

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0158-02
Bill No.: SB 80
Subject: Attorneys; Counties; County Government; County Officials; Courts; Crimes and Punishment; Law Enforcement Officers and Agencies; Retirement - Local Government
Type: Original
Date: January 23, 2015

Bill Summary: This proposal modifies provisions relating to county prosecuting attorneys.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2019)
General Revenue*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on General Revenue*	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2019)
Office of Prosecution Services Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 10 pages.

*Distribution increase (decrease) net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2019)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2019)
Total Estimated Net Effect on FTE	\$0	\$0	\$0	\$0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2016	FY 2017	FY 2018	Fully Implemented (FY 2019)
Local Government	\$0	\$0	\$0	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (MSPD)** assume in FY 2014 the MSPD collected \$1,343,918 from past clients. If 20% were retained by the prosecuting attorneys, the MSPD would lose access to those funds. The MSPD routinely expends nearly 100% of its collections and its General Revenue Appropriations. 20% of \$1,343,918 = \$268,783....round to \$275,000.

Oversight assumes the additional revenue in any given year is unknown for MSPD. This revenue is then transferred out and will eventually net to zero. Therefore, Oversight will show a \$0 net impact overall for this proposal.

Officials at the **Office of Prosecution Services (OPS)** assumes an unknown positive fiscal impact to the Office and individual prosecutor offices. Additional fiscal impacts on individual prosecutor offices would need to be calculated by the individual offices.

Officials at the **Prosecuting and Circuit Attorney's Retirement System (PACARS)** assume the financial impact of this legislation upon the PACARS system is difficult, if not impossible to estimate. The bill contains provisions which would provide for changes in the current "prosecuting attorney" system. Counties would have the option, by election, to either retain the existing prosecuting attorney system, or join with other counties in their judicial circuit to collectively employ 1 prosecuting attorney. Assistants would serve at the pleasure of the Prosecuting Attorney. The number of counties which would elect to participate is unknown. An effort is made by the drafters to assure that certain current prosecutors (members of PACARS) who are not vested, and who do not become the Prosecuting Attorney, would have the option of a pro-rata retirement benefit, and thus to minimize the financial impact upon them, and the system. The salary of the Prosecuting Attorney would be increase, and therefore the retirement benefit available to a fully vested retiree would be greater, as well. Because the level of participation is not known, the actual impact cannot be estimated.

ASSUMPTION (continued)

Officials at the **County Employees' Retirement Fund (CERF)** assume no additional revenues or savings will be generated from this proposal. The CERF may generate additional costs. Such costs would relate to additional employees on the Prosecuting Attorneys' staffs that may become county employees and thereby become active members of the CERF retirement plan. For each 100 employees that are added to the retirement plan, there would be the following costs each year:

FY 2016	\$25,000
FY 2017	\$26,000
FY 2018	\$28,000

The numbers assume that such employees come in with no past service credit, they contribute at the 4% LAGERS county/6% Non-LAGERS new employee rates, and the compensation on average 35% more than the average CERF employee contributing at these rates.

Officials at the **Maries County Prosecuting Attorney's Office** assumes the following costs each year from this proposal:

Salaries - Estimated Additional Annual Costs

Full-Time Assistant Prosecuting Attorney	\$ 20,000	
FICA 6.2%	\$ 1,240	
Medicare 1.45%	\$ 290	
Annual Additional Salary Cost		\$21,530

Salaries - Estimated Multi county Jurisdiction Annual Costs

Prosecuting Attorney	\$132,000	
Victim Advocate	\$ 25,000	
Investigator	\$ 30,000	
	\$187,000	
Estimated Multi county Jurisdiction Percentage-10%		\$18,700

Equipment Expense

Computer Upgrades	\$ 5,000	
Software Upgrades	\$ 1,000	
Total Equipment Upgrades		\$ 6,000

ASSUMPTION (continued)

Travel Expense

Two Trips Per Week \$50 x 52 Weeks \$ 2,600

Total Additional Costs to Maries County \$48,830

Officials at **Holt County** assume the following costs each year from this proposal:

