

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5840-09
Bill No.: HCS for SCS for SB 824
Subject: Courts; County Officials; Counties; Criminal Procedure; Law Enforcement
Officers and Agencies; Fees; Political Subdivisions
Type: Original
Date: May 8, 2014

Bill Summary: This proposal modifies provisions relating to political subdivisions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
General Revenue	Up to \$21,000 to (Unknown)	Up to \$21,000 to (Unknown)	Up to \$21,000 to (Unknown)
Total Estimated Net Effect on General Revenue Fund	Up to \$21,000 to (Unknown)	Up to \$21,000 to (Unknown)	Up to \$21,000 to (Unknown)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 27 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Office of Prosecution Services Fund*	\$0	\$0	\$0
PACARS	\$434,025	\$520,830	\$520,830
School	(Unknown)	(Unknown)	(Unknown)
Conservation Commission	(Unknown)	(Unknown)	(Unknown)
Parks, Soil & Water	(Unknown)	(Unknown)	(Unknown)
Agriculture Protection	(\$60,269)	(\$70,316)	(\$71,205)
State Road	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
Total Estimated Net Effect on <u>Other</u> State Funds	\$434,025 to (Unknown greater than \$160,269)	\$520,830 to (Unknown greater than \$170,316)	\$520,830 to (Unknown greater than \$171,205)

*Revenues and Cost net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Agriculture Protection	1 FTE	1 FTE	1 FTE
Total Estimated Net Effect on FTE	1 FTE	1 FTE	1 FTE

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 2015	FY 2016	FY 2017
Local Government	Unknown greater than \$3,096,645 to (Unknown greater than \$247,770)	Unknown greater than \$3,096,645 to (Unknown greater than \$277,324)	Unknown greater than \$3,096,645 to (Unknown greater than \$277,324)

FISCAL ANALYSIS

ASSUMPTION

§§ 1.020, 56.010, 56.015, 56.017, 56.060, 56.067, 56.265, 56.363, 56.430, 56.805, 56.816 and 211.411 Regarding Prosecuting Attorneys

In response to a previous version, officials at the **Office of the State Public Defender (MSPD)** assumed the proposed legislation would provide for prosecuting attorneys to collect MSPD debt at a cost of 20% to the Public Defender System. MSPD has recently sought out private collection agencies to collect outstanding Public Defender fees. It was determined that the population of public defender clients as a whole are paying what can be paid. Private collection agencies declined to take on MSPD debt as they believed MSPD would not see any increase in the total amounts collected. If collections would not increase, the cost would be 20% of the collections or approximately \$300,000 to MSPD. In addition, in many instances the prosecutor would have a conflict of interest in trying to collect fees on one public defender case, while the same client may have other cases pending where the prosecutor is prosecuting the client.

Oversight assumes the additional revenue in any given year is unknown for MSPD. This revenue is then transferred out and will eventually net to zero. Therefore, Oversight will show a \$0 net impact overall for this proposal.

Officials at the **Office of Prosecution Services** assume an unknown positive fiscal impact for those county offices choosing to join a prosecutorial district.

Officials at the **Office of the State Courts Administrator** assume the proposed legislation modifies provisions relating to county prosecuting attorneys. There may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials at the **Department of Social Services**, the **Department of Revenue** and the **Office of the Secretary of State** each assume no fiscal impact to their respective agencies from this proposal.

Officials at the **Jackson County Board of Election Commission**, the **City of Kansas City**, the **City of Columbia**, **St. Louis County**, the **Platte County Board of Election Commission** and the **City of Jefferson** each assume no fiscal impact to their respective organizations from this proposal.

ASSUMPTION (continued)

In response to a previous version, officials at the **St. Louis County Board of Election Commission** and the **Kansas City Board of Election Commission** each assumed no fiscal impact to their respective organizations from this proposal.

In response to similar legislation (SB 672), officials at **Cole County** assumed no fiscal impact from this proposal.

The proposal is permissive in nature. If counties decide to have such a proposition submitted to their voters, they would incur election costs. If approved, the county could realize savings by going to a part-time county prosecutor position. For fiscal note purposes, **Oversight** will assume the proposal is permissive and show no direct impact.

Officials at the following boards of election commissions: St. Louis City Board of Election Commission, Clay County Board of Election Commission and the Jackson County Board of Election Commission did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Audrain, Barry, Bates, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Clay, Cooper, DeKalb, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Marion, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, St. Charles, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lebanon, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Peculiar, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

§50.565 County Law Enforcement Restitution Fund

In response to similar legislation filed this year, HB 1798, officials at the **Office of Prosecution Services** assumed no fiscal impact from this proposal.

In response to similar legislation filed this year, HB 1798, officials at the **St. Louis County**

ASSUMPTION (continued)

Board of Election Commission, the Platte County Board of Elections Commission, St. Francois County, Cole County, the City of Columbia, St. Louis County, the Cole County Sheriff's Department and the **Springfield Police Department** each assumed no fiscal impact to their respective organizations from this proposal.

