

Subject: Urban County News, August 26, 2011: State Jury Pay to Counties to be Reduced

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To All Urban Counties:

On September 28, 2011 the comptroller will reduce the amount of jury pay reimbursement to counties (paid for service beyond the first day) from \$34 per day to \$28 per day. Counties may want to consider adjusting their jury pay starting on that date.

Unlike most other legislation which goes into effect September 1; SB 1 by Duncan/Pitts (1st Called Session) becomes law on September 28, 2011, allowing the reduction in reimbursements. Until then, counties are still required to pay \$40 for each day after the first day and will be reimbursed at \$34 per day (the county ultimately pays \$6 per day).

In passing SB 1 the legislature wanted to simply lower the state reimbursement while maintaining the \$6 county share. However, the specific wording used in the statute allows a county to set jury pay at any level it wants, although this is not what the legislature intended.

As of September 28, counties have three options for extended service jury pay:

1. Maintain the current \$40 pay for subsequent days of jury service and claim the \$28 reimbursement, which will increase total daily cost to the county from \$6 to \$12;
2. Reduce subsequent day jury duty pay to \$34 and claim the \$28 reimbursement to maintain the current county/state cost sharing; or
3. Reduce subsequent day jury duty pay to \$28 as technically permitted by SB 1 and claim the \$28 reimbursement from the state.

Senate Bill 1 also makes discretionary the current requirement that the comptroller pay late reimbursement claims submitted by a county. All counties are advised to ensure that their quarterly reimbursement claims for juror pay are submitted in a timely manner.

Attached is a letter from the comptroller that was sent out yesterday announcing the change. The second attachment is the calculation used to determine the \$28 reimbursement amount.

Included below is a short Q&A with a little more of the background details on jury pay reimbursements.

What is current law?

Counties are required to pay a minimum of \$6 for the first day of jury service. For service beyond the first day jurors are paid a minimum of \$40 per day, with the state reimbursing counties \$34 for those subsequent days of jury service.

What did the Legislature intend to do?

In order to accommodate reduced appropriations for reimbursement (\$9.1m appropriated for each year, a reduction of \$1.7m per year), the legislature intended to provide for a two-year reduction of the minimum pay for jury service beyond the first day, with the county continuing to contribute \$6, and the state reimbursing the balance of the reduced pay.

What does the legislation do?

Senate Bill 1 creates a two-year exception to the \$40 per day requirement, requiring instead that counties pay "not less than the amount provided in the General Appropriations Act". However, no specific payment amount or reimbursement instructions were provided in the General Appropriations Act. The comptroller has limited authority to adjust the reimbursement paid to counties, but has no authority to mandate that a county provide a specific level of jury pay.