

# FISCAL NOTE

June 8, 2017

<b>Bill No:</b>	HB 111	<b>Printer's No:</b>	1699	<b>Sponsor:</b>	Cutler (R)
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### COST / (SAVINGS)

<b>Fund (s)</b>	<b>2016-17</b>	<b>2017-18</b>
General Fund	"see fiscal impact"	

**SUMMARY:** The bill would amend the Pennsylvania constitution to replace election of appellate judges using a merit system.

**ANALYSIS:** Under current law, commonwealth judges and justices are elected to hold office. The bill would abolish the current election process for judges and justices of the Supreme, Superior, and Commonwealth courts, and replace it with a merit selection system.

Under the new system, an Appellate Court Nominating Commission would be established as an independent board within the executive branch. It would consist of 13 members: five appointed by the governor and eight appointed by the caucus leaders of the General Assembly. Each member would serve a four-year term. Members would not be compensated for their service but could be reimbursed for necessary expenses. The commission would have the authority to hire staff, administer its own budget, and prepare an annual report. The General Assembly could authorize staff of other commonwealth agencies to assist the commission as well. The budget request of the commission would be submitted to the General Assembly by the Governor as a separate item in the budget of the executive branch.

When a vacancy occurs in one of the appellate courts, the commission would be required to publicly announce the vacancy and solicit applications. The General Assembly would prescribe the timing of the solicitation of applications and the process for evaluating candidates. Applicant qualifications are detailed in the bill, and the General Assembly would have the authority to add additional qualifications as it deems appropriate. By an affirmative vote of at least ten members, the commission must agree on a list of the five most qualified applicants and submit it to the governor.

The governor would nominate to the Senate an applicant from the commission's list. The Senate could approve the applicant by a simple majority vote. If the Senate rejects the appointment, the governor would make a substitute nomination from the commission's list. If the Senate rejects a total of three nominations for a specific vacancy by the governor, the commission would appoint one of the two remaining applicants on the list to fill the vacancy. If the Senate fails to act on a nomination by the governor within a specified period, the applicant would be deemed approved and may fill the vacancy. Time limits for the governor to submit a nomination and for the Senate to act on a nomination are detailed in the bill. Following the initial term, they could run for re-election under the election process currently in place.

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**FISCAL IMPACT:** As a constitutional amendment, the bill would need to be published prior to the general election. The estimated amount of one round of advertisements is \$1.3-1.5 million for a full-page of advertising space. The total cost of publication may vary due to the size of the bill and the number of amendments that would need to be advertised. Advertisements for the bill would not occur until prior to the 2018 General Election and would be a cost for the 2018-2019 fiscal year.

In addition to the advertising costs, the bill would have operating and personnel costs, which amount to \$619,692. The Department of State estimates that it would need to hire an administrative officer, administrative assistant, and attorney to meet the provisions of the bill. The earliest these personnel and operating costs would be seen would be during fiscal year 2020-2021.

Position	Number of Hires Needed	Salary
Administrative Officer 1	1	\$ 63,745
Administrative Assistant 1	1	\$ 55,797
Attorney 2	1	\$ 90,932
<b>TOTAL SALARY COSTS</b>		<b>\$ 210,474</b>

Cost	Amount
Personnel Salary	\$ 210,474
Personnel Benefits	\$ 158,718
Operating Costs	\$ 40,000
<b>TOTAL COSTS</b>	<b>\$ 409,192</b>