Officials at Cass County responded to **Oversight's** request, however they did not provide us with a response as to fiscal impact.

§56.807 and 488.026 PACARS Fund

Officials from the **Prosecuting and Circuit Attorneys' Retirement System (PACARS)** stated that originally a surcharge for many traffic violations, which were not resolved at the Fine Collection Center (FCC), was enacted to help fund PACARS. All counties are now required by the Supreme Court rule to use the FCC, which eliminates the surcharge revenue. This proposal restores the original intent and effect of the surcharge by restoring the lost funding.

Furthermore, the proposal addresses the fact that many counties are electing to make their Prosecuting Attorney a full time position in accordance with Section 56.363, RSMo. This election, once made, has the effect of increasing the pay of the prosecuting attorney position, and substantially increasing the retirement benefit as well as the required county contribution to PACARS. Several of the former prosecutors, vested in the old "part-time" benefit, have been reelected as prosecuting attorney after a hiatus of several years during which the county has elected to make the position full-time. Then, after a few years, without the requirement to vest again, the retirement benefit increases from as low as \$7,560 per year to about \$60,000 per year under the existing language of Chapter 56, RSMo. The original monies paid in do not support the new retirement benefit. The provisions of this proposal address the situation by requiring a new vesting period.

In response to similar legislation filed this year, HB 1231, officials from the **Office of the State Courts Administrator** state that the above sections of the proposal would allow a \$4 surcharge for the PACARS Fund to be assessed and against persons who pled and paid a fine through the fine collection center.

Based on data for the past five years, FY 09 through FY 13, we assume that the average is approximately 130,207 fine collection center cases on which this \$4 surcharge could be applied. We anticipate the revenue from the surcharge would be approximately \$520,830 in any given year.

ASSUMPTION (continued)

FY 09	120,507
FY 10	120,443
FY 11	127,663
FY 12	144,130
<u>FY 13</u>	<u>138,325</u>
Total	651,038
Average	130,207

Oversight assumes this proposal will modify the county contribution to PACARS. The legislation proposes a variable county contribution tied to the PACARS funded ratio:

Funded Ratio	County Contribution
120% and higher	No monthly sum transmitted
Greater than 110% to less than 120%	Monthly sum reduced by 50%
90% to 110%	Standard monthly sum transmitted
80% to less than 90%	Monthly sum increased by 50%
Less than 80%	Monthly sum increased by 100%

The PACARS actuarial value, as of July 1, 2012, which is most recent, was 86%. According to the proposal, the counties will each have an increased contribution of 50%.

According to Section 56.807, RSMo, the current monthly county contributions are as follows:

- 1st Class: \$646
- 2nd Class: \$271
- 3rd Class: \$187
- 4th Class: \$187

ASSUMPTION (continued)

Oversight assumes based on current actuarial value this would change their contributions to:

1st Class: \$969	Increase of: \$323
2nd Class: \$407	Increase of: \$136
3rd Class: \$281	Increase of: \$94
4th Class: \$281	Increase of: \$94

Oversight assumes that the increased cost to counties would create a negative fiscal impact on local governments. There are 17 first class counties, 4 second class counties, 89 third class counties, and 4 fourth class counties in Missouri. The increased cost to local governments would be (\$14,777) per month or (\$177,324) annually, if the funded ratio remains between 80% and 90%.

§67.281 - Installation of Fire Sprinklers

Officials at the **Department of Economic Development** and the **Department of Public Safety's Division of Fire Safety** each assume no fiscal impact to their respective agencies from this proposal.

In response to similar legislation filed this year, SB 672, officials at the **City of Columbia** and the **St. Louis County** each assumed no fiscal impact to their respective organizations from this proposal.

§67.320 - Modifies provisions relating to county courthouses in Jefferson and Franklin Counties

In response to similar legislation filed this year, SB 621, officials at the **Office of the State Public Defender**, the **Office of the State Courts Administrator** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

Officials at the Jefferson County and Franklin County did not respond to **Oversight's** request for fiscal impact.

Section 67.585, RSMo. - Clay County Recreation and Community Center

This provision would authorize a 0.5 percent sales tax in Clay county through the creation of a recreational and community center district to be used for new and existing community centers.

Officials from **Clay County** did not respond to our request for information on similar language in HB 2192 LR 6017-03.

ASSUMPTION (continued)

In response to similar legislation filed this year, SB 584, officials from the **Office of Administration - Division of Budget and Planning (BAP)** assumed in similar provisions in HCS for SB 693 would allow the Liberty School District to request voter approval for a 0.5-cent sales tax to fund the construction of a new community center. BAP officials noted the Department of Revenue (DOR) does not provide taxable sales data by school district, but stated most recent DOR report shows taxable sales for the City of Liberty were \$412.8 million in 2013. BAP officials estimated a 0.5-cent tax on those sales would generate \$2.1 million annually, but stated it is likely the boundaries of the school district differ from those of the City, and noted Total State Revenues would increase to the extent DOR retains a 1% collection fee on the additional sales tax revenues.

