

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0987-03
Bill No.: Perfected HCS for HB Nos. 374 & 434
Subject: Courts; Judges
Type: Original
Date: April 10, 2013

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

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(\$5,000)	\$0	\$0
Total Estimated Net Effect on General Revenue Fund	(\$5,000)	\$0	\$0

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

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

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

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

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).

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would provide the Supreme Court with the ability to transfer circuit and associate judge positions from one circuit to another provided there is a vacancy as a result of death, retirement, resignation, removal, impeachment, or failure to be retained of a circuit or associate circuit judge. It should be noted that "vacancy" shall not mean failure to win a partisan election.

The proposal would require the use of a Program Specialist III (at \$50,088 per year, plus fringes). The substitute includes using a current judicial weighted workload model, as well as a current clerical weighted workload model, it does not include a judicial workload study as part of its criteria in determining judicial transfers. However, there will still be meeting costs of approximately \$5,000 to evaluate possible transfers.

In summary, CTS assumes the cost of the new FTE as well as the cost of committee meetings total to \$74,203 in FY14, \$83,873 in FY 15 and \$84,711 in FY16.

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
GENERAL REVENUE			
<u>Costs - CTS</u>			
Travel for the committee	<u>(\$5,000)</u>	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$5,000)</u>	<u>\$0</u>	<u>\$0</u>

<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.

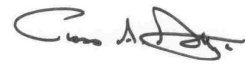
The total number of circuit judge and associate circuit judge positions in existence as of August 28, 2013, must not be altered unless by law. Any Supreme Court order changing the total number of judicial positions, through creation or elimination, must be null and void.

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

L.R. No. 0987-03
Bill No. Perfected HCS for HB Nos. 374 & 434
Page 5 of 5
April 10, 2013

SOURCES OF INFORMATION

Office of the State Courts Administrator

A handwritten signature in black ink, appearing to read "Ross Strobe".

Ross Strobe
Acting Director
April 10, 2013

RS:LR:OD