

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0497-01  
Bill No.: SB 83  
Subject: Franklin County: Municipal Court  
Type: Original  
Date: February 12, 2007

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Bill Summary: Allows for the establishment of a county municipal court in Franklin County.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
General Revenue Fund	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
State School Monies	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## FISCAL ANALYSIS

### ASSUMPTION

Officials of the **Office of State Courts Administrator (CTS)** stated that “this proposal would allow Franklin County to establish a municipal court to prosecute ordinance violations. The court would have jurisdiction over county ordinances and municipal ordinances if the municipality contracts with the county to prosecute municipal violations.

Officials stated that when a county creates an ordinance court, the state is no longer responsible for providing judicial and clerical resources. In addition, the \$15 clerk fee is no longer charged in which 80% is allocated to the state’s general revenue fund and 20% to the county. The court fee can not exceed municipal costs; therefore, the court fee would be a maximum of \$12. Officials are unable to estimate fiscal impact on the costs and fees assessed in each case.”

Officials stated that they assume a small reduction in fine revenues but no major costs or savings to the state as a result of this proposal.

**Oversight** assumes the reduction in judicial and clerical resources would be administrative impact.

Officials of the **Department of Second and Elementary Education** assume the municipal court structure could reduce the amount of fine revenue which districts in Franklin County have been accustomed to receiving. If this would happen, the state would be required to make a payment to those districts equal to the amount of fine revenue lost. The payment provision would also apply to St. Charles County. The fine provision for St. Charles County was addressed in SB 894 in 2006; however, the state payment was not addressed. Officials stated there is no way to estimate the increase in state funding because there is no way to estimate or predict by what amount fines may decrease in Franklin and St. Charles Counties.

**Oversight** will show a transfer of funds as \$0 to (Unknown) from the State’s General Revenue to State School Monies Fund for distribution to Franklin and St. Charles County schools for the reduced fine revenues

**Oversight** assumes this proposed legislation as written is permissive and does not require Franklin County to establish a county municipal court system, and would have no fiscal impact unless the county’s governing body would create a county municipal court system. Because this legislation is permissive Oversight will show all fiscal impact as \$0 or Unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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**GENERAL REVENUE FUND**

**Losses - Office of State Courts  
 Administrator (OSCA)**

Reduced court fees.	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<b>Total Estimated</b> Net Effect to Office of State Courts Administrator	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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**Transfer of Revenue - To State School  
 Monies Fund**

offset loss of school fine monies	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
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<b>TOTAL ESTIMATED NET EFFECT    TO STATE'S GENERAL REVENUE    FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
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**STATE SCHOOL MONIES FUND**

<b><u>Transfer In</u> - From General Revenue    To offset loss in fine revenue in Franklin    and St. Charles County School District.</b>	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
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<b><u>Transfer Out</u> - Distribution to School    Districts in Franklin and St. Charles    Counties</b>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>	<u>\$0 or</u> <u>(Unknown)</u>
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<b>ESTIMATED NET EFFECT TO    STATE SCHOOL MONIES FUND</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo)	FY 2009	FY 2010
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**POLITICAL SUBDIVISIONS**

**Revenues - Franklin County**

Increased fees	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
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**Costs - Franklin County**

Judicial administration costs	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
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<b><u>Total Estimated</u></b> Net Effect to Franklin County	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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**FRANKLIN COUNTY AND ST. CHARLES COUNTY SCHOOL DISTRICTS**

**Transfer In - From State School Monies Fund**

Offset loss in court fines monies.	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
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**Losses - School Districts in Franklin and St. Charles Counties**

From redistribution of court fines to local government.	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
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<b><u>Total Estimated</u></b> Net Effect to Franklin and St. Charles County School Districts	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<b>ESTIMATED NET EFFECT TO LOCAL GOVERNMENT</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

## FISCAL DESCRIPTION

This act allows for the establishment of a county municipal court in Franklin County.

SECTION 163.011(10)(b): When calculating the local effort component of a district's state aid calculation, the formula utilizes information from fiscal year 2005. In subsequent years, this figure is adjusted to include any increase in the amount received for school purposes from fines.

This act adds a provision that would adjust the local effort figure to include any decrease in the amount received for school purposes from fines in any school district located entirely in Franklin county, provided that the county creates a county municipal court after January 1, 2006.

SECTION 163.031.2.(1)(e): Further, the act grants hold harmless districts that are located at least partially in any county that has created or creates a county municipal court after June 30, 2004 an additional payment equal to the decrease, if any, in the amount of revenue the district receives from fines in the current year from the revenue the district received from fines in fiscal year 2005.

SECTION 479.275: This section allows Franklin County to establish a county municipal court to prosecute and punish violations of county ordinances. The county may also prosecute and punish municipal ordinance violations pursuant to a contract with any municipality within the county. The judges for such court shall be appointed by the county commission with the number of judges established by county ordinance. The organization and session schedule of the court shall also be established by ordinance.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

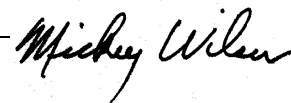
## SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Elementary and Secondary Education

## NOT RESPONDING

Franklin County Commission

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Mickey Wilson, CPA

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