In response to similar legislation filed this year, HB 2192, officials from the **University of Missouri - Economic and Policy Analysis Research Center (EPARC)** assumed this would, if enacted, authorize a .5 percent sales tax in Clay County through the creation of a recreational and community center district to be used for new and existing community centers. This 0.5 percent sales tax could not be imposed unless it is approved by Clay County voters. Since the 0.5 percent sales could not be imposed until it is approved by the voters of Clay County, the initial enactment of this bill would have no impact. However, if Clay County voters approve the sales tax it is anticipated that it would generate the same amount of revenue as their current county sales tax which is also imposed at a rate of 0.5 percent.

EPARC officials stated their records indicate the Clay County sales tax, imposed at 0.5 percent, generated an average of \$14,525,039.78 in collections over the last three years. EPARC officials assumed the sales tax authorized in this bill would generate identical collections if approved by Clay County voters.

If the voters in the Clay County School District approve this proposed sales tax, the State of Missouri would retain 1% of revenues as a collection fee. Therefore, if the sales tax is approved by Clay County voters, the estimated impact on state revenues would be an increase of \$145,250 from the 1% collection fee.

Officials from the **Department of Revenue (DOR)** assumed this would require computer programming changes to the sales tax program, and provided an estimate of the IT cost of \$4,586 for 168 hours of programming to make changes to DOR systems.

ASSUMPTION (continued)

Oversight assumes OA - ITSD (DOR) is provided with core funding to handle a certain amount of activity each year. Oversight assumes OA - ITSD (DOR) could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, OA - ITSD (DOR) could request funding through the appropriation process.

DOR officials did not include an estimate of administrative cost to implement this proposal, and **Oversight** assumes any administrative cost would be minimal and could be absorbed with existing resources.

In response to similar legislation filed this year, HB 2192, officials from the **Office of the Secretary of State** assumed there would be no fiscal impact.

Oversight notes this proposal would allow a sales tax to be levied at no more than 0.5%, and assumes this proposal would limit the sales tax to the area included in the school district boundaries and not the full county. Therefore, Oversight is not able to determine what the actual tax rate would be if enacted by Clay County and approved by the voters in the school district or how much sales tax would be collected within the school district boundaries.

Therefore, **Oversight** will show the impact as \$0 (sales tax not implemented) or up to the estimate provided by BAP. If the sales tax is enacted, the Department of Revenue would receive a 1% collection fee. Oversight will show the impact to General Revenue of \$0 (sales tax not implemented) up to the estimate provided by BAP.

§71.950 - Municipal Law Enforcement Restitution Fund

Oversight assumes this proposal is permissive in nature and would have no local fiscal impact without action by the governing body. Oversight will reflect a \$0 impact to Local Political Subdivisions.

§72.401 - Annexation of property owners

In response to similar legislation filed this year, HB 2112, officials at the **Metropolitan St. Louis Sewer District** and the **St. Louis County Board of Election Commission** each assumed no fiscal impact to their respective organizations from this proposal.

In response to similar legislation filed this year, HB 2112, officials at the **Platte County Board of Election Commission**, the **Kansas City Board of Election Commission** and the **City of Kansas City** each assumed no fiscal impact to their respective organizations from this proposal.

ASSUMPTION (continued)

In response to similar legislation on HCS for HB 1667, officials at the **City of Columbia** and the **City of Jefferson** each assumed no fiscal impact to their respective organizations from this proposal.

§94.270 - License fees on hotels or motels for 4th class cities with a county charter

Oversight assumes the proposal permits the city of Edmundson to collect or levy a license fee on hotels or motels in an amount in excess of thirteen dollars and fifty cents per room per year. Current law allows a license fee of up to \$27 per room per year.

For fiscal note purposes only, **Oversight** will assign no direct fiscal impact to the city of Edmundson since the proposal is permissive and dependent on an action by the governing body.

The cities of Edmundson did not respond to Oversight's request for fiscal impact.

§105.935 Department of Corrections Accrued Leave

Officials from the **Office of Administration's Division of Personnel** assume there could be significant fiscal impact for DOC in regard to overtime pay. However, it would be difficult to predict with any certainty or accuracy how many hours of overtime would be accrued and the pay rates of the staff involved; therefore the fiscal impact is unknown.

Officials from the **Department of Corrections (DOC)** state this bill permits any DOC employee classified as corrections officer I or a corrections officer II who has accrued overtime hours to use those hours as compensatory leave time. The new language in subsection 4 should have \$0 to minimal fiscal impact on the Department of Corrections.

