

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5748-02
Bill No.: HCS for SB 871
Subject: Courts; Civil Procedure; Judges
Type: Original
Date: April 30, 2018

Bill Summary: This proposal modifies provisions relating to the court administration.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2022)
General Revenue	(Could exceed \$121,469)	(Could exceed \$242,938)	(Could exceed \$364,407)	(Could exceed \$485,876)
Total Estimated Net Effect on General Revenue*	(Could exceed \$121,469)	(Could exceed \$242,938)	(Could exceed \$364,407)	(Could exceed \$485,876)

*Depending on fee change (if any)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2022)
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 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2022)
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 2019	FY 2020	FY 2021	Fully Implemented (FY 2022)
General Revenue	1 FTE	1 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	2 FTE	2 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 2019	FY 2020	FY 2021	Fully Implemented (FY 2022)
Local Government*	\$0 or (Unknown)	\$0 or (Unknown)	(Unknown)	(Unknown)

*Depending on fee change (if any)

FISCAL ANALYSIS

ASSUMPTION

§§478.600, 478.625

Officials at the **Office of the State Courts Administrator (OSCA)** assume the proposed legislation modifies provisions relating to certain judges. The cost of an additional Associate Circuit Court Judge is \$242,938.

	<u>Salary</u>	<u>Fringe</u>	<u>FTEs</u>	<u>Total</u>
11 th Associate Circuit Judge	\$137,745	\$105,193	1	\$242,938
19 th Associate Circuit Judge	\$137,745	\$105,193	1	<u>\$242,938</u>
Total				<u>\$485,876</u>

Section 478.375 removes the requirement for a new circuit judge if the circuit builds a new jail or law enforcement center. Removing this language will have a zero impact on the judiciary.

Oversight notes subsection 478.600.5 states the 11th Associate Circuit Judge would start in FY 2019 and then be elected in 2020. Therefore, Oversight will assume this judge would be appointed January 1, 2019 and will show a six months of fiscal impact in FY 2019. The 19th Associate Circuit Judge would be effective on January 1, 2021 and will be fully implemented in FY 2022. Therefore, Oversight will reflect a half year salary and fringe in FY 2021 with full implementation of the Associate Circuit Court Judge for Circuit 19 in FY 2022.

In response to a similar legislation from this year, HCS for HB 2410, officials at the **Cole County Circuit Court** assumed the County could have additional unknown costs such as courtroom renovations, judge's chamber renovations, electronics for the courtroom and chambers and election costs from this proposal.

§488.2250

Officials at the **Office of the State Public Defender (SPD)** assume a negative unknown cost for this proposal.

Oversight notes that SPD's response has changed from last year. In response to similar proposals from 2017, the SPD stated historically speaking, this proposal could cost SPD more than \$100,000. Oversight will reflect a potential increase in fees of an unknown amount.

Officials at the **City of Kansas City** assume this proposal may have a small negative fiscal impact on the City in an indeterminate amount due to an increase in the fees the City pays for transcripts.

ASSUMPTION (continued)

In response to a previous version, officials at the **Office of the Attorney General (AGO)** assumed that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

Officials at the **Office of the State Courts Administrator** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

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

Bill as a Whole

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

FISCAL IMPACT -
State Government

	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2022)
GENERAL REVENUE FUND				
<u>Cost - OSCA -</u> additional Associate Circuit Court Judges in the 11 th and 19 th Circuits (§§478.600, 478.625)	(\$121,469)	(\$242,938)	(\$364,407)	(\$485,876)
FTE Change	1 FTE	1 FTE	2 FTE	2 FTE

<u>Cost - SPD -</u> Potential increase in court reporter fees (\$488.2250)*	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>	<u>\$0 or (Unknown)</u>
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**ESTIMATED NET
EFFECT ON THE
GENERAL
REVENUE FUND**

(Could exceed **(Could exceed** **(Could exceed** **(Could exceed**
\$121,469) **\$242,938**) **\$364,407**) **\$485,876**)

*Depending on fee change (if any)

FISCAL IMPACT -
 Local Government

	FY 2019	FY 2020	FY 2021 (6 mos)	Fully Implemented (FY 2022)
LOCAL POLITICAL SUBDIVISIONS				
<u>Cost - St. Charles County and Cole County Circuit Court - additional court equipment/renovation expenditures (\$478.600 & \$478.625)</u>	\$0 or (Unknown)	\$0 or (Unknown)	(Unknown)	(Unknown)
<u>Cost - potential increase in court reporter fees (\$488.2250)*</u>	\$0 or (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)	<u>\$0 or</u> (Unknown)
ESTIMATED NET EFFECT ON THE COLE COUNTY CIRCUIT COURT FUND	\$0 or (Unknown)	\$0 or (Unknown)	(Unknown)	(Unknown)

*Depending on fee change (if any)

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§§478.600, 478.625

Currently, there may only be one associate circuit judge in Cole County. This bill specifies that, effective January 1, 2021, there shall be two associate circuit judges in Cole County, with the second associate circuit judge being first elected in 2020. There shall also be one Associate Circuit Judge in Circuit 11 (St. Charles County) starting in FY2019.

§488.2250

Currently for the preparation of all appellate transcripts of testimony or for proceedings in any circuit court, the court report shall receive three dollars and fifty cents per page. This act repeals the specification that the court reporter is to receive three dollars and fifty cents per page in circuit court proceedings. Also, the act repeals the provision specifying that the court reporter is to be reimbursed three dollars and fifty cents per legal page for the preparation of such transcripts.

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

Cole County Circuit Court
Office of the State Public Defender
City of Kansas City
Office of the Attorney General
Office of the State Courts Administrator
Office of Prosecution Services
St. Louis County
Boone County
Callaway County Commission

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
April 30, 2018