

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 6215H.02C
 Bill No.: HCS for HJR Nos. 153 & 119
 Subject: Constitutional Amendments; Judges; Courts; Retirement Systems and Benefits -
 General; Lobbying
 Type: Original
 Date: April 22, 2026

Bill Summary: This proposal proposes a constitutional amendment changing various provisions relating to judges.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND

FUND AFFECTED	FY 2027	FY 2028	FY 2029
General Revenue*/**	\$0 or (More than \$9,000,000)	\$0 or (Unknown)	\$0 or (Unknown)
Total Estimated Net Effect on General Revenue	\$0 or (More than \$9,000,000)	\$0 or (Unknown)	\$0 or (Unknown)

*The potential fiscal impact of “(More than \$9,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

**OSCA potential unknown impact assumed to be less than \$250,000 annually if this proposal is passed by a vote of the people.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Total Estimated Net Effect on FTE	0	0	0

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.

ESTIMATED NET EFFECT ON LOCAL FUNDS

FUND AFFECTED	FY 2027	FY 2028	FY 2029
Local Government	\$0*	\$0	\$0

*The potential fiscal impact to local election authorities (reimbursed by the state) would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

FISCAL ANALYSIS

ASSUMPTION

HJR – Relating to Judges

Officials from the **Office of the State Courts Administrator (OSCA)** state the proposed legislation proposes a constitutional amendment changing how judges are selected to certain courts and the terms the judges may serve.

The proposed legislation would eliminate “The Appellate Judicial Commission”, which would save \$7,913 annually.

The proposed legislation states the Governor shall with the advice and consent of the Senate, appoint a judge to fill vacancies. Due to the timing of when the Senate is in session, some judicial positions could be vacant for an extended period. During this time, the courts would need to transfer sitting judges or bring in senior judges to handle the existing workload. Since there is no way to quantify the amount of transfers or senior judges that would be needed, the fiscal impact to the judiciary is unknown at this time. Any significant changes will be reflected in future budget request.

Section 26 and 28 may have some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some negative impact on their organization in addition to \$7,913 annual savings for the elimination of the Appellate Judicial Commission if the provisions of this proposal are approved by the voters although the impact can’t be quantified at this time. Oversight assumes the potential savings to be immaterial and will not present the savings for fiscal note purposes.

Oversight notes the provisions of this proposal are subject to a vote of the people. Therefore, although OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 (the proposal doesn’t pass) or a \$0 or (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Missouri Senate (SEN)** state the SEN anticipates a negative fiscal impact to reimburse 10 legislators for travel to Joint Committee on Judicial Appointments meetings. The SEN notes the draft bill does not allow for actual and necessary expenses to be paid and, therefore, only assumes mileage will be reimbursed. It will cost approximately \$1,827 each time the committee meets outside of session (5 Senators and 5 Representatives).

Oversight has no information to the contrary. Oversight notes the provisions of this HJR do not indicate how many times the Joint Committee on Judicial Appointments may meet annually. Oversight assumes the committee will meet a limited number of times each year and further assumes the costs will be absorbable within current funding levels of the Senate. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency. The Senate can request additional funding through the appropriations process should multiple pieces of legislation pass that impact their funding.

Officials from the **Office of the Secretary of the State (SOS)** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, joint resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a joint resolution to a vote of the people, Section 115.063.2, RSMo., requires the state to pay the costs. The cost of a special election has been estimated to be \$9 million based on the cost of past primary and general election reimbursements.

The Secretary of State's office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230-116.290, RSMo. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY27 publication cycle, the SOS estimates publication costs at \$515,000 per ballot measure. This amount is an average and will be subject to change based on the number of petitions received, length of those petitions, and rates charged by newspaper publishers. In a year where many lengthy measures must be published, the Secretary of State's Office may need to budget up to \$10,000,000 to ensure sufficient funding is available to meet its constitutional obligations for the election cycle.

The Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of their publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Oversight has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2027. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. Per the SOS, the cost is estimated at \$9 million based on past costs as well as the anticipation of significant increases in future election-related expenses. The next scheduled statewide general election is in November 2026 (FY 2027). It is assumed the subject within this proposal could be on this ballot; however, it could also be on a special election called for by the Governor (a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2027.

Oversight also notes this proposal raises the mandatory retirement age of judges from seventy to seventy-five years of age. Oversight assumes the impact to the Judicial Retirement Plan would require enabling legislation. Therefore, Oversight will only show the potential special election cost in FY2027. Any potential fiscal impact of raising the retirement age of judges would be included in the fiscal note for enabling legislation.

Officials from the **Platte County Board of Elections** and **St. Louis County Board of Elections** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

In response to the previous version, officials from the **Office of the Governor (GOV)** stated this bill adds to the Governor's current load of appointment duties. Individually, additional requirements should not fiscally impact the GOV. However, the cumulative impact of additional appointment duties across all enacted legislation may require additional resources for the GOV.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for this agency.

In response to the previous version, officials from the **Jackson County Election Board** and **St. Louis City Board of Elections** each assumed the proposal would have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other local election authorities were requested to respond to this proposed legislation but did not. Upon the receipt of additional responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval to publish a new fiscal note. A general listing of political subdivisions included in our database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
GENERAL REVENUE			
<u>Cost – OSCA</u> Change in potential court costs p.3	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<u>Transfer Out - SOS</u> Reimbursement of local election authority election costs if a special election is called by the Governor p.3-4	\$0 or (More than \$9,000,000)	\$0	\$0
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (More than \$9,000,000)	\$0 or (Unknown)	\$0 or (Unknown)

<u>FISCAL IMPACT – Local Government</u>	FY 2027 (10 Mo.)	FY 2028	FY 2029
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In - Local Election Authorities</u> Reimbursement of election costs by the State for a special election p.3-4	\$0 or More than \$9,000,000	\$0	\$0
<u>Cost - Local Election Authorities</u> Cost of a special election if called for by the Governor p.3-4	\$0 or (More than \$9,000,000)	\$0	\$0
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0	\$0	\$0

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

Upon voter approval, this constitutional amendment requires Missouri Supreme Court judges and judges of the Court of Appeals to be appointed by the Governor, by and with the advice and consent of a joint committee of the House and Senate, rather than being selected by the Governor from one of three names given to him or her by the Nonpartisan Judicial Commission or elected by the county.

This constitutional amendment establishes a "Joint Committee on Judicial Appointments." The Committee will include five members appointed by the Speaker of the House and five members appointed by the Senate Pro Tem. This Committee will evaluate judicial appointments made by the Governor.

The bill bars judges from both the direct or indirect accepting of gifts from lobbyists.

This bill raises the mandatory retirement age of judges from 70 to 75 years of age.

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 Governor
Office of the State Courts Administrator
Office of the Secretary of State
Jackson County Election Board
Platte County Board of Elections
St. Louis City Board of Elections
St. Louis County Board of Elections
Missouri Senate



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