

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3253-04
Bill No.: SCS for SB 612
Subject: Courts; General Assembly; Governor and Lieutenant Governor; Public Officers
Type: Original
Date: March 12, 2020

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 2021	FY 2022	FY 2023
General Revenue	\$0 or Less than (\$10,327 to \$161,544)	\$0 or Less than (\$10,327 to \$161,544)	\$0 or Less than (\$10,327 to \$161,544)
Total Estimated Net Effect on General Revenue	\$0 or Less than (\$10,327 to \$161,544)	\$0 or Less than (\$10,327 to \$161,544)	\$0 or Less than (\$10,327 to \$161,544)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
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 2021	FY 2022	FY 2023
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Senate (SEN)** state they would anticipate a negative fiscal impact to carry out the impeachment process due to a special session being called. In summary, the first day of a special session would cost \$9,526 and each consecutive day within the same legislative week would cost \$6,103. This estimate is based on 31 Senators (3 vacancies).

In response to a previous version (then based on 34 Senators), the SEN stated the first day of a special session would cost \$10,327 and each consecutive day within the same legislative week would cost \$6,465. Mileage (approximately \$3,862) would be paid per legislative week.

Oversight notes that the Missouri Senate could potentially have a cost ranging from \$10,327-\$161,544 ($\$10,327 + (\$6,465 \times 4 \text{ days})$ for each week for 4.4 legislative weeks) if the special session would last 30 calendar days per Article III Section 20(b) of the Missouri Constitution.

Oversight notes that the costs associated with this proposal will only incur if:

1. the enabling joint resolution (SJR 33) is approved by the Missouri voters; and
2. there is an impeachment of the Governor; and
3. the impeachment trial occurs during a special session.

Therefore Oversight will reflect in the fiscal note a range of \$0 (any of the three criteria listed above do not occur) or \$10,327 to \$161,544 depending upon the length of special session required to conduct the impeachment trial. Oversight will also reflect a potential savings from the special commission that would be established pursuant to Section 106.080 RSMo, that would normally try the case under existing law.

Officials from the **Missouri House of Representatives** and the **Office of the State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

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

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
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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
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<u>Costs</u> - Missouri Senate - if a special session were called for the purpose of impeachment proceedings	\$0 or (\$10,327 to <u>\$161,544</u>)	\$0 or (\$10,327 to <u>\$161,544</u>)	\$0 or (\$10,327 to <u>\$161,544</u>)
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ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or Less than (\$10,327 to <u>\$161,544</u>)	\$0 or Less than (\$10,327 to <u>\$161,544</u>)	\$0 or Less than (\$10,327 to <u>\$161,544</u>)
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<u>FISCAL IMPACT - Local Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
	<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. At least two-thirds of the Senators elected must concur in the judgement or sentence of conviction.

FISCAL DESCRIPTION (continued)

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.

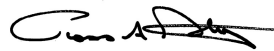
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Missouri House of Representatives
Missouri Senate
Office of the State Courts Administrator



Julie Morff
Director
March 12, 2020



Ross Strobe
Assistant Director
March 12, 2020