The first part of the second sentence, "Compensatory time shall be considered accrued upon completion of time worked in excess of such employee's normal assigned shift,..." reflects the recent ruling by the Western District in Missouri Corrections Officers Association v. Missouri Department of Corrections, WD 75418, which held in essence that a corrections officer's compensatory time accrues at the end of the shift in which he has worked excess time, and not at the end of the workweek. The Department is already aware of the need to modify our procedures as they are affected by the court case. The Department has changed the way it manages compensatory time in a manner that is compatible with the court case and has not seen any appreciable increase in the accrual of compensatory time. Therefore, we believe that this legislation would not lead to any significant accrual of additional compensatory time and should

ASSUMPTION (continued)

have \$0 to minimal impact on the Department.

§135.980 - Public Financial Incentive

Officials at the **Department of Economic Development** assume no fiscal impact from this proposal.

In response to similar legislation (SB 672), officials at the **Department of Revenue** assumed no fiscal impact from this proposal.

Officials at the State Tax Commission did not respond to **Oversight's** request for fiscal impact.

In response to similar legislation (SB 672), officials at the **City of Columbia** and **St. Louis County** each assumed no fiscal impact to their respective organizations from this proposal.

Section 144.1030, RSMo. - Sales Tax Exemption for Certain Fees at a Multi-Use Arena

In response to similar legislation filed this year, SB 693, officials from the **BAP** noted this provision would provide that the amount paid for right of first refusal for tickets at the Kansas City Sprint Center would be exempt from sales taxes. BAP officials assume this would reduce Total State Revenues, including those for schools, and deferred to the Department of Revenue for an estimate of the impact.

Officials from the **DOR** noted in 2012, sales from commercial sports reported sales of \$287,624,234.49, and stated sales for the first opportunity to purchase or decline tickets are reported within these sales. DOR officials stated they could not determine how much of the sales reported are from such sales. Exempting these sales could result in a loss of revenue of less than \$12.2 million annually.

In response so similar legislation filed this year, SB 639, officials from the **City of Kansas City** assume their organization would lose substantial amounts of revenue from the proposed sales tax exemption.

Oversight assumes there would be a reduction in revenues for the General Revenue Fund and the other state funds which receive sales taxes, and for local governments if this provision was implemented; however, Oversight has no information as to the number or amount of such transactions and will indicate an unknown revenue reduction for those funds and entities from this proposed sales tax exemption.

ASSUMPTION (continued)

§160.522 School Districts

Officials from the **Department of Elementary and Secondary Education** state this proposal will have no fiscal impact on their agency or on school districts.

§190.275 First Informer Broadcasters Act

Officials from the **Department of Public Safety's State Emergency Management Agency** and the **Missouri Highway Patrol** each assume there is no fiscal impact to their organization from this proposal. .

§192.310 St. Charles Health Department

In response to similar legislation filed this year, HB 1653, officials at **St. Charles County** estimated the fiscal impact of this proposal to be unknown. The County has no information as to the City's intentions should this legislation be passed into law.

Officials at the **Department of Health and Senior Services** assumed no fiscal impact from this proposal.

In response to similar legislation filed this year, HB 1653, officials at the **City of St. Charles** assumed no fiscal impact from this proposal.

Oversight assumes this proposal to be permissive and will show a cost of \$0 or (Unknown) for Local Political Subdivisions.

§221.407 Regional Jail Districts Sales Tax

In response to similar legislation filed this year, SB 897, officials at the **Department of Revenue**, the **State Tax Commission** and the **Office of the State Treasurer** each assumed no fiscal impact to their respective agencies from this proposal.

Oversight assumes regional jail districts may submit sales tax ballots from September 30, 2015, to September 30, 2027. Oversight assumes this to be permissive and will show this as a no fiscal impact to the proposal.

§249.424 Sewer Districts

Officials at the **St. Louis Metropolitan Sewer District** assume there is no fiscal impact from this proposal.

ASSUMPTION (continued)

In response to similar legislation filed this year, SB 581, officials at the **Platte County Board of Election Commission** assumed no fiscal impact from this proposal. However, each of their sewer districts could incur costs up to approximately \$9,000 for related election expenses.

Officials at the **Department of Natural Resources, Department of Economic Development's Public Service Commission** and **Office of Public Counsel** each assume there is no fiscal impact to their respective organizations from this proposal.

In response to similar legislation filed this year, SB 581, officials at the **Office of the Secretary of State** assumed no fiscal impact from this proposal.

In response to similar legislation filed this year, SB 581, officials at the **City of Kansas City, the City of Columbia, the Kansas City Board of Election Commission** and the **St. Louis County Board of Election Commission** each assumed no fiscal impact to their respective organizations from this proposal.

Oversight assumes this proposal is permissive in nature and would have no local fiscal impact without action by the governing body and approved by the majority of voters. Therefore, Oversight will reflect no impact to local political subdivisions.

