

**SB**

**159**

# FISCAL NOTE

**STATE OF ALASKA**  
**2002 LEGISLATIVE SESSION**

Fiscal Note Number: 2  
 Bill Version: CSSB 159(STA)  
 (S) Publish Date: 4/9/02

Revision Date/Time (Note if correction) 4/5/02 11:19AM Dept. Affected: Alaska Judicial Council  
 Title Appeals Court Judges Retention BRU \_\_\_\_\_  
 Component \_\_\_\_\_  
 Sponsor Senate Judiciary  
 Requester Senate State Affairs Component No. 771

**Expenditures/Revenues** (Thousands of Dollars)

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

OPERATING EXPENDITURES	FY 2003	FY 2004	FY 2005	FY 2006	FY 2007	FY 2008
Personal Services						
Travel						
Contractual	0.0	2.3	2.3	1.2	1.2	0.0
Supplies						
Equipment						
Land & Structures						
Grants & Claims						
Miscellaneous						
<b>TOTAL OPERATING</b>	<b>0.0</b>	<b>2.3</b>	<b>2.3</b>	<b>1.2</b>	<b>1.2</b>	<b>0.0</b>

<b>CAPITAL EXPENDITURES</b>						
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<b>CHANGE IN REVENUES ( )</b>						
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**FUND SOURCE** (Thousands of Dollars)

1002 Federal Receipts						
1003 GF Match						
1004 GF	0.0	2.3	2.3	1.2	1.2	0.0
1005 GF/Program Receipts						
1037 GF/Mental Health						
Other (Specify Type-Do not abbreviate)						
<b>TOTAL</b>	<b>0.0</b>	<b>2.3</b>	<b>2.3</b>	<b>1.2</b>	<b>1.2</b>	<b>0.0</b>

Estimate of any current year (FY2002) cost: 0.0

Check this box (X) if funding for this bill is included in the Governor's FY 2003 budget proposal:

**POSITIONS**

Full-time	0	0	0	0	0	0
Part-time	0	0	0	0	0	0
Temporary	0	0	0	0	0	0

**ANALYSIS:** (Attach a separate page if necessary)

The Judicial Council is required to evaluate the performance of judges and must make performance information and recommendations available to the public. The Council conducts evaluations of judges in their retention election year. As part of its responsibility to encourage a high level of judicial performance, the Council also conducts interim evaluations of judges two years prior to their retention year. 2002 is a retention election year. The Council will evaluate the performance of 34 judges in 2002, including 17 judges standing for retention and 17 judges who will stand for retention in 2004. The cost of these evaluations is 77.8. The cost of an evaluation per judge, using 2002 figures, is 2.3. This cost is incurred in approximately equal amounts in the fiscal year of the retention election and the fiscal year that precedes the retention election.

CSSB 159(STA) reduces the retention term for judges of the Court of Appeals from 8 to 6 years. There are 3 judges on that court. Judge Mannheim stands for retention in 2002. Under current law and assuming he is retained, Judge Mannheim would not stand for retention again until 2010. CSSB 159(STA) would require Judge Mannheim to stand for retention in 2008. The Council would conduct an extra interim evaluation of Judge Mannheim in 2006.

Judges Coats and Stewart were retained in 2000. Under current law, they would stand for retention in 2008. CSSB 159(STA) would require these judges to stand for retention in 2006. The Council would conduct extra interim evaluations of these judges in 2004.

Prepared by: Larry Cohn, Executive Director  
 Division: Alaska Judicial Council  
 Approved by: \_\_\_\_\_  
 Agency: \_\_\_\_\_

Phone 279-2526 Ext. 1  
 Date/Time 4/9/02 2:06 PM  
 Date 4/9/02



# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## SPONSOR STATEMENT COMMITTEE SUBSTITUTE FOR SENATE BILL 159 (STA) (4/14/02)

CSSB 159 (STA) amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to six years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

Currently each appeals court judge is subject to approval or rejection by the voters at the first general election held more than three years after he or she is appointed. After the initial election, they are up for approval or rejection only every eighth year. SB 159 changes this interval to six years, providing Alaskans more frequent opportunities to assess their performance. It is important that those who serve us in the judicial branch of government be accountable for their job performance.

