

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO. 3002-04
BILL NO. SB 870
SUBJECT: Provides for judges to replace judicial commissioners.
TYPE: Original
DATE: February 8, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	\$0 to (\$567,028)	\$0 to (\$1,162,406)	\$0 to (\$1,191,467)
Total Estimated Net Effect on <u>All State Funds</u>	\$0 to (\$567,028)	\$0 to (\$1,162,406)	\$0 to (\$1,191,467)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2000	FY 2001	FY 2002
Local Government	\$0 to \$567,028	\$0 to \$1,162,406	\$0 to \$1,191,467

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would convert court commissioners to judges at the next vacancy in the position or upon completion of the current term, with an emergency clause. There are various provisions for probate commissioners, deputy probate commissioners, family court commissioners and drug court commissioners. All of the positions are tied to the salary of either a circuit judge or an associate circuit judge, and they are paid from general revenue. The position would become either a circuit or an associate circuit judge, depending on what the current commissioner position is tied to. There would be no increase in salary due to the change. The bill excludes the three new circuit judges from getting court reporters. There are currently clerks serving the commissioners; therefore, CTS concludes there are no increased state costs.

The terms of the commissioners are set for a period of four years from their appointment. CTS does not have the information in order to predict when the transitions would occur, but expects that they should all occur within four years of the effective date.

Currently, there would be a decrease in reimbursements for the thirteen family court commissioners of about \$1,134,055 (13 times \$87,235). Currently, the thirteen commissioners are subject to reimbursement from local funds (Family Services and Justice funds or the Jackson County Anti Drug Tax). At the time of conversion, these reimbursements will cease and the money will be freed up for the other local earmarked services.

Officials from the **Department of Revenue (DOR)** assume the proposed legislation would have no fiscal impact on their agency, however, proposed Section 479.500.2 and 479.500.3 deletes references to the commissioners ability to hear petitions to review the driver license suspensions/revocations of the Director of Revenue. This would include review of trial de novo's relating to administrative alcohol offenses under Section 302.535. The elimination of the commissioners would result in increased workloads being handled by various existing circuit judges. This would administratively cause delays in hearings because of such a heavy workload, which ultimately affects the DOR's general counsel efficiency and ability to timely process these cases.

Officials from the **Office of the Attorney General, Office of Administration, Office of Prosecution Services, Missouri State Employees Retirement System, Joint Committee On Public Employee Retirement, 11th Judicial Circuit of Missouri, and the Office of the State Public Defender** assume the proposal would have no fiscal impact on their agencies.

ASSUMPTION (continued)

Oversight assumes the current commissioners terms will expire throughout the next four fiscal years. Oversight has ranged the fiscal impact from \$0 to the identified maximum amount of decreased reimbursements from local funds.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (6 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Loss of Revenue</u>	\$0 to	\$0 to	\$0 to
Local reimbursements	<u>(\$567,028)</u>	<u>(\$1,162,406)</u>	<u>(\$1,191,467)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (6 Mo.)	FY 2002	FY 2003
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**FAMILY SERVICES AND JUSTICE FUNDS
 OR THE JACKSON COUNTY ANTI DRUG TAX**

<u>Savings</u>			
Ceased reimbursements	\$0 to	\$0 to	\$0 to
	<u>\$567,028</u>	<u>\$1,162,406</u>	<u>\$1,191,467</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation eliminates certain existing judicial commissioner positions. Sitting commissioners will continue service until the end of their term of office. At that time, the position is abolished and circuit and associate circuit judgeships are created in their place. The primary jurisdiction of the judge would be in the same division as the commissioner. The commissioners would continue service until the January first after the next general election following their term expiration, when a judge would be sworn in. In counties that elect judges, the new judgeship would be filled initially by election. In counties subject to the non-partisan court plan, the positions would be initially appointed. Commissioners eligible to receive retirement benefits at the end of their current term (age 60 with 15 years service) will be allowed

DESCRIPTION (Continued)

to be reappointed in their current positions until death, resignation or removal. Authorizations for commissioners pursuant to current law are changed to expire January 1, 2006. Authorizations for traffic commissioners, judges acting as traffic commissioners and landlord-tenant commissionerships (available only in Jackson and St. Louis counties) are deleted. References to procedures and qualifications of commissioners are deleted with rule making power granted to the Supreme Court. Jackson County, St. Louis County and St. Louis City receive a circuit judgeship for each probate commissionership eliminated. The judges are exempt from court recording and allowed to continue with electronic recording - as the commissioners currently do. Boone County receives one associate circuit judge for the family court commissionership eliminated in that circuit. An associate circuit judgeship is granted for each circuit court or deputy commissionership eliminated in counties that are whole circuits (Platte, Clay, St. Charles, St. Louis, St. Louis City, Jackson, Cole, Jefferson, Jasper and Greene counties). An associate circuit judgeship is granted for each drug court commissionership eliminated in counties that are whole circuits, or in the largest county in multi-county circuits if the circuit is receiving appropriations for FY2001 for such commissioner. The proposed legislation contains an emergency clause.

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 the Attorney General
Office of State Courts Administrator
Office of Prosecution Services
Office of the State Public Defender
Office of Administration
Missouri State Employees Retirement System
Joint Committee on Public Employee Retirement
11th Judicial Circuit Court of Missouri

NOT RESPONDING: 13th Judicial Circuit Court of Missouri, 16th Judicial Circuit Court of Missouri, 21st Judicial Circuit Court of Missouri, 22nd Judicial Circuit Court of Missouri, 31st Judicial Circuit Court of Missouri.



Jeanne Jarrett, CPA
Director
February 8, 2000