



GOVERNOR'S OFFICE OF
BUDGET AND PROGRAM PLANNING

Fiscal Note 2023 Biennium

Bill #	SB0366	Title:	Revise judicial standards commission complaint process
Primary Sponsor:	Glimm, Carl	Status:	As Introduced

- | | | |
|---|--|--|
| <input type="checkbox"/> Significant Local Gov Impact | <input checked="" type="checkbox"/> Needs to be included in HB 2 | <input checked="" type="checkbox"/> Technical Concerns |
| <input type="checkbox"/> Included in the Executive Budget | <input type="checkbox"/> Significant Long-Term Impacts | <input type="checkbox"/> Dedicated Revenue Form Attached |

FISCAL SUMMARY

	<u>FY 2022 Difference</u>	<u>FY 2023 Difference</u>	<u>FY 2024 Difference</u>	<u>FY 2025 Difference</u>
Expenditures:				
General Fund	\$288,870	\$286,122	\$290,414	\$294,770
Revenue:				
General Fund	\$0	\$0	\$0	\$0
Net Impact-General Fund Balance:	<u>(\$288,870)</u>	<u>(\$286,122)</u>	<u>(\$290,414)</u>	<u>(\$294,770)</u>

Description of fiscal impact: This bill revises the process for the Judicial Standards Commission. The bill adds a required hearing for each complaint when the complaint is submitted with a sworn affidavit.

FISCAL ANALYSIS

Assumptions:

Judicial Branch

- Section 3, part (1) requires the Judicial Standards Commission to investigate each complaint.
- The last three calendar year average of complaints filed is 51. The commission would appoint an investigator for each complaint. Assuming most complaints are not complex, the investigator would spend ten hours investigating the complaint and preparing written findings. Attorney investigators would be compensated at a rate of \$62 per hour. Estimated investigator costs are \$31,620. The branch assumes that a material amount of the investigative research will be done remotely as such no travel costs have been estimated.
- Section 3, part 2 (d) requires that complaining parties have a right to a hearing. The fiscal note assumes all complaining parties will request hearings. Assuming that most hearings are not complex, the special master would spend 10 hours on hearing and prep time. (More complex cases would take significantly more time.) Special masters are paid \$62 per hour for a total of \$31,620.

4. Hearings are formal proceedings which must be staffed by a court reporter. Court reporters charge a daily rate of \$325 per day. It is estimated that each hearing will require court reporter services for two days. Estimated court reporter costs are \$33,150.
5. Travel costs will be incurred for both the special master and the court reporter.
6. Travel costs are based on the following assumptions: mileage will be paid at the high rate of \$0.56 per mile for an estimated 350 miles round trip and a cost of \$196 per hearing; meals for each two-day hearing are estimated at \$53.50; lodging costs (state rate plus tax) are estimated to be \$362. This is an estimated average cost of travel as the Judicial Branch recognizes that some travel will be more expensive, and some will be less depending on the distances to be traveled.
7. It is assumed that special masters will incur travel costs in 100% of the hearings for a total cost of \$18,462.
8. In the past three fiscal years, the Judicial Branch made an average of 104 payments annually to relief court reporters. Of the total payments made, an average of 39 payments included reimbursement for travel for an average rate of 38%.
9. It is estimated that travel for court reporters will be reimbursed for 38% of the 51 complaints, or a total of 19 complaints. Court reporter travel costs are estimated at \$6,878.
10. Total costs for the estimated 51 hearings related to section 3 part (1) are \$121,730 (\$31,620 investigator costs + \$31,620 special master costs + \$33,150 court reporter daily rate + \$18,462 special master travel costs + \$6,878 court reporter travel costs).
11. Section 3 part (6)(c) requires the lay commissioner members and the attorney member to hear any appeal of an objection to a dismissal by the hearings officer. A full hearing within 30 days is required if the dismissal is upheld and the complaining party objects. It is assumed that 30 complaints would proceed to objection hearings in front of the full commission. Hearings will require attendance by the special master to provide evidence, a court reporter and the five commission members. It is estimated that the appeal will last one day.
12. Special master costs related to objection hearings are estimated at \$14,880.
13. Court reporter costs related to objection hearings are estimated at \$9,750.
14. It is assumed that the average cost of travel estimated for the hearings in section 3, part (1) will be the same for the one-day hearing in part (6) (c), which is \$362 per person per hearing. This is an estimated average cost of travel as the Judicial Branch recognizes that some travel will be more expensive, and some will be less depending on the distance to be traveled.
15. Estimated travel costs for the five commission members are \$54,300.
16. Travel costs for the special master are estimated at \$10,860.
17. Travel costs for the court reporter are estimated at \$3,982, assuming travel costs will be incurred in 38% of the hearings.
18. Total costs for the 30 objection hearings are \$93,772 (\$14,880 special master costs + \$9,750 court reporter daily rate + \$54,300 commission member travel + \$10,860 special master travel + \$3,982 court reporter travel).
19. Total costs related to the hearings in section 3, parts (1) and (6)(c) are \$215,502 (\$121,730 initial complaint hearings + \$93,772 objection hearings) for FY 2022 and FY 2023. The amount for FY 2024 is \$218,735 (the FY 2023 amount increased by 1.5% for inflation) and FY 2025 is \$222,016 (the FY 2024 amount increased by 1.5% for inflation).
20. The Commission is currently staffed by a 0.25 FTE. The number of hearings and required paperwork, which will dramatically increase staff demands, will require an additional 1.00 FTE to manage the activities.
21. Salary and benefits are based on IBARS for FY 2022 and FY 2023 for a similar position. Salary and benefits for FY 2024 and FY 2025 are increased for inflation. Salary and benefits for FY 2022 = \$70,568, FY 2023 = \$70,620, FY 2024 = \$71,679, and FY 2025 = \$72,754.

