

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5677-05  
Bill No.: HCS for HB 1754  
Subject: Courts; Judges  
Type: Original  
Date: March 21, 2012

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Bill Summary: This proposal changes the composition of certain judicial circuits.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
General Revenue	\$0	\$0	(\$975,865) to (\$1,475,865)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>(\$975,865) to (\$1,475,865)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
<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 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2013</b>	<b>FY 2014</b>	<b>FY 2015</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 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
General Revenue	0	0	16
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>16</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 2013</b>	<b>FY 2014</b>	<b>FY 2015</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials from **Office of the State Courts Administrator (CTS)** state beginning August 28, 2012, the proposed legislation would change the county composition of the 26<sup>th</sup>, 30<sup>th</sup>, 36<sup>th</sup>, 37<sup>th</sup>, and 42<sup>nd</sup> judicial circuits. The counties transferred to a different judicial circuit shall transfer associate circuit judges, but not circuit judges. Circuit judges shall remain in the same judicial circuit in which they were serving prior to the effective date of this legislation. In addition, it would reduce the number of circuit judges in the 22<sup>nd</sup> judicial circuit from 24 to 21 and provide one additional circuit judge in each of the following circuits: 19<sup>th</sup>, 31<sup>st</sup>, and 38<sup>th</sup>. The first three circuit judges that become vacant in the 22<sup>nd</sup> judicial circuit shall not be filled and shall be reallocated in the following order: 38<sup>th</sup>, 31<sup>st</sup> and 19<sup>th</sup> judicial circuits. It is assumed that the transfer of the three circuit judge positions will be budget neutral.

The proposed legislation would convert most commissioners to associate and circuit court judges that would begin January 1, 2015. Currently, there are four probate commissioners, one in the 16<sup>th</sup>, 21<sup>st</sup>, 22<sup>nd</sup>, and 31<sup>st</sup> judicial circuits. There are three deputy probate commissioners, one in the 16<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> judicial circuits. The legislation would convert probate commissioners in the 16<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> to a circuit judge. The probate commissioner in the 31<sup>st</sup> and deputy probate commissioner 16<sup>th</sup>, 21<sup>st</sup>, and 22<sup>nd</sup> judicial circuits would be converted to associate circuit judges. The three circuit judge positions would require a court reporter as required by Section 485.060, RSMo. The associate circuit judge positions in the 21<sup>st</sup> and 29<sup>th</sup> judicial circuit would each require a court clerk. Counties receiving an associate circuit judge position with a clerical weighted workload would receive a court clerk position to assist with case management.

3 Court Reporters: \$165,036 per year, plus fringe benefits  
2 Court Clerk IIIs: \$62,352 per year, plus fringe benefits

There are two drug court commissioners in the 22<sup>nd</sup> and one drug court commissioner in the 12<sup>th</sup>, 16<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>, 33<sup>rd</sup>, 35<sup>th</sup> and 42<sup>nd</sup> judicial circuits. A total of nine drug court commissioners would be converted to associate circuit judge positions. The associate circuit judge position in the 12<sup>th</sup>, 24<sup>th</sup>, 31<sup>st</sup>, 33<sup>rd</sup>, 35<sup>th</sup> and 42<sup>nd</sup> judicial circuits would each require a court clerk.

6 Court Clerk IIIs: \$187,056 per year, plus fringe benefits

There are two family court commissioners in the 16<sup>th</sup> and 21<sup>st</sup>, and one family court commissioner in the 22<sup>nd</sup>, 29<sup>th</sup>, and 31<sup>st</sup> judicial circuits that are not reimbursed by the county. A total of six family court commissioners would be converted to associate circuit judges and remain in their judicial circuit. Beginning January 1, 2015, the family court commissioner

ASSUMPTION (continued)

eliminated in the 22<sup>nd</sup> judicial circuit on September 1, 2012 shall become a circuit judge position in McDonald County in the 40<sup>th</sup> judicial circuit. The 40<sup>th</sup> judicial circuit judge will cost an additional \$10,162 per year, plus fringe benefits and will require a court reporter. The associate circuit judge position in the 21<sup>st</sup>, 29<sup>th</sup>, and 31<sup>st</sup> judicial circuits would each require a court clerk.

