

**STATE and LOCAL
FISCAL IMPACT**

Drafting Number: LLS 13-0363

Date: January 14, 2013

Prime Sponsor(s): Rep. Hamner
Sen. Schwartz

Bill Status: House Judiciary

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TITLE: CONCERNING AN INCREASE IN THE NUMBER OF JUDGES IN CERTAIN JUDICIAL DISTRICTS.

Fiscal Impact Summary	FY 2013-2014	FY 2014-2015
State Revenue		
State Expenditures		
Cash Funds		
Judicial Stabilization Cash Fund	\$776,974	\$635,476
FTE Position Change	8.0 FTE	8.0 FTE
Effective Date: Upon signature of the Governor, or upon becoming law without his signature.		
Appropriation Summary for FY 2013-2014: See State Appropriations section.		
Local Government Impact: See Local Government Impact section.		

Summary of Legislation

This bill modifies the number of judges allocated to the Fifth and Ninth Judicial Districts, increasing the allocation for each judicial district by one district court judge.

Under current law, five district court judges hold office in the Fifth Judicial District (Clear Creek, Eagle, Lake, and Summit counties) and four district court judges hold office in the Ninth Judicial District (Garfield, Pitkin, and Rio Blanco counties). The bill authorizes six district court judgeships in the Fifth Judicial District and five judgeships in the Ninth Judicial District.

Background

In its FY 2013-14 budget request, the Judicial Department identified the two new judgeships in the Fifth and Ninth Judicial Districts as its top priority for new funding. This budget request was strictly informational as the state constitution requires the General Assembly to pass a substantive bill to increase the number of district court judges. The Judicial Department reported in its budget request that, to meet caseload growth and performance goals, particularly timeliness, 2.25 additional judgeships are necessary in the Fifth Judicial District and 1.75 additional judgeships are necessary in the Ninth Judicial District. One additional district court judge is requested immediately in each of those judicial districts to prevent cases from aging on the court's docket prior to hearing or disposition.

The Judicial Department plans to assign the new judge in the Fifth Judicial District to Eagle County, where current judges assigned to other counties in the district have been traveling to assist with overflow cases.

The Judicial Stabilization Cash Fund was created in 2003, using collections from docket fees and other revenue from court business. This fund is capable of supporting two new judgeships and the associated 6.0 FTE of support staff.

State Expenditures

The bill increases state expenditures in the Judicial Department by \$776,974 and 8.0 FTE in FY 2013-14 and \$635,476 and 8.0 FTE in FY 2014-15.

Costs for personal services in state trial courts increase by 4.0 FTE with each new district court judgeship, with a court judicial assistant, law clerk, and court reporter to support the district court judge. Under the bill, personal services costs for state trial courts increase by \$618,376 in FY 2013-14 and subsequent fiscal years. Each year, associated operating expenses (e.g., telephone, supplies, professional credentials) increase by \$17,100. Colorado's Judicial Department is responsible for furniture and other capital outlay needed to equip courtroom offices. For two judges and six support staff, the bill requires a one-time capital outlay of \$141,498 in FY 2013-14. A summary of all costs incurred by the trial courts within the Judicial Department is presented in Table 1.

Table 1. Trial Court Expenditures Under HB 13-1035		
Cost Components	FY 2013-14	FY 2014-15
Personal Services	\$618,376	\$618,376
FTE	8.0	8.0
Operating Expenses	17,100	17,100
Capital Outlay	141,498	0
TOTAL	\$776,974	\$635,476

Other Judicial Branch agencies. While caseload increases have prompted the request for new judges in the affected judicial districts, the Office of the State Public Defender, Office of the Child's Representative, the appellate courts, and other Judicial Branch agencies are able to adjust staffing and other resource levels through the annual budget process. In general, these agencies have adequate appropriations to address current caseload in the Fifth and Ninth Judicial Districts.

Expenditures Not Included

Pursuant to a Joint Budget Committee policy, certain costs associated with this bill are addressed through the annual budget process and centrally appropriated in the Long Bill or supplemental appropriations bills, rather than in this bill. The centrally appropriated costs subject to this policy are summarized in Table 2.

Table 2. Expenditures Not Included Under HB 13-1035*		
Cost Components	FY 2013-14	FY 2014-15
Employee Insurance (Health, Life, Dental, and Short-term Disability)	\$73,903	\$73,903
Supplemental Employee Retirement Payments	29,300	29,300
TOTAL	\$103,203	\$103,203

**More information is available at: <http://colorado.gov/fiscalnotes>*

Local Government Impact

Counties are responsible for paying for capital improvements and associated operating costs for state judicial courtrooms and judicial office space. Eagle County, in the Fifth Judicial District, with recently remodeled and expanded court facilities, is able to provide adequate space for an additional full-time district court judge. In the Ninth Judicial District, current law provides for court facilities in five different locations; a new judge will be absorbed in current facilities, most likely in Garfield County.

To provide additional courtroom space, marginal increases in county government operating budgets (e.g., heating, electricity, courthouse security) are also expected; however, these costs may be minimal to the extent that existing building space is utilized. Any potential cost increases for county buildings would be paid by the affected county or counties starting in FY 2013-14.

State Appropriations

In FY 2013-14, the Judicial Department requires an appropriation of \$776,974 from the Judicial Stabilization Cash Fund and 8.0 FTE.

Departments Contacted

Judicial Branch
Corrections

Public Defender
Local Affairs

Human Services
Law