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22. One-time startup costs for the 1.00 FTE are \$2,800.

23. Total costs for each fiscal year are as follows:

- a. FY 2022 = \$288,870 (\$215,502 hearings costs + \$70,568 salary and benefits + \$2,800 one-time startup).
- b. FY 2023 = \$286,122 (\$215,502 hearings costs + \$70,620 salary and benefits).
- c. FY 2024 = \$290,414 (\$218,735 hearings costs + \$71,679 salary and benefits).
- d. FY 2025 = \$294,770 (\$222,016 hearings costs + \$72,754 salary and benefits).

	<u>FY 2022</u> <u>Difference</u>	<u>FY 2023</u> <u>Difference</u>	<u>FY 2024</u> <u>Difference</u>	<u>FY 2025</u> <u>Difference</u>
<u>Fiscal Impact:</u>				
FTE	1.00	1.00	1.00	1.00
<u>Expenditures:</u>				
Personal Services	\$70,568	\$70,620	\$71,679	\$72,754
Operating Expenses	\$218,302	\$215,502	\$218,735	\$222,016
TOTAL Expenditures	<u>\$288,870</u>	<u>\$286,122</u>	<u>\$290,414</u>	<u>\$294,770</u>
<u>Funding of Expenditures:</u>				
General Fund (01)	\$288,870	\$286,122	\$290,414	\$294,770
TOTAL Funding of Exp.	<u>\$288,870</u>	<u>\$286,122</u>	<u>\$290,414</u>	<u>\$294,770</u>
<u>Revenues:</u>				
General Fund (01)	\$0	\$0	\$0	\$0
TOTAL Revenues	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Net Impact to Fund Balance (Revenue minus Funding of Expenditures):</u>				
General Fund (01)	(\$288,870)	(\$286,122)	(\$290,414)	(\$294,770)

Technical Notes:

1. Section 3 (1) (b) limits complaints to seven categories. All current complaints are based on the Supreme Court established Code of Judicial Conduct, which contains many more categories related to violations of professional conduct.
2. A number of current complaints are filed by individuals incarcerated within a state correctional facility. Additional costs may result from transporting and providing security to complaining parties to the required hearings.
3. Judicial officers are responsible for the cost of their own defense services in any commission proceeding.

NO SPONSOR SIGNATURE*Sponsor's Initials**Date**Budget Director's Initials**Date*