

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0987-01  
Bill No.: HB 374  
Subject: Courts; Judges  
Type: Original  
Date: February 18, 2013

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Bill Summary: This proposal provides the Supreme Court with the ability to transfer circuit and associate judge positions from one circuit to another.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(\$105,000)	(\$55,000)	(\$5,000)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(\$105,000)</b>	<b>(\$55,000)</b>	<b>(\$5,000)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2014</b>	<b>FY 2015</b>	<b>FY 2016</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of the State Courts Administrator (CTS)** state the proposal would provide, by January 1, 2015, and January first every ten years thereafter, the geographical boundaries and territorial jurisdiction of the circuit and appellate courts shall be altered by the Supreme Court. Also, the Supreme Court shall establish rules and standards with respect thereto, as well, as the number of circuit and appellate districts in existence as of December 31, 2014 shall not be altered.

CTS assumes the proposal would require the use of an additional Program Specialist III FTE (at \$50,088 per year, plus fringes).

CTS states the legislation also includes a judicial workload study as part of its criteria in determining judicial transfers. A judicial workload study would cost approximately \$150,000 as well as meeting costs of approximately \$5,000 to evaluate possible transfers.

In summary, CTS assumes a cost to the General Revenue Fund of \$174,703 in FY 2014, \$136,373 in FY 2015 and \$84,711 in FY 2016.

**Oversight** assumes that there will be few permanent transfers of judicial positions made by the Supreme Court and that CTS will not require an additional FTE to implement the various aspects of this proposal. Therefore, Oversight has not included the additional person in the fiscal note estimates.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
<b>GENERAL REVENUE</b>			
<u>Costs - CTS</u>			
Contracted judicial workload study	(\$100,000)	(\$50,000)	\$0
Travel for the committee	(\$5,000)	(\$5,000)	(\$5,000)
<u>Total Costs - CTS</u>	<u>(\$105,000)</u>	<u>(\$55,000)</u>	<u>(\$5,000)</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>(\$105,000)</u></b>	<b><u>(\$55,000)</u></b>	<b><u>(\$5,000)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<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.

FISCAL DESCRIPTION

This bill allows the Missouri Supreme Court to make permanent transfers of judicial positions from one circuit to another as the administration of justice requires, subject to the minimum number of judges set forth in Article V of the Missouri Constitution. The Supreme Court must establish rules and standards regarding these transfers. When a vacancy occurs in a circuit judge or associate circuit judge position, the Supreme Court may transfer the vacant position to another circuit.

"Vacancy" is defined as the death, retirement, resignation, removal, impeachment, or failure to be retained of a circuit or associate circuit judge but does not include the failure to win a partisan election.

The bill specifies criteria the Supreme Court must use in determining whether the judicial position should be transferred. Any judicial position transferred by the Supreme Court must be filled in the manner provided for by law for that circuit, and the position vacated must cease to exist at the time the new position is filled.

The total number of circuit judge and associate circuit judge positions in existence as of August 28, 2013, must not be altered unless by law. Any Supreme Court order changing the total number of judicial positions, through creation or elimination, must be null and void.

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

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SOURCES OF INFORMATION

Office of the State Courts Administrator



Ross Strobe  
Acting Director  
February 18, 2013

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