

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0891-02
Bill No.: HCS for HB 767
Subject: Judges; Courts
Type: Original
Date: April 24, 2015

Bill Summary: This proposal creates the 46th judicial circuit consisting of Taney County and specifies that the 38th judicial circuit shall consist of Christian County.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	\$0	(\$328,446 to \$728,446)	(\$445,253)
Total Estimated Net Effect on General Revenue	\$0	(\$328,446 to \$728,446)	(\$445,253)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 7 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
General Revenue	0 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	0 FTE	4 FTE	4 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 2016	FY 2017	FY 2018
Local Government	\$0	(\$79,500 to Unknown)	(\$159,000 to Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Courts Administrator (OSCA)** assume beginning January 1, 2017, the proposed legislation would split the 38th judicial circuit consisting of Christian and Taney counties into two judicial circuits. Christian County would remain in the 38th judicial circuit and Taney County would be in a new 46th judicial circuit. The legislation would add one circuit judge to the 46th judicial circuit. A Circuit Court Judge was added by statute in Chapter 478 for 2017 however, there is no funding for this position.

For a presiding circuit judge, the annual cost is as follows:

Circuit Court Judge:	Salary - \$145,343, Fringe - \$109,172
Court Reporter:	Salary - \$ 57,178, Fringe - \$ 29,733
Secretary:	<u>Salary - \$ 35,568, Fringe - \$ 18,496</u>
Totals	Salary - \$238,089, Fringe - \$157,401

In addition, the legislation would create a new single county circuit which would require a chief juvenile officer paid by the county and reimbursed by the state per statute 211.393. It is assumed juvenile staff will be divided between Christian and Taney counties.

Juvenile Officer: \$48,100 per year

In addition, there would be cost for computer equipment and associated costs for the Presiding Judge, Secretary and Court Reporter totaling \$6,650. In FY 2017 the cost would be at 100% or \$6,650 and 25% thereafter each year for maintenance or \$1,663.

Also, the separation of county Judiciary Information System information into two databases (if required), would cost from \$100,000 to \$500,000 in contractual services in FY 2017. The total annual cost for this legislation would be \$328,446 to \$728,446 in FY 2017 and \$445,253 in FY 2018 with 4 FTE, for both FYs 2017 and 2018 respectively.

ASSUMPTION (continued)

Officials at the **Missouri State Employees' Retirement System (MOSERS)** assume the proposed legislation would, if enacted, transfer Taney County from the 38th judicial circuit to a newly established 46th judicial circuit, and specify that the 38th judicial circuit would be comprised solely of Christian County, resulting in both being single county circuits. (Presently, the 38th judicial circuit is comprised of Taney and Christian Counties and is identified as a multi-county circuit.) The proposal also would require the circuit judge who sat in the 38th circuit on December 31, 2013, to be the circuit judge in Christian County for the remainder of the term to which he or she was appointed until a successor is elected and qualified. Beginning January 1, 2017, there would be a new circuit judge for the 46th circuit (Taney County).

Juvenile Court Employees

In 1998, legislation was enacted (subsequently codified under section 211.393, RSMo) that created a single county/multi-county structure which defined how juvenile court employees would be treated for purposes of salaries, retirement, health insurance and other fringe benefits. Under that legislation, a single county circuit is defined as a judicial circuit composed of a single county of the first classification and a multi-county circuit is defined as all other judicial circuits not included in the definition of a single county circuit. As a result, juvenile court employees in multi-county circuits are considered state employees and are covered by MOSERS for retirement purposes.

The schedule below illustrates the number, position, annual pay and years of service of juvenile court employees currently working in the 38th judicial (multi-county) circuit who are state employees covered by MOSERS.

Classification	Annual Salary	MOSERS-Covered Service
Juvenile Officer II	\$36,888	8 years, 4 months
Juvenile Officer II	\$36,888	12 years, 6 months
Juvenile Officer II	\$36,888	17 years, 6 months
Juvenile Officer II	\$36,888	10 years, 2 months
Juvenile Officer III	\$41,172	6 years, 2 months
Juvenile Officer III	\$41,940	21 years, 2 months
Juvenile Officer IV	\$44,304	20 years, 7 months
Secretary II	\$27,660	15 years

ASSUMPTION (continued)

According to §211.393.2 (2), juvenile officers who begin employment for the first time as a juvenile officer in a single county circuit on or after July 1, 1999 shall be county employees and participate as members in the county retirement plan. **Oversight** assumes from this proposal that the current multi county circuit in Christian County would be divided into two single county circuits. Therefore, the juvenile court employees above would not remain under the MOSERS plan according to this section. The MOSERS assumes no fiscal impact from this proposal. However, Christian County and Taney County could both have additional costs for employees participating in the county retirement plan from this proposal. Therefore, Oversight will reflect additional unknown costs for Christian and Taney Funds for the county retirement plan.

Officials at **Taney County** assume a cost of \$156,000 for FY 2017 and FY 2018 from this proposal.

Officials at **Christian County** assume a cost of \$3,000 for FY 2017 and FY 2018 from this proposal.

Oversight assumes from this proposal that FY 2017 would contain cost for one half of the year since the start date would not be until January 1, 2017 and cost would be for a full year in FY 2018. Oversight has reflected these cost in the chart.

<u>FISCAL IMPACT - State Government</u>	FY 2016	FY 2017 (6 Mo.)	FY 2018
GENERAL REVENUE			
<u>Costs - OSCA</u>			
Personal Service	\$0	(\$143,095)	(\$286,189)
Fringe Benefits	\$0	(\$78,701)	(\$157,401)
Equipment and Expense	<u>\$0</u>	(\$106,650 to <u>\$506,650</u>)	<u>(\$1,663)</u>
<u>Total Costs - OSCA</u>	<u>\$0</u>	<u>\$728,446</u>	<u>(\$445,253)</u>
FTE Change - OSCA	0 FTE	4 FTE	4 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	(\$328,446 to <u>\$728,446</u>)	<u>(\$445,253)</u>
Estimated Net FTE Change for General Revenue	0 FTE	4 FTE	4 FTE

FISCAL IMPACT - Local Government

FY 2016

FY 2017
(6 Mo.)

FY 2018

**CHRISTIAN AND TANEY COUNTY
FUNDS**

Cost - additional court staffing from this
proposal and county retirement plan

\$0

(\$79,500 to
Unknown)

(\$159,000 to
Unknown)

**ESTIMATED NET EFFECT ON
CHRISTIAN AND TANEY COUNTY
FUNDS**

\$0

(\$79,500 to
Unknown)

(\$159,000 to
Unknown)

FISCAL IMPACT - Small Business

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

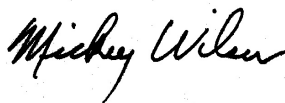
FISCAL DESCRIPTION

This bill requires that one circuit judge in the 38th judicial circuit be elected by Christian County and one circuit judge be elected by Taney County.

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
Missouri State Employees' Retirement System
Taney County
Christian County



Mickey Wilson, CPA

Ross Strobe

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