

Fiscal Note

State of Alaska
2015 Legislative Session

**REPORTED OUT OF
HOUSE SPECIAL COMMITTEE ON
MILITARY & VETERANS' AFFAIRS
REPLACED BY FN # 7**

Bill Version:	CSHB 126(MLV)
Fiscal Note Number:	3
(H) Publish Date:	4/1/2015

Identifier: HB126-ACS-APP-03-20-15
Title: CODE OF MILITARY JUSTICE; APPEALS
Sponsor: JUDICIARY
Requester: House Military and Veterans' Affairs Committee

Department: Judiciary
Appropriation: Alaska Court System
Allocation: Appellate Courts
OMB Component Number: 767

Expenditures/Revenues

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

(Thousands of Dollars)

	FY2016 Appropriation Requested	Included in Governor's FY2016 Request	Out-Year Cost Estimates				
			FY 2016	FY 2016	FY 2017	FY 2018	FY 2019
OPERATING EXPENDITURES							
Personal Services	73.4			73.4	73.4	73.4	73.4
Travel							
Services	3.5			3.5	3.5	3.5	3.5
Commodities	6.5			2.0	2.0	2.0	2.0
Capital Outlay							
Grants & Benefits							
Miscellaneous							
Total Operating	83.4	0.0		78.9	78.9	78.9	78.9

Fund Source (Operating Only)

1004 Gen Fund	83.4		78.9	78.9	78.9	78.9	78.9
Total	83.4	0.0	78.9	78.9	78.9	78.9	78.9

Positions

Full-time	1.0		1.0	1.0	1.0	1.0	1.0
Part-time							
Temporary							

Change in Revenues

Estimated SUPPLEMENTAL (FY2015) cost: 0.0 *(separate supplemental appropriation required)*
(discuss reasons and fund source(s) in analysis section)

Estimated CAPITAL (FY2016) cost: 0.0 *(separate capital appropriation required)*
(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If yes, by what date are the regulations to be adopted, amended or repealed?

Why this fiscal note differs from previous version:

Initial version.

Prepared By:
Division:
Approved By:
Agency:

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FISCAL NOTE ANALYSIS

**STATE OF ALASKA
2015 LEGISLATIVE SESSION****Analysis**

House Bill 126 (version W) would substantially revise and expand AS 26.05 by adding a new article, Alaska's Code of Military Justice. It provides substantive law and procedures for military courts martial and a new Military Appeals Commission within the Department of Military and Veterans' Affairs. AS 26.05.490.

HB 126 also provides that after a person has appealed a court martial to the Military Appeals Commission, the person (if a sentence of confinement was imposed) has the right to further appellate review in the Alaska Court of Appeals. AS 26.05.493. This new type of appeal from the military court to the state civilian court would expand the state Court of Appeals' jurisdiction. Section 1; AS 22.07.020.

The Court of Appeals currently has jurisdiction over all state criminal appeals from the lower state trial courts. The bill would require the Court to accept appeals from cases involving violations of military law, rather than state law. The state Court of Appeals does not currently have familiarity with either substantive or procedural aspects of courts martial, since the court has not previously handled those case types.

The Court of Appeals judges will hear and decide this new category of cases, but the court system does not have verifiable information about the number of state court cases this new law may lead to, and each of these cases will necessarily involve the new, unfamiliar body of law. To effectively research the new substantive laws, learn about procedures and due process owed to persons accused in a court martial, and resolve these new case types fairly, the court system anticipates that it would need an additional law clerk, particularly if the number of new military cases appealed to the Court of Appeals under HB 126 is more than a very small number.

This one new law clerk position carries a personal services expense of \$73,400 annually. (Law clerks do not participate in PERS and have lower costs for benefits than regular full-time employees; this position is therefore more economical than, for example, a staff attorney.) The Services amount on the note of \$3,500 per year covers software licenses for products such as Microsoft Office, WordPerfect, and the costs of the court's case management system software. The Commodities amount is \$6,500 for the first year; this amount is for a desk, computer, printer, books, and general office supplies for the new law clerk position. After the initial year of equipping the office, the Commodities cost becomes \$2,000 per year to cover ongoing consumable general office supplies, legal resources such as subscription costs, and other miscellaneous supplies.

In sum, this fiscal note reflects the total costs to the Alaska Court System of hiring and retaining one new law clerk on the Court of Appeals to process the cases that would come to it under the Code of Military Justice established in HB 126.