

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0818H.01P  
Bill No.: Perfected HB 678  
Subject: Courts; County Government; County Officials  
Type: Original  
Date: April 7, 2021

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Bill Summary: This proposal modifies sections relating to administration of justice.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
General Revenue	\$0	(Could exceed \$191,335)	(\$382,670)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>(Could exceed \$191,335)</b>	<b>(\$382,670)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2022</b>	<b>FY 2023</b>	<b>FY 2024</b>
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	0 FTE	2 FTE	2 FTE
<b>Total Estimated Net Effect on FTE</b>	<b>0 FTE</b>	<b>2 FTE</b>	<b>2 FTE</b>

FORMCHECKBOX ☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any

of the three fiscal years after implementation of the act or at full implementation of the act.

☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
<b>Local Government*</b>	<b>\$0</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

\*Costs and State reimbursements net to zero.

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§§49.310 & 476.083 – Establishes rules for certain areas of the courthouse and county offices**

Officials from the **Office of the State Courts Administrator (OSCA)** assume the part of 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 in the fiscal note.

**Oversight** assumes this proposal is establishing rules, in the absence of a local agreement, for any courthouse that contains both a county offices and court facilities. Oversight assumes this proposal will not have a direct fiscal impact to the state or to county governments.

#### **House Amendment 2 - §49.266 – Issuing County Ordinances**

In response to similar legislation from this year (HB 351), officials from the **Department of Public Safety's Division of Fire Safety** 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 in the fiscal note for this agency.

**Oversight** notes this proposal is revising the language in Section 49.266. According to the Revisor of Statutes, changes to Section 49.266 in 2014 were declared unconstitutional. Oversight notes violations of any regulation adopted under subsection 1 would be an infraction. Oversight assumes the adoption of such ordinances would take further action of third class county commissions. Therefore, even though this proposal may eventually and indirectly lead to an increase in fine (and court costs) revenue from violations of such ordinances, Oversight will assume this revision will not have a direct fiscal impact and will reflect a \$0 fiscal impact for the proposal.

#### **House Amendment 3 – §478.600 – Treatment Court Commissioner in the 11<sup>th</sup> Judicial Circuit**

**Oversight** notes this amendment adds an additional circuit judge to the 11<sup>th</sup> judicial circuit (St. Charles County) as Division 15 starting January 1, 2023. This position is elected in 2022. Oversight assumes the election would take place in November of 2022 for this position but Oversight is unclear on the election costs that would be associated with this position. Because the election would be in November 2022, this would be the next general election and Oversight assumes St. Charles County may be reimbursed for election costs. Therefore, Oversight will assume a potential negative unknown cost for elections from the General Revenue Fund and would assume a positive unknown reimbursement of election costs less an unknown negative costs netting to zero starting in FY2023 for local political subdivisions.

**Oversight** notes that the cost of salary and fringe of a new circuit judge and an accompanying court reporter according to OSCA's FY 22 Budget Book are as follows:

	Salary	Fringe	Total
Circuit Judge	\$157,972	\$131,381	\$289,353
Court Reporter	<u>\$ 60,072</u>	<u>\$ 33,245</u>	<u>\$ 93,317</u>
Total	\$218,044	\$164,626	\$382,670

Because the circuit judge will begin as of January 1, 2023, Oversight assumes for this note that FY 23 will contain 6 months of salary and benefits and FY 24 will be at a full year salary and benefits. Therefore, Oversight assumes a cost of \$191,335 for FY 23 and \$382,670 for FY 24.

**Oversight** only reflects the responses that we have received from state agencies and political subdivisions; however, several counties and circuit clerks were requested to respond to this proposed legislation but did not. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>GENERAL REVENUE</b>			
<u>Transfer Out – reimbursement of election costs for the 11<sup>th</sup> Judicial Circuit</u>	<u>\$0</u>	<u>\$0 or (Unknown)</u>	<u>\$0</u>
<u>Cost – OSCA</u>			
Personal Salaries	\$0	(\$109,022)	(\$218,044)
Fringe	\$0	(\$82,313)	(\$164,626)
<u>Total Cost - OSCA</u>	<u>\$0</u>	<u>(\$191,335)</u>	<u>(\$382,670)</u>
FTE Change OSCA	0 FTE	2 FTE	2 FTE
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<u>\$0</u>	<b>(Could exceed <u>\$191,335</u>)</b>	<b><u>(\$382,670)</u></b>
Net Change to FTE for General Revenue	<u>0 FTE</u>	<u>2 FTE</u>	<u>2 FTE</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
<b>11<sup>th</sup> JUDICIAL CIRCUIT (\$478.600)</b>			
<u>Transfer In – reimbursement of election costs</u>	\$0	\$0 or Unknown	\$0
<u>Costs – Local Election Authorities – election costs</u>	\$0	\$0 or (Unknown)	\$0
<u>Costs – potential additional costs related to adding the 15<sup>th</sup> Division</u>	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<b>ESTIMATED NET EFFECT ON THE 11<sup>TH</sup> JUDICIAL CIRCUIT</b>	<b>\$0</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

#### FISCAL IMPACT – Small Business

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

#### FISCAL DESCRIPTION

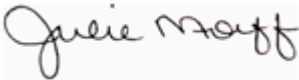
This bill provides that in any courthouse that contains both a county office and a courtroom, the presiding circuit, associate, or municipal judge may establish rules for courtrooms, jury rooms, and chambers or offices of the court, but the county commission shall have authority over all other areas of the courthouse.

The proposal also adds a new circuit judge in the eleventh judicial circuit beginning January 1, 2023.

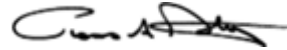
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the State Courts Administrator  
Department of Public Safety  
Fire Safety

A handwritten signature in black ink, appearing to read "Julie Morff", is shown on a light-colored rectangular background.

Julie Morff  
Director  
April 7, 2021

A handwritten signature in black ink, appearing to read "Ross Strobe", is shown on a light-colored rectangular background.

Ross Strobe  
Assistant Director  
April 7, 2021