

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5902H.011
 Bill No.: HB 2855
 Subject: County Officials; Attorneys; Counties; County Government; Courts; Law Enforcement Officers and Agencies; Retirement - Local Government
 Type: Original
 Date: April 23, 2024

Bill Summary: This proposal modifies provisions relating to county prosecuting attorneys.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
General Revenue*	\$0	\$0	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0 or Unknown	\$0 or Unknown

*Oversight assumes additional collections could reach the \$250,000 threshold.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
Missouri Office of Prosecution Services Fund*	\$0	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

*Distribution increase (decrease) net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
Total Estimated Net Effect on FTE	0	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 2025	FY 2026	FY 2027	Fully Implemented (FY 2029)
Local Government	\$0	\$0	\$0 to Unknown	\$0 to Unknown

FISCAL ANALYSIS

ASSUMPTION

§§1.020, 56.010, 56.015, 56.060, 56.066, 56.067, 56.265, 56.363, 56.640, 56.700, 56.805, 56.807, 56.816, 70.010, 70.060 & 70.090 – County Prosecuting Attorneys

Officials from the **Joint Committee on Public Employee Retirement (JCPER)** assume the proposal will have no fiscal impact on their organization. The JCPER's review of HB 2855 indicates that its provisions may constitute a "substantial proposed change" in future plan benefits as defined in section 105.660(10). It is impossible to accurately determine the fiscal impact of this legislation without an actuarial cost statement prepared in accordance with section 105.665. Pursuant to section 105.670, an actuarial cost statement must be filed with the Chief Clerk of the House of Representatives, the Secretary of the Senate, and the Joint Committee on Public Employee Retirement as public information for at least five legislative days prior to final passage. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Officials from the **Missouri Office of Prosecution Services**, the **Office of Administration - Budget and Planning**, the **County Employees Retirement Fund**, the **Attorney General's Office**, the **Department of Corrections**, the **Department of Revenue**, the **Department of Social Services**, the **Office of the State Public Defender** and the **Office of the State Treasurer** 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.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes this 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 shared county prosecutor position. This legislation could be on the ballot starting November 2026 (FY 2027). However, multi-county prosecutors would not

be elected until the 2028 general election (FY 2029). Therefore, for fiscal note purposes, Oversight will assume the proposal is permissive and show no direct fiscal impact for FY 2025 and FY 2026 with potential impact in FY 2027 and full implementation in FY 2029.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2029)
GENERAL REVENUE				
<u>Revenue</u> – additional revenue from collections §56.060.3	\$0	\$0	\$0 or Unknown	\$0 or Unknown
<u>Transfer Out</u> – 50% of 20% of additional revenue to MOPS Fund §56.060.4(1)	\$0	\$0	\$0 or (Unknown)	\$0 or (Unknown)
<u>Transfer Out</u> – 50% of 20% of additional revenue to County Treasurers §56.060.4(2)	\$0	\$0	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>\$0</u>	<u>\$0</u>	<u>\$0 or Unknown</u>	<u>\$0 or Unknown</u>
MISSOURI OFFICE OF PROSECUTION SERVICES FUND				
<u>Transfer In</u> – 50% of 20% of collection fees §56.060.4(1)	\$0	\$0	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – county expenses §56.060.4(1)	\$0	\$0	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON MISSOURI OFFICE OF PROSECUTION SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027	Fully Implemented (FY 2029)
LOCAL POLITICAL SUBDIVISIONS				
<u>Savings</u> – Counties – Cost sharing of District Attorney costs between multiple counties §56.015	\$0	\$0	\$0 to Unknown	\$0 to Unknown
<u>Transfer In</u> – 50% of 20% of collection fees §56.060.4(2)	\$0	\$0	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – County Treasurers – reimbursement of personnel costs §56.265	\$0	\$0	\$0 or (Unknown)	\$0 or (Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	\$0	\$0	\$0 to Unknown	\$0 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 specifies that two or more contiguous counties in a judicial circuit may act cooperatively to employ a prosecuting attorney pursuant to procedures under current law allowing cooperation among counties. The shared prosecuting attorney is to be elected at the 2026 general election and every four years thereafter.

The bill allows any prosecuting attorney to represent state agencies in debt collection cases and provide at least six hours of continuing education to police officers. Unless there is a different agreement, the prosecuting attorney retains 20% of all debt collected on behalf of state agencies with one-half of the fee to go to the Missouri Office of Prosecution Services Fund and one-half to go to the county treasurer to be used solely for the prosecutor's office. If the prosecutor is a shared prosecutor, then the retained fee goes to each county on a pro rata basis.

Under these provisions, prosecuting attorneys representing multiple counties must receive compensation equal to that of an associate circuit judge, which is prorated among the counties.

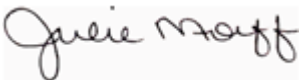
Current law provides that part-time prosecutors are to be paid according to a scale set in statute that is based on the assessed valuation of the county. The scale ranges from \$37,000 to \$55,000. This bill provides that part-time prosecutors will receive a salary equal to 67% of the compensation of an associate circuit judge and must devote a minimum of 25 hours per week to the duties of the prosecuting attorney.

When the counties adopt a proposition to cooperate to employ a prosecutor, the commissioners of all the counties must approve a joint agreement that includes a formula for calculating each county's costs and procedures for the approval of the prosecutor's annual budget.

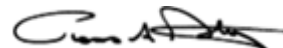
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Joint Committee on Public Employee Retirement
Missouri Office of Prosecution Services
Office of Administration - Budget and Planning
County Employees Retirement Fund
Attorney General's Office
Department of Corrections
Department of Revenue
Department of Social Services
Office of the State Public Defender
Office of the State Treasurer
Office of the Secretary of State



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April 23, 2024



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