Court Reporter:	\$55,012 per year, plus fringes
4 Court Clerk IIIs:	\$124,704 per year, plus fringes

The total personnel costs for the four court reporters, twelve court clerks and \$10,162 additional judicial salary for the 40<sup>th</sup> judicial circuit is \$604,322, plus fringe benefits. CTS estimates a cost in FY 2015 for the additional FTE of \$475,856 (6 months because of January 1, 2015 change date) and an annual cost of roughly \$950,000 each year thereafter.

Changes to the composition of the judicial circuits will require reconfiguration of the JIS (statewide court automation) system databases. CTS states they would need to change the databases and various data elements in the conversion. They would use both contractors and current staff. Based upon a previous larger conversion that cost \$3 million, CTS estimates a cost ranging from \$500,000 to \$1,000,000 for JIS changes regarding this proposal.

Officials from **Missouri State Employees Retirement System** assume the changes in the bill will not fiscally impact the retirement system.

Officials from **St. Louis County** assume the proposal would not fiscally impact their county.

Officials from the **City of St. Louis, Greene County, Jackson County, St. Francois County, Jasper County, Scott County, Laclede County, Camden County and Wayne County** did not respond to our request for fiscal impact.

**Oversight** will reflect the costs for the JIS database conversions in the General Revenue Fund and will assume the conversion will occur in FY 2015. The State Court Automation Fund's (0270) balance at the end of FY 2011 was \$484,708. Oversight assumes this is not sufficient to pay the outside contractors to perform this conversion; therefore, Oversight will reflect the potential costs to the General Revenue Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
<b>GENERAL REVENUE</b>			
<u>Costs - CTS</u>			
Personal Service (16 FTE)	\$0	\$0	(\$302,161)
Fringe Benefits	\$0	\$0	(\$159,964)
Expense and Equipment	\$0	\$0	(\$13,740)
Reconfiguration of JIS	<u>\$0</u>	<u>\$0</u>	(\$500,000 to \$1,000,000)
	\$0	\$0	(\$975,865) to (\$1,475,865)
<u>Total Costs - CTS</u>			
FTE Change - CTS	0 FTE	0 FTE	16 FTE
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>(\$975,865) to (\$1,475,865)</u></b>
Estimated net FTE Change for General Revenue Fund	0 FTE	0 FTE	16 FTE
<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

### FISCAL DESCRIPTION

This proposal changes the composition of certain judicial circuits. In its main provisions, the bill:

- (1) converts most commissioner positions to associate circuit judges beginning January 1, 2015;
- (2) Moves Laclede County from the 26th judicial circuit to the 30th judicial circuit, moves Benton County from the 30<sup>th</sup> judicial circuit to the 26<sup>th</sup> judicial circuit, and moves Carter and Wayne counties to the 36<sup>th</sup> judicial circuit from the 37<sup>th</sup> and 42<sup>nd</sup> judicial circuits respectively.
- (3) Reduces the number of circuit judge positions in the 22<sup>nd</sup> circuit from 24 judges to 21 judges and reallocates one additional position in the 19th, 31st, and 38<sup>th</sup> judicial circuits.

The effective date for the changes in the bill is January 1, 2015.

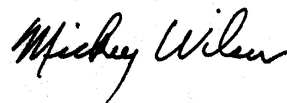
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

### SOURCES OF INFORMATION

Office of the State Courts Administrator  
Missouri State Employees Retirement System  
St. Louis County

#### **Not Responding:**

City of St. Louis  
Greene County  
Jackson County  
St. Francois County  
Jasper County  
Scott County  
Laclede County  
Camden County  
Wayne County



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RS:LR:OD