

LEGISLATIVE FISCAL OFFICE
Fiscal Note



Fiscal Note On: **SB 216** SLS 14RS 110
 Bill Text Version: **ENGROSSED**
 Opp. Chamb. Action: **w/ HSE COMM AMD**
 Proposed Amd.:
 Sub. Bill For.:

| | | |
|------------------------------------|---------|-----------------------------------|
| Date: May 23, 2014 | 1:55 PM | Author: MURRAY |
| Dept./Agy.: Judiciary | | Analyst: Matthew LaBruyere |
| Subject: Judicial Vacancies | | |

JUDGES EG1 SEE FISC NOTE GF EX See Note Page 1 of 1
 Provides relative to courts and vacancies in the office of a judge.(2/3-CA13s1(A))

Proposed constitutional amendment provides that a judgeship newly created by the legislature shall be filled by special election within 12 months after the day on which the judgeship is established. Until the special election, the supreme court shall appoint a person to serve at its pleasure. The appointee shall be ineligible as a candidate at the election to fill the newly-created judicial office. Proposed constitutional amendment provides that the legislature by law shall establish the procedure to fill a vacancy in the office of a judge. The procedure may include a determination of whether the vacant judicial office should be maintained, abolished, or transferred to another court of equivalent jurisdiction. Until a vacancy in the office of a judge is filled, abolished, or transferred, the supreme court may appoint a person meeting the qualifications for the office, other than domicile, to serve at its pleasure. The appointee shall be ineligible as a candidate at an election to fill the judicial office. No person serving as an appointed judge, other than a retired judge, shall be eligible for retirement benefits provided for the elected judiciary. A companion bill (SB 217) is the enabling legislation.

| EXPENDITURES | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | SEE BELOW | SEE BELOW | SEE BELOW | SEE BELOW | \$0 |
| Annual Total | \$0 | | | | | \$0 |

| REVENUES | 2014-15 | 2015-16 | 2016-17 | 2017-18 | 2018-19 | 5 -YEAR TOTAL |
|---------------------|----------------|----------------|----------------|----------------|----------------|----------------------|
| State Gen. Fd. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Agy. Self-Gen. | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Ded./Other | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Federal Funds | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |
| Local Funds | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> | \$0 |
| Annual Total | \$0 | \$0 | \$0 | \$0 | \$0 | \$0 |

EXPENDITURE EXPLANATION

The proposed legislation allows the legislature to establish a procedure to fill a judgeship when a vacancy arises. The procedure may include the determination as to whether a judicial vacancy should be maintained, reallocated to another district, or abolished. The procedure set by the legislature will determine if this bill could result in an overall net decrease or no impact in expenditures.

For example, the proposed legislation may result in an increase in local fund expenditures if a judgeship is reallocated to another court of jurisdiction. The potential increase in expenditures would include the operating expenses of the judgeship and any staff the judgeship may need. Inversely, local fund expenditures in the original district of the judgeship would decrease as a result of the judgeship no longer located in the district.

To the extent the legislature establishes a procedure which does abolish the judgeship, a decrease in state general fund expenditures will result. For each judgeship that is abolished, SGF expenditures would reduce by \$224,133. This amount includes the district court judge's salary of \$146,262 and related benefits of \$77,871.

Local fund expenditures will also decrease if a vacant judgeship is abolished. The local fund savings will depend on the judicial district in which the abolished judgeship is located. The size of the staff for each judge varies from district to district. Potentially each division of a court may have at least one of the following: secretary, law clerk, court reporter, docket clerk, minute clerk, bailiff, and receptionist. To the extent a judgeship is abolished, local expenditures will be decreased as a result of not paying for the expenses of the positions that were associated with the judgeship and operating costs of the judgeship. It should be noted that the cost associated with staff in judicial districts vary and the exact potential local fund expenditures is unknown.

The proposed constitutional amendment will be considered by voters at the statewide election to be held on November 4, 2014. The Secretary of State may incur minimal ballot printing costs associated with this measure. However, as a regular practice, the Secretary of State typically budgets for up to 10 constitutional amendments for the fall statewide elections.

REVENUE EXPLANATION

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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| <u>Senate</u> | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S} |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H} | | | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S} |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} | | | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

Evan Brasseaux
Evan Brasseaux
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