



151st GENERAL ASSEMBLY
FISCAL NOTE

BILL: SENATE BILL NO. 234
SPONSOR: Senator Gay
DESCRIPTION: AN ACT TO AMEND TITLE 29 OF THE DELAWARE CODE RELATING TO COMPENSATION FOR CERTAIN RETIRED JUDICIAL OFFICERS ACCEPTING AN ACTIVE DUTY DESIGNATION.

Assumptions:

1. This Act becomes effective upon signature by the Governor.
2. This Act modifies the daily compensation rate for any retired justice, judge, chancellor, or vice-chancellor accepting an active-duty designation from \$250 per day to 1/365 of the annual salary for such a judicial officer.
3. Historically, the annual appropriations act has provided \$60,000 for an appropriation for the Retired Judges (Fund) and is used to pay retired judges for working on specific cases within the Superior Court (SC), the Court of Common Pleas (CCP), and the Justice of the Peace Court (JP Court). This appropriation has typically not been subject to reversion.
4. The Fund will primarily be impacted by the increased daily compensation rate of CCP and SC judges as the JP Court employs a different formula ([10 Del. C. § 9211](#)). Based on the Fiscal Year 2023 Governor's Recommended Budget salary lines, a daily rate for CCP and SC judges would be \$517.94 and \$546.88.
5. In the Fiscal Year 2021, the SC used 79 per diem days, and the CCP used zero per diem days accounting for \$19,750 of the appropriation. If this Act were effective during that fiscal year, using the proposed new daily compensation rate, the Fund would have been impacted by an additional \$23,454 that year.
6. It's reasonable to assume that the Courts will continue to use a similar, or increased, amount of per diem days in future fiscal years to address staffing needs related to vacancies, heavier caseloads, extended sick leave, or calendar specialization needs. The Judiciary does not believe it will require supplemental funding to the Fund due to this Act. The capacity to handle the additional projected costs exists within the current appropriation.

Cost:

Fiscal Year 2023: \$23,454
Fiscal Year 2024: \$23,454
Fiscal Year 2025: \$23,454

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Office of the Controller General