§§262.960, 262.962 and 348.407 Farm-to-School Act

Officials from the **Department of Agriculture (AGR)** assumed this proposal would require one new Marketing Specialist II/III, related equipment, materials, and travel. AGR assumed the position will be required to deliver the new scope of work for farm-to-school outreach detailed throughout the proposal. AGR assumed this position will be incorporated into the existing Agri-Missouri program and all other costs would be absorbed with existing appropriation and funding.

Oversight assumes this is a new program requiring AGR to designate an employee to administer and monitor the farm-to-school program and serve as a liaison between farmers and schools. Oversight assumes this proposal will require 1 additional FTE paid from the Agriculture Protection Fund for AGR.

Officials from the **Department of Elementary and Secondary Education (DESE)** assumed AGR is responsible to designate an employee, administer, and monitor the farm-to-school program and serve as a liaison between farmers and schools. DESE would provide professional consultation and staff support for this program. DESE assumed a taskforce would be established with DESE as a participant at the scheduled meetings. DESE did not anticipate a direct fiscal impact from this proposal.

ASSUMPTION (continued)

Oversight assumes this proposal allows local school districts to incorporate locally grown agricultural products into their cafeteria offerings, salad bars, and vending machines.

Oversight assumes this proposal would have no direct fiscal impact on local school districts

Officials at the **Department of Health and Senior Services** and the **Office of Administration** each assume there is no fiscal impact to their respective organization from this proposal.

In response to similar legislation filed this year, HB 2088, officials from the **University of Missouri** assumed the proposal would not fiscally impact their respective agencies.

Officials from the St. Charles Public Schools, St. Louis Public Schools, Springfield Public Schools, Spickard School, Special School District of St. Louis County, Silex Public Schools, Sikeston Public Schools, Sedalia School District, Riverview Gardens School District, Raytown School District, Raymore Peculiar School District, Pattonville School District, Parkway Public Schools, Nixa Public Schools, Monroe City Schools, Mexico Public Schools, Malta Bend School District, Malden School District, Lee Summit Public Schools, Kirksville Public Schools, Kirbyville School District, Kansas City Public Schools, Johnson County Schools, Jefferson City Public Schools, Independence Public Schools, Harrisonville School District, Fulton Public Schools, Francis Howell Public Schools, Fair Grove Schools, Columbia Public Schools, Cole County School District, Charleston School District, Caruthersville School District, Branson Public Schools, and Blue Springs Public Schools did not respond to **Oversight's** request for fiscal impact.

§304.190 Motor vehicle height and weight limits

Officials from the **Department of Public Safety - Missouri Highway Patrol** assumed the proposal will have no fiscal impact on their organization.

In response to similar legislation filed this year, HB 2163, officials from the **City of Columbia** assumed area described in the bill appears to start at the City of Columbia's southern city limits, go north to Highway WW and then east to Route J, putting a potential destination in the Mark Twain National Forest on the Callaway County side.

Columbia Regional Airport, owned and operated by the City, is located in that general area. If, for some reason, this puts heavier trucks on the airport access road, the City would have additional road maintenance costs from wear on pavement, shoulders and possible damage to adjoining right-of-way.

ASSUMPTION (continued)

In response to similar legislation filed this year, HB 2163, officials from the **Department of Transportation (DHT)** assumed an unknown negative impact to the Road Fund from the increased cost of additional wear and tear to the highways and bridges.

Oversight will estimate a cost to the Road Fund and the Local Political Subdivisions of “(Unknown greater than \$100,000)”, since there is no way to quantify the dollar amount of additional wear and tear to the highways and bridges for additional maintenance.

Section 321.015 RSMo. - Fire District Directors

In response to similar legislation filed this year, SB 854, officials at **Cole County** assume no fiscal impact from this proposal.

In response to similar language in HB 2116, officials from the **Office of the Secretary of State, St. Francois County, St. Louis County, the City of Columbia, the Central County Fire and Rescue District, the Kansas City Election Board, the Platte County Board of Elections, and the St. Louis County Directors of Elections** assumed this proposal would have no fiscal impact on their organizations.

Oversight received no other response to these provisions, and assumes the provisions would have no impact for fiscal note purposes.

§§321.130 & 321.210 - Increase in filing fee for director of fire protection district board

Changes to these provisions would increase the filing fee for election to the position of director of a fire protection district board.

In response to similar legislation filed this year, SB 854, officials at **Cole County** assume no fiscal impact from this proposal.

In response to similar legislation (SB 672), officials from the **Office of the Secretary of State, St. Francois County, St. Louis County, the City of Columbia, the Central County Fire and Rescue District** and the **Kansas City Election Board** each assumed this proposal would have no fiscal impact on their organizations.

In response to similar legislation (SB 672), officials at the **Platte County Board of Election Commission** and the **St. Louis County Board of Election Commission** each assumed no fiscal impact to their respective organizations from this proposal.