One Prosecuting Attorney	\$145,000
One Associate Prosecuting Attorney	\$ 65,000
One Legal	\$ 40,000
One Investigator	\$ 40,000
Five Victims Advocates	\$ 35,000
One IT Staff	\$ 30,000
One Receptionist	\$ 25,000
Computer hardware and software for two offices	\$ 30,000
Increased telephone costs	\$ 3,000
Secure Internet/Back Up services	\$ 2,500
One Election	<u>\$ 13,000</u>
Total	\$428,500 divided by 2 counties
Holt County's estimated cost	\$214,250

Oversight assumes this proposal is permissive in nature. If counties decide to have such a proposition submitted to their voters, they would incur election costs. If approved, the county could realize savings by going to a part-time county prosecutor position. This legislation could be on the ballot starting November 2018 (FY 2019). Therefore, for fiscal note purposes, Oversight will assume the proposal is permissive and show no direct fiscal impact for FY 2016 to 2018 with potentially full implementation in FY 2019.

Officials at the **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Social Services**, the **Department of Corrections**, the **Department of Revenue**, the **Missouri Local Government Employees Retirement System (LAGERS)**, the **Office of the State Treasurer**, the **Office of the State Courts Administrator**, **Office of Administration's Budget and Planning** and the **Office of the Secretary of State** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

Officials at the **Platte County Board of Election Commission**, the **St. Louis County Board of Election Commission** and the **City of Columbia** each assume no fiscal impact to their respective entities from this proposal.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Pulaski, Scott, Shelby, St. Charles, St. Louis, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018	Fully Implemented (FY 2019)
GENERAL REVENUE				
<u>Revenue</u> - MSPD - additional revenue from collection fees	\$0	\$0	\$0	Unknown
<u>Transfer Out</u> - 50% of additional revenue to OPS	\$0	\$0	\$0	(Unknown)
<u>Transfer Out</u> - 50% of additional revenue to County Treasurers	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
OFFICE OF PROSECUTION SERVICES FUND				
<u>Transfer In</u> - from MSPD - 50% of collection fees	\$0	\$0	\$0	Unknown
<u>Costs</u> - OPS - county expenses and reimbursement of supplies	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON OFFICE OF PROSECUTION SERVICES	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018	Fully Implemented (FY 2019)
LOCAL POLITICAL SUBDIVISIONS				
<u>Savings</u> - Counties - Cost sharing of DA costs between multiple counties	\$0	\$0	\$0	\$0 to Unknown
<u>Transfer In</u> - from the MSPD - 50% of collection fees	\$0	\$0	\$0	Unknown
<u>Costs</u> - County Treasurers - reimbursement of personnel costs	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0 to Unknown</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act specifies that two or more contiguous counties in a judicial circuit may act cooperatively to employ a prosecuting attorney pursuant to procedures under current law allowing cooperation among counties. The shared prosecuting attorney is to be elected at the 2018 general election and every four years thereafter.

In addition to the duties required under current law, prosecuting attorneys representing multiple counties must represent state agencies in debt collection cases and provide at least six hours of continuing education to police officers. Unless there is a different agreement, the prosecuting attorney retains 20 percent of all debt collected on behalf of state agencies with one-half of the fee to go to the Missouri Office of Prosecution Services Fund and one-half to go to the county treasurer of each county on a pro rata basis.

FISCAL DESCRIPTION (continued)

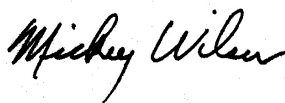
Under this act, prosecuting attorneys representing multiple counties must receive compensation equal to that of a circuit judge, which is prorated among the counties. The counties must also share in the retirement contribution for the prosecuting attorney. The annuity for such prosecuting attorneys is 50 percent of the final average compensation.

When the counties adopt a proposition to cooperate to employ a prosecutor, the commissioners of all the counties must approve a joint agreement that includes a formula for calculating each county's costs and procedures for the approval of the prosecutor's annual budget.

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

Prosecuting and Circuit Attorney's Retirement System (PACERS)
County Employees' Retirement Fund (CERF)
Holt County
Maries County Prosecuting Attorney's Office
Office of the State Public Defender
Office of Prosecution Services
Office of the Attorney General
Department of Social Services
Department of Corrections
Department of Revenue
Missouri Local Government Employees Retirement System (LAGERS)
Office of the State Treasurer
Office of the State Courts Administrator
Office of Administration
 Budget and Planning
Office of the Secretary of State
Platte County Board of Election Commission
St. Louis County Board of Election Commission
City of Columbia



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