

Fiscal Note

State of Alaska
2021 Legislative Session

Bill Version: SB 14
Fiscal Note Number: _____
() Publish Date: _____

Identifier: SB014CS(JUD)-JUD-AJC-02-25-2021
Title: SELECTION AND REVIEW OF JUDGES
Sponsor: SHOWER
Requester: Senate Judiciary Committee

Department: Judiciary
Appropriation: Judicial Council
Allocation: Judicial Council
OMB Component Number: 771

Expenditures/Revenues

Note: Amounts do not include inflation unless otherwise noted below.

(Thousands of Dollars)

	FY2022 Appropriation Requested	Included in Governor's FY2022 Request	Out-Year Cost Estimates				
OPERATING EXPENDITURES	FY 2022	FY 2022	FY 2023	FY 2024	FY 2025	FY 2026	FY 2027
Personal Services							
Travel	26.5		26.5	26.5	26.5	26.5	26.5
Services	52.0		52.0	52.0	52.0	52.0	52.0
Commodities							
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	78.5	0.0	78.5	78.5	78.5	78.5	78.5

Fund Source (Operating Only)

1004 Gen Fund (UGF)	78.5		78.5	78.5	78.5	78.5	78.5
Total	78.5	0.0	78.5	78.5	78.5	78.5	78.5

Positions

Full-time							
Part-time							
Temporary							

Change in Revenues

None							
Total	0.0	0.0	0.0	0.0	0.0	0.0	0.0

Estimated SUPPLEMENTAL (FY2021) cost: 0.0 (separate supplemental appropriation required)

Estimated CAPITAL (FY2022) cost: 0.0 (separate capital appropriation required)

Does the bill create or modify a new fund or account? No
(Supplemental/Capital/New Fund - discuss reasons and fund source(s) in analysis section)

ASSOCIATED REGULATIONS

Does the bill direct, or will the bill result in, regulation changes adopted by your agency? No
If yes, by what date are the regulations to be adopted, amended or repealed? N/A

Why this fiscal note differs from previous version/comments:

Updated note to reflect changes in Senate Judiciary Committee substitute.

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FISCAL NOTE ANALYSIS

STATE OF ALASKA
2021 LEGISLATIVE SESSION

BILL NO. SB14

Analysis

CSSB14 would change the Alaska Judicial Council's constitutional and statutory duties in two areas: (1) evaluating applicants for judgeships and nominating the most qualified applicants to the Governor for appointment, and (2) evaluating all sitting judges at set intervals before their retention elections.

Judicial Selection. Sections 10-12 would expand the workload of the Alaska Judicial Council by adding the responsibility to recruit, screen, and nominate individuals for *magistrate* positions; currently the Council is required to recruit, screen, and nominate applicants for judicial seats on the supreme court, the court of appeals, the superior court, and the district court.

Magistrates currently are recruited and hired by the Alaska Court System. There are thirty-eight magistrate positions at courts throughout Alaska. About half of the positions are on the road system, while about half are in rural hubs or villages.

It is estimated that about six magistrate positions become vacant each year. The Council currently handles an average of six judge vacancies per year. Thus, it is expected that the magistrate selection duties added by CSSB14 will significantly increase the Council's workload in the judicial selection arena. Costs associated with increased judicial selection activities include additional payments to the selection survey contractor, increased travel and per diem associated with longer meetings (one extra meeting day per quarter), and for magistrate vacancies in rural areas, additional advertising and recruitment costs, and additional fees for criminal history and credit checks. Although the additional work is significant, the Council anticipates it can undertake these duties with existing staff.

Sections 10-12 also change how the Council accepts applications and investigates applicants for court of appeals, district court, and magistrate positions. Currently, the Council evaluates all applicants once, and does not consider additional nominations after it has voted. Under these new provisions, the Council (1) would be required to investigate and make recommendations about the qualifications of individuals submitted by the governor who did not apply through the Council, (2) if the governor does not appoint from the list of the most qualified individuals nominated by the Council, would be required to undertake a second round of selection work to consider additional individuals named by the governor, and (3) would be required to consider submitting other, additional names to the governor during "second round." To complete these additional tasks, the Council likely would need to hold at least one additional meeting per year (5 instead of 4). Additional expenses for services (Bar surveys, fees for credit and criminal history checks, recruitment, distribution of materials to Council) would be incurred to investigate applicants submitted by the governor, and to submit any additional names after the Council's initial determination of the most qualified nominees. It is expected that existing staff could rearrange its workload to absorb the extra work without additional personnel.

Retention Evaluations. Sections 1-2 require magistrates periodically to stand for retention election. Sections 7 and 13 require the Alaska Judicial Council to evaluate the performance of magistrates eligible to stand for retention. These are new duties for the Council.

The Council anticipates its retention evaluation workload would increase by adding an additional eight magistrates to the list of judges standing for retention at future general elections. Existing staff could accomplish the extra work by spreading out the evaluation activities earlier in the year. However, extra expenses would be incurred for contracted survey services, and investigative costs (fees for credit and criminal history checks). Council members would need one extra meeting day to review the magistrate evaluations. Also, additional funds would be needed for outreach to involve the public in the retention evaluation process, and to publicize the results.

Section 22 adds a new section of law about the use of state funds to support or oppose the retention or rejection of a judicial officer in a retention election. Because the section provides an exception for the judicial council's duties to report to the public about the performance of judges standing for retention, and for the judicial council's duty to provide judicial performance evaluation for inclusion in the Lieutenant Governor's Official Election Pamphlet, it is not expected that this section will cause fiscal impact.