ASSUMPTION (continued)

Oversight received no other response to these provisions, and assumes the provisions would have no impact for fiscal note purposes.

§407.1610 - Asphalt roofing shingles

In response to similar legislation (SB 672), officials at the **Office of the State Courts Administrator** assumed no fiscal impact from this proposal.

In response to similar legislation (SB 672), officials at the **City of Columbia** and **St. Louis County** each assumed no fiscal impact to their respective organizations from this proposal.

§488.2235 - Allows Kansas City to impose an additional five dollars in court costs

Officials at the **Office of the State Courts Administrator** assumed the proposed legislation allows Kansas City to impose an additional five dollars in court costs for each municipal ordinance violation case for the restoration, maintenance, and upkeep of the municipal courthouse. During FY 2013, there were 199,329 municipal ordinance violations (1,048 alcohol/drug, 138,083 other traffic and 30,198 non-traffic) that may be eligible. Based on the \$5 court cost for each violation, the projected annual increase would be \$996,645 to unknown.

In response to similar legislation filed this year, HB 1738, officials at the **City of Kansas City** assume this would provide annual revenue in the amount of \$309,000 from this proposal.

Oversight will reflect in the fiscal note the numbers provided by the Office of the State Courts Administrator.

Officials at Clay County and Jackson County did not respond to **Oversight's** request for fiscal impact.

§§512.180, 534.060, 534.350, 534.360, 534.380, 535.030, 535.110, 535.160, 535.170, 535.200, 535.210 - Modifies appellate procedures in landlord tenant actions

In response to a similar legislation filed this year, HB 1410, officials at the **Office of the Attorney General** assumed that any potential costs arising from this proposal could be absorbed with existing resources.

In response to similar legislation filed this year, HB 1410, officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

In response to similar legislation filed this year, HB 1410, officials at the **Office of the State Public Defender** and the **Office of the State Courts Administrator** each assumed no fiscal

ASSUMPTION (continued)

impact to their respective agencies from this proposal.

In response to similar legislation filed this year, HB 1410, officials at the **Springfield Police Department** assumed no fiscal impact from this proposal.

In response to similar legislation (HB 1410), officials at the **Office of Sheriff of Jackson County**, the **Columbia Police Department**, the **Jefferson City Police Department**, **Cole County Sheriff's Department** and the **Boone County Sheriff's Department** each assumed no fiscal impact to their respective organizations from this proposal.

§1 - Courts that require e-filing:

CTS states the legislation allows all courts that allow mandatory e-filing to accept file and docket a notice of entry of appearance filed by an attorney that was sent by fax or regular file. This will require the purchase of at least 200 fax machines at a cost of \$150 each or \$30,000 plus additional unknown costs for clerk time as well as postage and additional paper for a total cost of over \$100,000.

Oversight assumes that CTS may incur additional expense in FY 2015 of under \$100,000. For fiscal years 2016 and beyond, Oversight assumes CTS is provided with core funding each year and can absorb the cost of clerk time and office supplies. Should they need additional funding in the future, they can seek funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
GENERAL REVENUE			
<u>Additional Revenue</u> - 1% collection fee Section 67.585	\$0 or Up to \$21,000	\$0 or Up to \$21,000	\$0 or Up to \$21,000
<u>Additional Revenue</u> - Office of the State Public Defender - additional revenue from collection fees §56.060	Unknown	Unknown	Unknown
<u>Transfer Out</u> - 50% of additional revenue to Office of Prosecution Services Fund §56.060	(Unknown)	(Unknown)	(Unknown)
<u>Transfer Out</u> - 50% of additional revenue to County Treasurers §56.060	(Unknown)	(Unknown)	(Unknown)
<u>Revenue Reduction</u> - sales tax exemption for right of first refusal fees §144.1030	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - CTS - additional costs to accommodate Section 1	(Less than <u>\$100,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Up to \$21,000 to (Unknown)</u>	<u>Up to \$21,000 to (Unknown)</u>	<u>Up to \$21,000 to (Unknown)</u>
OFFICE OF PROSECUTION SERVICES FUND			
<u>Transfer In</u> - from General Revenue - 50% of collection fees §56.060	Unknown	Unknown	Unknown
<u>Costs</u> - Office of Prosecution Services - county expenses and reimbursement of supplies §56.060	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON OFFICE OF PROSECUTION SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2015 (10 Mo.)	FY 2016	FY 2017
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PACARS FUND

<u>Revenue</u> - \$4 Fine Collection Center Surcharge (§§56.363, 56.805, 56.807, 488.026)	<u>\$434,025</u>	<u>\$520,830</u>	<u>\$520,830</u>
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ESTIMATED NET EFFECT ON PACARS FUND	<u>\$434,025</u>	<u>\$520,830</u>	<u>\$520,830</u>
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SCHOOL DISTRICT TRUST FUND

