47.30.700 or such other examination as may be ordered by the court upon its own motion;

(b) Giving medical expert testimony at a hearing when ordered by the court in relation to such examination or in relation to an autopsy or post mortem examination ordered pursuant to AS 12.65.020.

Fees for such services shall be paid from funds appropriated to the judiciary. Claims for compensation shall be submitted for approval to the judicial officer ordering the examination or testimony, subject to final approval by the administrative director. In all other cases, physicians' fees shall be paid by the requesting party or parties.

The administrative director may authorize a fee under (a) of this rule to be computed other than on an hourly basis, provided that such computation results in a fee that is substantially the same as if computed hourly.

(Amended by SCO 813 effective August 1, 1987)

Annotations

Cases

Admin. Director Instructions 60-2 (Fee Schedule)

Rule 8.1. Health Care Provider Expert Advisory Panel Fees.

(a) **Compensation by Court.** Expert advisory panel members appointed pursuant to AS 09.55.536 will be reimbursed by the court for the reasonable expenses of transportation outside the panel member's city of residence which are necessary for the preparation of the panel's report. Panel members

will be reimbursed their report at the rate of not to exceed \$90.00 per day. Reasonable and necessary transportation expenses of a panel member will be covered by necessary actual expenses. Panel member's compensation from the court for service on the panel.

(b) **Request for Reimbursement.** A party may request reimbursement for actual expenses for reimbursement of the assigned judge for approval by the administrative director.

(SCO 814 effective August 1, 1987)

Rule 9. Fee Schedule

The fees specified in this rule shall be paid by the party designated to pay the fees.

(a) In the Supreme Court and Appeals:

- (1) Filing Fees
 - (i) Upon appeal, Rule 20
 - (ii) Upon cross-petition, late Rule 20
 - (iii) Upon appeal, (Appellate)

(2) Miscellaneous

- (i) For pre-review of the Uniform Code of Sentencing and Corrections
- (ii) For co-operation with the court in certifying the record
- (iii) For co-operation in opinion
- (iv) Subpart of this rule, notary, late co-operation

(3) No person shall be allowed to file a petition for a writ of habeas corpus (Employment)

(b) Filing Fees — Sup