

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0659-01
Bill No.: HB 204
Subject: Circuit Clerk; Fees
Type: Original
Date: February 7, 2013

Bill Summary: This proposal authorizes the clerk of the circuit court to charge and collect a surcharge of up to \$10 in cases where a garnishment is granted.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$1,977,950	\$2,373,540	\$2,373,540

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator** assume the proposal authorizes the clerk of the circuit court to charge and collect a surcharge of up to \$10 in cases where a garnishment is granted.

Based on data for the past four years, FY 2009 through FY 2012, CTS assumes that the average is approximately 237,354 executions and garnishments on which this surcharge could be applied. CTS assumes all circuit courts would collect the \$10 surcharge and anticipate revenues would be approximately \$2,373,540 in any given year.

FY 2009	211,043
FY 2010	231,258
FY 2011	250,212
FY 2012	<u>256,904</u>
Total	949,417
Average	<u>237,354</u>

Oversight assumes all circuit court clerks will collect this fee and will reflect ten months of impact in FY 2014, or \$1,977,950 (\$2,373,540 / 12 x 10).

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
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LOCAL GOVERNMENT

<u>Revenue</u> - Surcharge assessed and collected in cases where garnishment is granted.	<u>\$1,977,950</u>	<u>\$2,373,540</u>	<u>\$2,373,540</u>
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ESTIMATED NET EFFECT ON LOCAL GOVERNMENT	<u>\$1,977,950</u>	<u>\$2,373,540</u>	<u>\$2,373,540</u>
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RS:LR:OD

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This bill allows the clerk of the circuit court to charge and collect a surcharge of up to \$10 in cases where a garnishment is granted. Any moneys collected must be placed in a fund to be used at the discretion of the circuit clerk to maintain and improve case processing and record preservation.

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



Ross Strope
Acting Director
February 7, 2013