<u>Revenue Reduction</u> - sales tax exemption for right of first refusal fees Section 144.1030	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON SCHOOL DISTRICT TRUST FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**CONSERVATION COMMISSION
FUND**

<u>Revenue Reduction</u> - sales tax exemption for right of first refusal fees Section 144.1030	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON CONSERVATION COMMISSION FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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<u>FISCAL IMPACT - State Government</u> (continued)	FY 2015 (10 Mo.)	FY 2016	FY 2017
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PARKS, AND SOIL AND WATER FUND

Revenue Reduction - sales tax exemption
 for right of first refusal fees
 Section 144.1030

	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON PARKS, AND SOIL AND WATER FUND

	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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AGRICULTURE PROTECTION FUND

Costs - AGR § 262.960

Personal Service	(\$31,700)	(\$38,420)	(\$38,805)
Fringe Benefits	(\$16,169)	(\$19,596)	(\$19,792)
Expense and Equipment	(\$12,400)	(\$12,300)	(\$12,608)

<u>Total Costs - AGR</u>	<u>(\$60,269)</u>	<u>(\$70,316)</u>	<u>(\$71,205)</u>
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FTE Change - AGR	1 FTE	1 FTE	1 FTE
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ESTIMATED NET EFFECT ON THE AGRICULTURE PROTECTION FUND

	<u>(\$60,269)</u>	<u>(\$70,316)</u>	<u>(\$71,205)</u>
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Estimated Net FTE Change for the
 Agriculture Protection Fund

	1 FTE	1 FTE	1 FTE
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STATE ROAD FUND

Cost - Department of Transportation
 Increased maintenance cost §304.190

	(Unknown greater than <u>\$100,000</u>)	(Unknown greater than <u>\$100,000</u>)	(Unknown greater than <u>\$100,000</u>)
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ESTIMATED NET EFFECT ON THE STATE ROAD FUND

	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>	<u>(Unknown greater than \$100,000)</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
LOCAL POLITICAL SUBDIVISIONS			
<u>Additional Revenue</u> - recreation center sales and use tax Section 67.585	\$0 or Up to \$2,100,000	\$0 or Up to \$2,100,000	\$0 or Up to \$2,100,000
<u>Additional Revenue</u> - City of Kansas City - additional court fees §488.2235	\$996,645	\$996,645	\$996,645
<u>Savings</u> - Counties - Cost sharing of DA costs between multiple counties §56.015	\$0	\$0	\$0 to Unknown
<u>Transfer In</u> - from General Revenue - 50% of collection fees §56.015	Unknown	Unknown	Unknown
<u>Revenue Reduction</u> - sales tax exemption for right of first refusal fees §144.1030	(Unknown)	(Unknown)	(Unknown)
<u>Costs - Counties</u>			
Increased PACARS contribution §§56.363, 56.805, 56.807, 488.026	<u>(\$147,770)</u>	<u>(\$177,324)</u>	<u>(\$177,324)</u>
<u>Costs - Local Political Subdivisions -</u>			
establishing and maintaining a local health department §192.310	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Cost - City of Columbia</u>			
Increased maintenance cost §304.190	(Unknown greater than <u>\$100,000</u>)	(Unknown greater than <u>\$100,000</u>)	(Unknown greater than <u>\$100,000</u>)
	Unknown greater than \$3,096,645 to (Unknown greater than <u>\$247,770</u>)	Unknown greater than \$3,096,645 to (Unknown greater than <u>\$277,324</u>)	Unknown greater than \$3,096,645 to (Unknown greater than <u>\$277,324</u>)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS			

FISCAL IMPACT - Small Business

§§ 262.960, 262.962, and 348.407 - Farm-to-School Act:

An increase in revenues to local small business farmers working with local school districts to provide locally grown food could be expected from this proposal.

FISCAL DESCRIPTION

§§56.807 and 488.026

This act provides a method for the governing bodies of two or more contiguous counties in a judicial circuit to join together to form a prosecutorial district and share a district attorney upon the adoption of a resolution or charter amendment and the approval of a joint agreement. Additional counties in the judicial circuit may join a prosecutorial district by the consent of each county participating in the district. The election to join a prosecutorial district is irrevocable. The district attorney for a multi-county prosecutorial district is to be elected to an initial two-year term at the 2016 general election, and to four-year terms starting in 2018.

The governing body of a county in a single-county judicial circuit may convert the office of prosecuting attorney to a district attorney office by resolution or charter amendment. In a single-county circuit, the prosecuting attorney must immediately begin performing the additional duties required of a district attorney upon approval of the resolution or the amendment, but the election for the new district attorney position will not occur until the next regular election. This act repeals a provision of law requiring prosecuting attorneys to represent the state in appeals of misdemeanor cases and a provision allowing counties to make their part-time prosecutor position a full-time position.

