

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4539-04
Bill No.: CCS for HCS for SCS for SB 578
Subject: Courts; Civil Procedure; Attorneys; Credit and Bankruptcy; Property, Real and Personal; Judges; Revenue Department; Firearms
Type: Original
Date: May 9, 2016

Bill Summary: This proposal allows certain circuits to appoint an additional circuit court marshal, authorizes an additional judge in certain circuits when indicated by a judicial performance report, adds an additional judge to the 26th Judicial Circuit, excludes firearms from attachment in bankruptcy, and establishes the Missouri Commercial Receivership Act.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
General Revenue	(Up to \$3,292,145)	(Up to \$4,952,709)	(Up to \$5,645,794)	(Up to \$5,989,017)
Total Estimated Net Effect on General Revenue	(Up to \$3,292,145)	(Up to \$4,952,709)	(Up to \$5,645,794)	(Up to \$5,989,017)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
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 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
General Revenue	23 FTE	29 FTE	33 FTE	35 FTE
Total Estimated Net Effect on FTE	23 FTE	29 FTE	33 FTE	35 FTE

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 2017	FY 2018	FY 2019	Fully Implemented (FY 2021)
Local Government	\$0	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Section 476.083

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation allows the presiding judge of certain circuits to appoint a circuit court marshal.

Callaway County (Circuit 13), qualifies for the appointment of a state paid circuit court marshal and St. Francois County (Circuit 24) currently has a state paid circuit court marshal. Section 476.083.2 states "the salary of a circuit court marshal shall be established by the presiding judge of the circuit..., such salary shall not exceed ninety percent of the salary of the highest paid sheriff serving a county wholly or partially within that circuit."

Circuit Court Marshall	\$51,372
Fringes	<u>\$27,612</u>
Total	<u>\$78,984</u>

In response to a previous version, officials at the **Department of Agriculture** assumed no fiscal impact from this proposal.

In response to a previous version, officials at the **Callaway County Commission**, the **Platte County Board of Election Commission** and the **St. Louis County Board of Election Commission** each assumed no fiscal impact to their respective entities from this proposal.

Section 478.330

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation, pursuant to section 477.405, indicates for three consecutive calendar years the need for two or more full-time judicial positions in any judicial circuit there shall be one additional circuit judge position authorized in such circuit, subject to appropriations made for that purpose. There will be ten circuits which will qualify for a new circuit judge in FY17. They are the 7th (Clay County), 11th (St. Charles County), 16th (Jackson County), 19th (Cole County), 21st (St. Louis County), 25th (Maries, Phelps, Pulaski and Texas Counties), 31st (Greene County), 36th (Butler and Ripley Counties), 39th (Barry, Lawrence and Stone Counties) and 40th (McDonald and Newton Counties).

ASSUMPTION (continued)

For a circuit judge, the cost is as follows:

Circuit Court Judge:	\$148,263 per year, plus fringes of \$111,365
Court Reporter:	\$ 57,178 per year, plus fringes of \$29,733
Computer Cost	\$ 1,110 on-going per year
Total Annual Cost	\$206,551 per year, plus fringes of \$141,098 equals \$347,649
Computer Cost	\$3,323 one-time

The total annual cost for the 10 circuits for 20 FTE would be \$3,476,490 ($\$347,649 * 10$) except for FY 17 which would be \$2,921,055 because of the one time computer cost and 10 months of salary/fringe.

In addition, in FY18, there would be three circuits which will qualify for a new circuit judge. They are the 11th, 21st and 31st. The cost for the additional three circuit judges and three court reporters would be \$1,049,586 for FY 18 and \$1,042,947 for FY 19 forward.

In FY19, there would be two circuits which will qualify for a new circuit judge. They are the 21st and 31st. The cost for the additional two circuit judges and two court reporters would be \$699,724 in FY 19 and \$695,298 in FY 20 forward.

In FY 20, 21 and 22, there will be one circuit which will qualify for a new circuit judge. It is the 21st. The cost for the additional circuit judge and court reporter would be \$349,862 in FY 20 and \$347,649 in FYs 21 and 22.

Although the 38th Circuit (Christian and Taney Counties) currently would qualify for a new circuit judge under the proposed legislation, they have not been included in the above numbers. The current statutes adds one new circuit judge to the 38th Circuit starting in January 1, 2017. Also the 38th Circuit will be divided into two new circuits starting in January 1, 2017 which could alleviate additional circuit judges in the 38th circuit. However, it is possible that there could be the addition of an additional circuit judge in FY 17 and FY18 for the 38th circuit.

Oversight assumes TAFP SCS for SB 585 was passed by both chambers and signed by the Governor this year and had an emergency clause which makes the legislation effective currently. That legislation divides the 38th Judicial Circuit and creates a new 46th Judicial Circuit in Taney County. Therefore, Oversight will assume any additional cost associated with these two circuits will be \$0 until it is determined by the Judicial Weighted Workload analysis if these two circuits will need additional judges and court reporters.

ASSUMPTION (continued)

Section 478.705

Officials at the **Office of the State Courts Administrator (OSCA)** assumed the proposed legislation adds a circuit judge to the 26th judicial circuit. There will be three circuit judges in the twenty-sixth judicial circuit who shall sit in divisions numbered one, two and three. The governor shall appoint a judge for division three who serves until January 1, 2021. The circuit judge in division three shall be elected in 2020.

