

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5665-02
Bill No.: SB 765
Subject: Circuit Clerk; Court; Fees
Type: Original
Date: March 30, 2012

Bill Summary: This proposal authorizes circuit clerks to collect a surcharge for processing garnishments.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Total Estimated Net Effect on FTE	0	0	0

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).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2013	FY 2014	FY 2015
Local Government	Up to \$2,083,333	Up to \$2,500,000	Up to \$2,500,000

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would allow circuit clerks to collect a surcharge not to exceed \$10 for processing garnishments.

Based on data for FY 2011, there are approximately 250,212 executions and garnishments on which this surcharge could be applied. CTS assumes all circuit courts would collect a \$10.00 surcharge and anticipate the revenue would be approximately \$2,502,120 in any given year.

Officials from the **Office of Administration - Budget and Planning (BAP)** state the proposed legislation should not result in additional costs or savings to BAP. The surcharges established in the legislation are local and should not impact TSR or 18e calculations.

Since clerks of the circuit courts *may* collect a surcharge *not to exceed* \$10 and based on CTS' response, **Oversight** will reflect a potential income of up to \$2.5 million per year to the local circuit clerks. Oversight will reflect ten months of impact in FY 2013.

<u>FISCAL IMPACT - State Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2013 (10 Mo.)	FY 2014	FY 2015

CIRCUIT CLERKS

<u>Income</u> - surcharge not to exceed \$10 in cases where a garnishment is granted.	Up to <u>\$2,083,333</u>	Up to <u>\$2,500,000</u>	Up to <u>\$2,500,000</u>
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ESTIMATED NET EFFECT TO CIRCUIT CLERKS	<u>Up to</u> <u>\$2,083,333</u>	<u>Up to</u> <u>\$2,500,000</u>	<u>Up to</u> <u>\$2,500,000</u>
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FISCAL IMPACT - Small Business

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

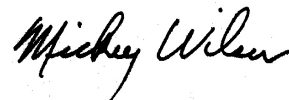
FISCAL DESCRIPTION

This proposal authorizes clerks of circuit courts to collect a surcharge up to ten dollars when processing garnishments.

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
Office of Administration - Budget and Planning



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Director
March 30, 2012