Under this act, district attorneys must receive compensation equal to that of a circuit judge, which is prorated among the counties. This act provides that part-time prosecuting attorneys can be compensated according to the assessed valuation scale provided under current law or they may receive half the compensation of a full-time district attorney if the part-time prosecutor represents the juvenile officer in all juvenile court cases.

Current law provides that \$2,000 of a prosecuting attorney's salary is payable only if the prosecutor has completed at least 20 hours of classroom instruction each calendar year. This act provides that \$10,000 of the salary is payable only if the prosecutor has completed at least 30 hours of instruction.

FISCAL DESCRIPTION (continued)

§§67.585 and 144.1030

This proposal would change the laws regarding taxation as follows.

The proposal would authorize, upon voter approval, the creation of a Recreational and Community Center District that includes only the area encompassed by the Liberty School District, and a sales tax not to exceed .5% on all retail sales made within the recreational and community center district for funding the construction, maintenance, operation, and purchase of equipment for community centers and other purposes of recreation and wellness as determined by the board.

The proposal would exempt from sales tax any fee for the right of first refusal to purchase or decline tickets for admission to events at the Sprint Center.

§192.310

This bill adds the City of St. Charles to those cities that are exempt from the provisions regarding the appointment of a county health officer if the city furnishes the Department of Health and Senior Services with reports of designated contagious, infectious, communicable, or dangerous diseases and other required statistical information.

§§ 262.960, 262.962, and 348.407 - Farm-to-School Act

This proposal establishes the Farm-to-School Program within the Department of Agriculture to connect Missouri farmers and schools in order to provide schools with locally grown agricultural products for inclusion in school meals and snacks and to strengthen local farming economies.

§304.190

This bill changes the laws regarding motor vehicle height and weight limits for the commercial zones in the city of Columbia. The bill creates a 15-foot height limitation and a 22,400 pound weight limitation for any motor vehicle within the commercial zone of Columbia. The commercial zone extends from the city limits along U.S. Highway 63 for 8 miles, and extends east from the city limits along State Route WW to the intersection of State Route J and continues south on State Route J for four miles.

§488.2235

This bill allows the City of Kansas City to impose an additional court cost of up to \$5 for each municipal ordinance violation case filed before a municipal division judge or associate circuit judge. The judge may waive the assessment of the additional cost if the judge finds the defendant to be indigent and unable to pay the costs. The city can only use the additional costs for the restoration, maintenance, and upkeep of the municipal courthouse.

FISCAL DESCRIPTION (continued)

§§ 56.809 & 488.026 - PACARS:

Currently, each county treasurer must transfer a specified sum of money each month to the Prosecuting Attorneys and Circuit Attorneys' Retirement System Fund for use by the fund. Beginning August 28, 2015, the proposal requires that the county contribution be adjusted in accordance with the following schedule based on the retirement system's annual actuarial valuation report:

- (1) If the system's funding ratio is 120% or more, no monthly sum must be transmitted;
- (2) If the system's funding ratio is more than 110% but less than 120%, the monthly sum transmitted must be reduced 50%;
- (3) If the system's funding ratio is at least 90% and up to 110%, the monthly sum transmitted must remain the same;
- (4) If the system's funding ratio is at least 80% and less than 90%, the monthly sum transmitted must be increased 50%; and
- (5) If the system's funding ratio is less than 80%, the monthly sum transmitted must be increased 100%.

Currently, a surcharge of \$4 is assessed and collected in all criminal cases filed in court, including any violation of a county ordinance or any violation of the state's criminal or traffic laws, including infractions. The proposal adds any person who has pled guilty and paid a fine through a fine collection center to the list of those who are to be assessed the surcharge. In addition, the proposal allows prosecuting attorneys, in all counties that elect to make the position of prosecuting attorney a full-time position, to participate in the retirement system for prosecuting and circuit attorneys. The prosecutor is eligible for the same benefits as a full-time prosecutor in a county of the first classification.

§1 - Courts:

Section 1 states that all courts that require mandatory e-filing must accept, file, and docket a notice of entry of appearance filed by an attorney that was sent by fax or regular mail.

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

City of Columbia
City of Jefferson City
City of Kansas City
Cole County
Department of Agriculture
Department of Corrections
Department of Economic Development
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Public Safety
 Division of Fire Safety
Department of Natural Resources
Department of Revenue
Department of Social Services
Jackson County Board of Election Commission
Kansas City Board of Election Commission
Missouri Highway Patrol
Office of Administration
 Division of Accounting
 Division of Personnel
Office of Prosecution Services
Office of the Secretary of State
Office of the State Public Defender
Office of State Treasurer
Platte County Board of Election Commission
Prosecuting and Circuit Attorneys' Retirement System
State Emergency Management Agency

SOURCES OF INFORMATION (continued)

St. Louis County
St. Louis County Metropolitan Sewer District
St. Louis County Board of Election Commission
University of Missouri



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Director
May 8, 2014

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Assistant Director
May 8, 2014