

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0796-09
Bill No.: HCS for SS for SCS for SB 144
Subject: Courts; Counties; Judges
Type: Original
Date: May 5, 2005

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
General Revenue	(\$74,765 to Unknown)	(\$502,936 to Unknown)	(\$869,993 to Unknown)
Total Estimated Net Effect on General Revenue Fund	(\$74,765 to Unknown)	(\$502,936 to Unknown)	(\$869,993 to Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version of the proposal (Perfected SS for SCS for SB 144, LR # 0796-08), officials from the **Office of the Secretary of State** assumed the proposal would have no fiscal impact on their agency.

Officials from the **Missouri State Employees' Retirement System** assume the contribution rate for retirement for the circuit judges is 55.76% of pay. This would factor into the fringe benefit percentage.

23rd Judicial Circuit – §478.550

Officials from the **Office of State Courts Administrator (CTS)** assume, beginning 1/1/2007, there will be two new circuit court judgeships in the 23rd judicial circuit by converting two associate circuit court judgeships to circuit court judgeships, and convert one family court commissioner and one drug court commissioner to associate circuit judgeships in that same circuit.

ASSUMPTION (continued)

The cost for the two new circuit judgeships would be \$24,000 plus fringes. (Annual salary for a circuit judge is \$108,000, versus the annual salary of \$96,000 for an associate circuit judge or \$12,000 x 2)

Circuit court judges, by statute (§485.040), must appoint a court reporter; therefore, the legislation would also include costs for two court reporters.

Cases heard by associate circuit judges are heard on the record via electronic recording devices. There would be some, unquantifiable, costs related to transcribing these records for the three new associate circuit judges.

Since family court commissioners and drug court commissioners are paid at the associate circuit judge rate, there would be no additional salary for this provision.

The total cost for these provisions of the legislation is as follows:

- 1) Two circuit court judges: \$24,000 plus fringes,
- 2) Two court reporters: \$49,860 x 2 plus fringes.

Total cost for 12 months is \$123,720 plus fringes.

Additional transcribing costs which are unquantifiable at this time.

11th Judicial Circuit – \$478,600

Officials from the **Office of State Courts Administrator (CTS)** assumed the proposed legislation would create two new circuit court judgeships in the 11th judicial circuit by converting two associate circuit judgeships to circuit court judgeships, and convert two family court commissioners and one drug court commissioner to associate circuit judgeships in that same circuit.

The cost for the two new circuit judgeships would be \$24,000 plus fringe benefits. (Annual salary for a circuit judge is \$108,000, versus the annual salary of \$96,000 for an associate circuit judge or \$12,000 x 2).

Circuit court judges, by statute (§485.040), must appoint a court reporter; therefore, the legislation would also include costs for two court reporters.

ASSUMPTION (continued)

Cases heard by associate circuit judges are heard on the record via electronic recording devices. There would be some, unquantifiable, costs relating to transcribing these records for the three new associate circuit judges.

Since family court commissioners and drug court commissioners are paid at the associate circuit judge rate, there would be no additional salary for this provision.

CTS estimates the total cost for the legislation as follows:

1. Two circuit court judges: \$24,000 plus fringe benefits;
2. Two court reporters: \$49,860 x 2 plus fringe benefits.

Total cost for 12 months is \$123,720 plus fringe benefits.

3. Additional transcribing costs which are unquantifiable at this time.

17th Judicial Circuits – §§478.570

Officials from the **Office of State Courts Administrator (CTS)** assume the legislation would also add an additional associate circuit judge in Cass County beginning on January 1, 2007. The cost for this judge in FY 07 would be \$48,000 plus fringe benefits (six months). The cost in subsequent years would be \$96,000 plus fringe benefits per year at the present associate judge salary.

29th and 42nd Judicial Circuits – Sections 1 and 2

Officials from the **Office of State Courts Administrator (CTS)** assume the legislation would also create a state-funded family court commissioner in the 29th judicial circuit, at an annual cost of \$96,000 plus fringes (the same salary as that of an associate circuit court judge), and an additional state-funded drug court commissioner in the 42nd judicial circuit at an annual cost of \$96,000 plus fringes.

<u>FISCAL IMPACT - State Government</u>	FY 2006 (6 Mo.)	FY 2007	FY 2008
GENERAL REVENUE FUND			
<u>Savings</u> – Office of State Courts Administrator (CTS)			
Personal Service (4 FTE Associate Circuit Judge positions) (§§478.550 & 478.600)	\$0	\$201,720	\$413,526
Fringe Benefits (§§478.550 & 478.600)	<u>\$0</u>	<u>\$112,480</u>	<u>\$230,582</u>
<u>Total Savings</u> – CTS	<u>\$0</u>	<u>\$314,200</u>	<u>\$644,108</u>
<u>Costs</u> – CTS			
Personal Service (4 FTE Circuit Judge positions) (§§478.550 & 478.600)	\$0	(\$226,935)	(\$465,217)
Personal Service (1 FTE Associate Circuit Judge position) (§478.570)	(\$48,000)	(\$100,860)	(\$103,382)
Personal Service (2 FTE court commissioners) (Sections 1 & 2)	\$0	(\$100,860)	(\$206,763)
Personal Service (4 FTE Court Reporter positions) (§§478.550 & 478.600)	\$0	(\$104,769)	(\$214,775)
Fringe Benefits	(\$26,765)	(\$283,712)	(\$523,964)
Equipment and Expense	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>Total Costs</u> – CTS	<u>\$0</u>	(\$817,136 to <u>Unknown</u>)	(\$1,514,101 to <u>Unknown</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$74,765 to Unknown)</u>	<u>(\$502,936 to Unknown)</u>	<u>(\$869,993 to Unknown)</u>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

11th and 23rd Judicial Circuits and Cass County – §§478.550, 478.570, and 478.600 – The act increases the number of circuit judges in the 11th and 23rd judicial circuits from 4 to 6 beginning January 1, 2007. The family court and drug court commissioner positions in those circuits shall become associate circuit judge positions beginning on January 1, 2007. Further, there will be one additional associate circuit judge in Cass County beginning January 1, 2006.

29th Judicial Circuit – Section 1 – The act creates a state-funded family court commissioner position in the 29th judicial circuit.

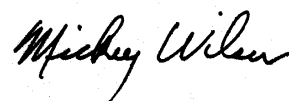
42nd Judicial Circuit – Section 2 – The act creates a state-funded drug court commissioner position in the 42nd judicial circuit.

23rd Judicial Circuit – Section 3 – Any drug court commissioner appointed in the 23rd judicial circuit will be a state-funded position.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Missouri State Employees' Retirement System
Office of the Secretary of State



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