There are twenty-two states that select their judges by public elections and another ten states where the legislature either chooses or confirms appointees. Accordingly, in the majority of the United States there is much greater public input, than in Alaska, into who becomes a judge. In Alaska, the opportunity for the public's input comes only through the retention election process. Such a low level of accountability is poor public policy, especially when retention elections are eight years apart. By allowing Alaskans to evaluate court of appeals judges every six years, we will ensure increased public accountability and better job performance.

DD/kk

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## SPONSOR STATEMENT

SENATE BILL 159

(3/3/02)

SB 159 amends AS 15.35.053 to change to the length of time between retention elections for court of appeals judges from eight years to four years. It is designed to increase the judicial branch's accountability to Alaskans through greater public involvement.

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# SENATOR DAVE DONLEY

ALASKA STATE LEGISLATURE

## Alaska's Judges Have Longer Terms and Less Public Accountability Than 47 Other States

Alaska's judicial officers, on average, serve longer terms and have less public accountability than judges in forty-seven other states. The vast majority of the states exercise more public control in two ways; judges are elected by the public and the average terms are shorter than in Alaska. In the seven states with a combination of merit system appointment and elections, the average terms of all levels of judicial officers are less than Alaska. In the five states with a combination of merit system appointment and confirmation by a legislative body, the average terms are longer but this is mitigated by the requirement for legislative confirmation. In the only seven other pure merit system states, judicial terms are shorter on average for appellate and supreme courts. With only two exceptions (Colorado and Utah), Alaska's judicial officers serve longer terms with less public accountability than in any other place in the nation.

### Average Terms for Judges Using Various Systems of Selection and Retention

STATE	SUPERIOR	APPELLATE	SUPREME
Alaska	6	8	10

The following terms are for the seven states that, similar to Alaska, use the Merit System solely:

Colorado	6	8	10
Florida	6	6	6
Iowa	6	6	8
Massachusetts	---	---	---
Nebraska	6	6	6
Utah	6	10	10
Wyoming	6	---	8
Average No. of Years	6	7.2	8

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## Average Terms for Judges Using Various Systems of Selection and Retention

There are seven states that use a mixture of systems, including the Merit System and either partisan or nonpartisan elections. Their data is as follows:

STATE	SUPERIOR	APPELLATE	SUPREME
Arizona	4	6	6
Indiana	6	10	10
Kansas	4	4	6
Missouri	6	12	12
New Mexico	6	8	8
Oklahoma	4	6	6
South Dakota	8	---	8
Average No. of Years	5.4	7.7	8

There are five states that use the Merit System, but the Senate confirms appointments. Their data is as follows:

Delaware	12	---	12
Hawaii	---	10	10
Maryland	---	10	10
Vermont	6	---	6
District of Columbia	15	---	15
Average No. of Years	11	10	10.6

The following are the terms for those states that elect their judicial officers either through partisan or nonpartisan ballots:

Alabama	6	8	6
Arkansas	4	8	8
Georgia	4	6	6
Idaho	4	6	8
Illinois	6	10	10
Kentucky	8	8	8
Louisiana	6	10	10
Michigan	6	6	8
Minnesota	6	6	6
Mississippi	4	8	8
Montana	6	---	8
Nevada	6	---	6
North Carolina	8	8	8
North Dakota	6	---	10
Ohio	6	6	6

Average Terms for Judges Using Various Systems of Selection and Retention

Oregon	6	6	6
Pennsylvania	10	10	10
Tennessee	8	8	8
Texas	4	6	6
Washington	4	6	6
West Virginia	8	---	12
Wisconsin	6	6	10
Average No. of Years	6	6	8

--- / Court does not exist in jurisdiction or not applicable