

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.      3000-01  
BILL NO.     SB 664  
SUBJECT:    Reallocation of Judges  
TYPE:        Original  
DATE:        January 31, 2000

**FISCAL SUMMARY**

| <b>ESTIMATED NET EFFECT ON STATE FUNDS</b>                  |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2001    | FY 2002    | FY 2003    |
| None  |            |            |            |
|   |            |            |            |
| <b>Total Estimated Net Effect on <u>All</u> State Funds</b> | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

| <b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>                  |            |            |            |
|---|------------|------------|------------|
| FUND AFFECTED   | FY 2001    | FY 2002    | FY 2003    |
| None  |            |            |            |
|   |            |            |            |
| <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 LOCAL FUNDS</b> |            |            |            |
|--|------------|------------|------------|
| FUND AFFECTED                              | FY 2001    | FY 2002    | FY 2003    |
| <b>Local Government</b>                    | <b>\$0</b> | <b>\$0</b> | <b>\$0</b> |

Numbers within parentheses: ( ) indicate costs or losses  
This fiscal note contains 4 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would require the Commission on Judicial Resources to review judicial vacancies and certify to the Governor and General Assembly that a vacancy should not be filled. Additionally, the Commission could propose to reassign a vacant judgeship to another jurisdiction, subject to legislative approval. CTS assumes there could be a shifting of costs within the circuit courts and some savings in unknown future years could result if judgeships are eliminated.

**Oversight** assumes the proposal could result in a cost or a savings to CTS, as the Commission on Judicial Resources could increase or decrease the number of judges in each county. However, any decision to increase the number of judges would require appropriation by the General Assembly and a concurrent resolution signed by the Governor. Also, any decision to decrease the number of judges could be nullified by the General Assembly with a concurrent resolution signed by the Governor. (Note: The Missouri Constitution mandates that each county have at least one associate circuit judge.) Since recommendations made by the Commission on Judicial Resources would generally require further action by the General Assembly, Oversight assumes that this proposal alone would have no fiscal impact on CTS.

Officials from the **Office of the Governor, Office of the Lieutenant Governor, Missouri House of Representatives**, and the **Office of the Secretary of State** assume the proposal would have no fiscal impact on their agencies.

In response to similar legislation, officials from the **Office of the Senate** assumed there would be no fiscal impact on their agency.

| <u>FISCAL IMPACT - State Government</u> | FY 2001<br>(10 Mo.) | FY 2002 | FY 2003 |
|---|---------------------|---------|---------|
|   | \$0                 | \$0     | \$0     |

| <u>FISCAL IMPACT - Local Government</u> | FY 2001<br>(10 Mo.) | FY 2002 | FY 2003 |
|---|---------------------|---------|---------|
|   | \$0                 | \$0     | \$0     |

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposal would authorize the Commission on Judicial Resources to determine the number of associate and circuit court judges needed in each judicial circuit. The Commission could either 1) recommend that a vacancy not be filled in a circuit with more judges than necessary, and file a corresponding plan for reassignment of the remaining judgeships in such circuit; or 2) recommend that positions be added in a circuit with fewer judges than necessary. Vacancy would be defined to ensure that judgeships would not be moved unless a position was vacant.

When a circuit court position is vacated and the Commission declares that such vacancy should not be filled, then the Commission would certify this declaration to the Governor and General Assembly. Such vacancy would not be filled unless the General Assembly approves the Commission's declaration by a Concurrent Resolution that is signed by the Governor. When the Commission declares a vacancy, it would include in its certification a proposed reassignment of judges in that circuit. The General Assembly could, by Concurrent Resolution, provide for a different reassignment of the judges. The Commission would follow the same procedure outlined above if it declares that a circuit court position should be added to a circuit.

The proposal would become effective following the adoption by the voters of a constitutional amendment allowing judgeships to be moved from areas of low need to areas of high need.

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 State Courts Administrator  
Office of the Governor  
Office of the Lieutenant Governor  
Missouri House of Representatives  
Office of the Secretary of State  
Office of the Senate

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is written in a cursive style with a large initial "J".

Jeanne Jarrett, CPA  
Director  
January 31, 2000