For a circuit judge, the cost is as follows:

Circuit Court Judge:	\$148,263 per year, plus fringes of \$111,365
Court Reporter:	\$ 57,178 per year, plus fringes of \$29,733
Computer Cost:	\$ 1,110 on-going per year
Total Annual Cost	\$206,551 per year, plus fringes of \$141,098
Computer Cost:	\$ 3,323 one time

The total annual cost for 2 FTE would be \$347,649 except for FY17 which would be \$292,106 because of the one time computer cost and 10 months of salary/fringe.

In response to a previous version, officials at the **Department of Agriculture** assumed no fiscal impact from this proposal.

In response to a previous version, officials at the **Platte County Board of Election Commission** and the **St. Louis County Board of Election Commission** each assumed no fiscal impact to their respective entities from this proposal.

Oversight assumes according to section 478.073.1.(2), beginning in 2020, a judicial conference shall submit to the Secretary of the Senate a circuit realignment plan for the alteration of the geographical boundaries and territorial jurisdiction of the judicial circuits. Along with a statement of the numbers and boundaries of the proposed judicial circuits together with a map of the proposed judicial circuits, the circuit realignment plan shall include an analysis of the current judicial weighted workload model. Once submitted to both chambers, a circuit realignment plan shall become effective January first of the year following the session of the general assembly (1/1/2021) to which it is submitted, unless a bill realigning the judicial circuits is presented to the Governor and is duly enacted.

Therefore, Oversight assumes once the realignment plan is submitted in 2020, judicial positions may be realigned among the circuits, and Oversight will not reflect a fiscal impact for this bill past FY 2021.

ASSUMPTION (continued)

Sections 513.430, 515.500, 515.505, 515.510, 515.515, 515.520, 515.525, 515.530, 515.535, 515.540, 515.545, 515.550, 515.555, 515.560, 515.565, 515.570, 515.575, 515.580, 515.585, 515.590, 515.595, 515.600, 515.605, 515.610, 515.615, 515.620, 515.625, 515.630, 515.635, 515.640, 515.645, 515.650, 515.655, 515.660, 515.665

In response to a previous version, officials at the **Office of the Secretary of State**, the **Office of the State Courts Administrator**, the **Office of the State Treasurer**, the **Department of Revenue**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Agriculture** and the **State Tax Commission** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at **St. Louis County** and the **Callaway County Commission** each assumed no fiscal impact to their respective entities from this proposal.

In response to a previous version, officials at the **Boone County Sheriff's Department** assumed no fiscal impact from this proposal.

Bill as a whole

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in cases.

Officials at the **Office of Administration's Division of Accounting**, the **Office of the Governor**, the **Department of Mental Health**, the **Department of Health and Senior Services**, the **Department of Corrections**, the **Department of Economic Development** and the **Department of Natural Resources** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Cole County Sheriff's Department** assume no fiscal impact from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2021)
GENERAL REVENUE				
<u>Cost - OSCA - Circuit Court Marshal for Callaway County (Section 476.083)</u>				
	(Up to \$78,984)	(Up to \$78,984)	(Up to \$78,984)	(Up to \$78,984)
FTE Change - OSCA	1 FTE	1 FTE	1 FTE	1 FTE
<u>Costs - OSCA - Additional judges in ten circuits (Section 478.330)</u>				
	(\$2,921,055)	(\$4,526,076)	(\$5,219,161)	(\$5,562,384)
FTE Change - OSCA	20 FTE	26 FTE	30 FTE	32 FTE
<u>Costs - OSCA - appointment of circuit judge in division three in the 26th circuit (Section 478.705)</u>				
	(\$292,106)	(\$347,649)	(\$347,649)	(\$347,649)
FTE Change - OSCA	2 FTE	2 FTE	2 FTE	2 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE				
	(Up to <u>\$3,292,145</u>)	(Up to <u>\$4,952,709</u>)	(Up to <u>\$5,645,794</u>)	(Up to <u>\$5,989,017</u>)
Estimated Net FTE Change for General Revenue Fund	23 FTE	29 FTE	33 FTE	35 FTE
 <u>FISCAL IMPACT - Local Government</u>				
	FY 2017 (10 Mo.)	FY 2018	FY 2019	Fully Implemented (FY 2021)
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Section 476.083

This bill allows the presiding judge of a circuit with a diagnostic and reception center and a mental health facility which houses individuals found not guilty by reason of mental disease or defect, and provides sex offender rehabilitation and treatment services, to appoint a court marshal.

Section 478.330

This proposal authorizes an additional circuit judge in certain circuits when indicated by a judicial performance report.

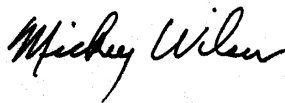
Section 478.705

This proposal adds a circuit court judge to the 26th Judicial Circuit.

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 the Governor
Department of Corrections
Department of Mental Health
Department of Economic Development
Department of Natural Resources
Department of Agriculture
Office of the Attorney General
Office of the Secretary of State
Department of Health and Senior Services
Office of the State Treasurer
Department of Revenue
Office of Administration
 Division of Accounting
Department of Insurance, Financial Institutions and Professional Registration
Callaway County Commission
Platte County Board of Election Commission
Cole County Sheriff's Department
St. Louis County Board of Election Commission
St. Louis County
Boone County Sheriff's Department



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May 9, 2016

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