

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0986-04
Bill No.: SCS for HCS for HB Nos. 373 & 435
Subject: Courts
Type: Original
Date: May 15, 2013

Bill Summary: This proposal modifies provisions relating to judicial resources.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	\$0	(\$1,023,766)	(\$2,033,703)
Total Estimated Net Effect on General Revenue Fund	\$0	(\$1,023,766)	(\$2,033,703)

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 4 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
General Revenue	0	16 FTE	16 FTE
Total Estimated Net Effect on FTE	0	16 FTE	16 FTE

- 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

§§ 477.405 & 478.320 - Guidelines for Determining Need for Additional Court Personnel;

Officials from the **Office of the State Courts Administrator (CTS)** assume this section of the proposal would provide CTS with the ability to determine the need for additional full-time judicial positions indicated in a judicial weighted workload model for three consecutive years or more.

The judicial weighted workload for the past three consecutive years indicates the following circuits need for additional full-time judicial positions:

Circuit 11	St. Charles County	1 Associate Circuit Judge & 1 Court Clerk III
Circuit 16	Jackson County	1 Associate Circuit Judge & 1 Court Clerk III
Circuit 21	St. Louis County	3 Associate Circuit Judges & 3 Court Clerk III
Circuit 31	Greene County	2 Associate Circuit Judges & 2 Court Clerk III
Circuit 38	Christian County	1 Associate Circuit Judge & 1 Court Clerk III

This results in the addition of eight Associate Circuit Judges at \$116,858.40 per judge, per year, plus fringes and eight Court Clerk IIIs at \$31,800 per clerk, per year, plus fringes. The total cost would be \$934,867.20 (Associate Circuit Judge Annual Salary \$116,858.40), \$711,506 fringes (Associate Circuit Judge Annual Fringes \$88,939.25), \$254,400 (Court Clerk III Salary \$31,800), \$129,095 (Court Clerk II Fringes at 50.745%).

These sections of the proposed legislation would not become effective until January 1, 2015. The total cost in FY 2015 would be \$1,023,766 (six months) and \$2,033,703 (twelve months).

§§ 478.073 & 487.010 - judicial geographical boundaries;

CTS states this section of the proposed legislation would provide beginning in 2020 and every twenty years thereafter, the geographical boundaries and territorial jurisdiction of the judicial circuits by means of a circuit realignment plan, as the administration of justice may require. Also, once submitted to both houses, a circuit plan shall become effective January first of the year following the session to which it is submitted, unless a bill realigning the judicial circuits is presented to the governor by April first and is duly enacted. A circuit realignment plan shall not alter the total number of judicial circuits in existence as of December 31, 2019, and any circuit realignment plan creating or reducing the number of judicial circuits shall be null and void.

ASSUMPTION (continued)

The cost of this substitute is beyond the scope of this review however if this were to occur the proposal would require the use of a Program Specialist III:

Program Specialist III \$50,088 (current cost) per year, plus fringes

This cost of the Program Specialist III could be more in FY 2019.

Also, 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 cost of approximately \$5,000 to evaluate possible transfers which would still occur in FY 2019.

The total cost each year, FY 2019 and forward, will be at least \$55,088 plus fringe benefits.

Oversight assumes the costs related to this provision is outside the scope of the fiscal note.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE			
<u>Costs - Office of State Courts</u>			
Administrator - judicial workload model			
Personal Service	\$0	(\$594,634)	(\$1,191,811)
Fringe Benefits	\$0	(\$420,300)	(\$841,892)
Expense and Equipment	<u>\$0</u>	<u>(\$8,832)</u>	<u>\$0</u>
<u>Total Costs - CTS \$477.405, 478.320</u>	\$0	(\$1,023,766)	(\$2,033,703)
FTE Change - CTS	0 FTE	16 FTE	16 FTE
 ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	 <u>\$0</u>	 <u>(\$1,023,766)</u>	 <u>(\$2,033,703)</u>
 Estimated Net FTE Change for the General Revenue Fund	 0 FTE	 16 FTE	 16 FTE

<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

The proposal states that the Supreme Court shall submit annually a judicial weighted workload model and a clerical weighted workload model to the chairs of both the House and the Senate Judiciary Committees, to be distributed to the members of the General Assembly.

Also, when a judicial weighted workload indicates for three consecutive years that a judicial circuit with a population of one-hundred thousand or more is in need of four or more full-time judicial positions, then there shall be one additional associate circuit judge position in such circuit. In circuits composed of multiple counties, the additional associate circuit judge position shall be apportioned among the counties based on population.

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



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