

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0151-07
Bill No.: Perfected SS for SCS for SB 9
Subject: Courts; General Assembly; Governor and Lieutenant Governor; Public Officers
Type: Original
Date: March 14, 2019

Bill Summary: This proposal requires the Senate to try all impeachments and modifies what constitutes grounds for impeachment.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 or Less than (\$9,626 to \$384,394)	\$0 or Less than (\$9,626 to \$384,394)	\$0 or Less than (\$9,626 to \$384,394)
Total Estimated Net Effect on General Revenue	\$0 or Less than (\$9,626 to \$384,394)	\$0 or Less than (\$9,626 to \$384,394)	\$0 or Less than (\$9,626 to \$384,394)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Senate (SEN)** assume the proposal as written would anticipate a negative fiscal impact to carry out the impeachment process. A special session would be called and the costs associated with a special session include: 2019 session per diem (\$119.20 per day) x 34 Senators, session staff (Sergeant-At Arms, Doorkeepers, Reverend, and support staff) at \$2,298.86 per day, and mileage (8,982 miles @ \$0.37 per mile) totaling \$3,323.34. Mileage is based on January 2019 mileage with 34 Senators. Per diem is paid daily when in full-session only. Mileage figures are based on the payment of one (1) round-trip per week (statutory) and thus is the same for one (1) day or five (5) days if in the same legislative week without break. In summary, the first day of a special session would cost \$9,626 and each consecutive day would cost \$6,352.

Oversight notes that the Missouri Senate could potentially have a cost ranging from \$9,626-\$384,394 ($\$9,626 + (\$6,352 \times 59 \text{ days})$) if a special session were called for the purpose of an impeachment. This range is based on the SEN estimate of \$9,626 the first day of a special session and \$6,352 per each day after and that special session cannot exceed 60 days.

Oversight notes that the costs associated with this proposal will only incur if there is an impeachment of the Governor and it occurs during a special session, therefore Oversight will reflect in the fiscal note a range of \$0 (no impeachment proceedings during a special session called therefore) or \$9,626 to \$384,394 depending upon the length of special session. Oversight will also reflect a potential savings from the special commission that would be established pursuant to Section 106.080 that would normally try the case under existing law.

Officials from the **Office of State Courts Administrator** and **Office of the Governor** both assume the proposal will have no fiscal impact on their organization.

In response to similar legislation SB 566 (4792-01) from 2018, officials from the **Missouri Lieutenant Governor** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the **Missouri House of Representatives** and **Attorney General's Office** each assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

ASSUMPTION (continued)

Oversight notes these changes are contingent upon voter approval of a joint resolution changing the Missouri Constitution. Currently, Senate Joint Resolution 2 contains such changes.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost Avoidance</u> - Special Commission from §106.080 (7 eminent jurists who are judges of the circuit or appellate courts) - if impeachment proceedings now handled by the Senate	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> - Missouri Senate - if a special session were called for the purpose of impeachment proceedings	\$0 or (\$9,626 to <u>\$384,394</u>)	\$0 or (\$9,626 to <u>\$384,394</u>)	\$0 or (\$9,626 to <u>\$384,394</u>)
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or Less than (\$9,626 to <u>\$384,394</u>)	\$0 or Less than (\$9,626 to <u>\$384,394</u>)	\$0 or Less than (\$9,626 to <u>\$384,394</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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

Currently, the impeachments of certain public officials are tried before the Missouri Supreme Court, except that the impeachment of a Governor or member of the Missouri Supreme Court is tried before a special commission. This act provides that all impeachments shall be tried by the Missouri Senate. When the Governor or Lieutenant Governor is impeached, the Chief Justice of the Missouri Supreme Court shall preside over the trial before the Senate. At least two-thirds of the Senators elected for trials of judges, or at least three-fourths of the Senators elected for trials of statewide elected officials, must concur in the judgement or sentence of conviction.

The act modifies the grounds for impeachment found in current provisions of the Missouri Constitution and Missouri statute by repealing the current grounds and providing that all officials shall be liable to impeachment for corruption or crime in office.

The provisions of this act are contingent upon the passage of a constitutional amendment that provides for the same changes to impeachment trials.

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

Missouri Senate
Office of State Courts Administrator
Office of the Governor
Missouri House of Representatives
Attorney General's Office



Kyle Rieman
Director
March 14, 2019

Ross Strope
Assistant Director
March 14, 2019