



Legislative
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SB 19-187

FISCAL NOTE

Drafting Number: LLS 19-0974
Prime Sponsors: Sen. Lee; Gardner

Date: March 11, 2019
Bill Status: Senate Judiciary
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Bill Topic: COMMISSIONS ON JUDICIAL PERFORMANCE

Summary of Fiscal Impact:

<input type="checkbox"/> State Revenue	<input type="checkbox"/> TABOR Refund
<input checked="" type="checkbox"/> State Expenditure (<i>minimal</i>)	<input type="checkbox"/> Local Government
<input type="checkbox"/> State Transfer	<input type="checkbox"/> Statutory Public Entity

This bill repeals the requirement to conduct performance evaluations on senior judges and makes changes regarding who should be surveyed and how. This bill decreases workload and costs by a minimal amount on an ongoing basis.

Appropriation Summary: No appropriation is required.

Fiscal Note Status: This fiscal note reflects the introduced bill.

Summary of Legislation

This bill repeals the requirement for the state commission on judicial performance (state commission) to evaluate senior judges. This bill also clarifies who should be surveyed for the purpose of collecting input on a judge's performance and how such surveys may be provided. Lastly, this bill changes the process for filling a state or district commission vacancy from being appointed by the Governor to being appointed by the state commission.

Background

Current law allows a retired judge to temporarily return to the bench while receiving retirement benefits upon written agreement with the Chief Justice of the Supreme Court for not less than 60 or more than 90 days each year. Judges returning to the bench are not paid and instead receive a retirement benefit increase based on a percentage of the current monthly salary of a judge serving in the same position. Currently the state commission must evaluate the performance of senior judges every third year following their initial appointment to the bench as a senior judge and make a recommendation on his or her performance to the Chief Justice.

State Expenditures

Beginning in FY 2019-20, this bill minimally decreases costs and workload for the Office of Judicial Performance Evaluation. Costs are decreased as a result of not having to survey certain individuals. This creates an efficiency as those that no longer have to be surveyed typically do not respond to the surveys and allows the office to utilize existing resources to collect more judicial performance data by surveying groups that respond more frequently via email surveys. Workload is reduced by not having to complete a formal evaluation on senior judges, including a written report. Because the Chief Justice relies on survey information to determine if a senior judge's contract will be renewed, survey data will still be collected and provided, therefore this workload reduction is considered minimal.

Effective Date

The bill takes effect August 2, 2019, if the General Assembly adjourns on May 3, 2019, as scheduled, and no referendum petition is filed.

State and Local Government Contacts

Judicial Office of Judicial Performance Evaluation