

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5051-01
Bill No.: Perfected HB 1442
Subject: Counties; County Officials; Elections; Governor and Lieutenant Governor
Type: Original
Date: March 7, 2018

Bill Summary: This proposal changes the laws regarding the filling of commissioner offices.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

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 2019	FY 2020	FY 2021
Local Government	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)

FISCAL ANALYSIS

ASSUMPTION

In response to a previous version, officials from the **Office of the Governor** assume the proposal should have no fiscal impact on their respective organization. However, if additional duties are placed on the office related to appointments in other Truly Agreed To and Finally Passed legislation, coupled with shortened time frames to make gubernatorial appointments, there may be a need for additional staff resources in future years.

Officials from the **Office of the Secretary of State, Office of State Courts Administrator, Department of Natural Resources, and Department of Revenue** each assume the proposal will have no fiscal impact on their respective organizations.

Officials from the **Jackson County Board of Election Commissioners, Platte County Board of Election Commissioners, Kansas City Election Board, St. Louis County Board of Election Commissioners, and City of Kansas City** each assume the proposal will have no fiscal impact on their respective organizations.

House Amendment #1

Oversight assumes that House Amendment #1 will have no fiscal impact.

House Amendment #2

§ 59.800 - Similar to HB 2243

In response to a similar proposal from this year (HB 2243), officials at the **Mississippi County Recorder of Deeds Office** assumed this proposal could have an impact on this office if this bill isn't passed. That impact could be as much as \$45,000 to \$49,000 for the county general revenue. Should the "Statutory County Recorder's Fund" run dry then the impact would cost this county the amounts that was previous talked about. The Mississippi County Recorder's Office annual budget is in the neighborhood of \$70,000, so this would have a huge impact in the event that this fund should run dry. Back in 2002 several counties elected to split the offices of Circuit Clerk and Recorder of Deeds with the promise that the State would help subsidize those offices. This bill will not allow the counties to get their full subsidy, but will allow the counties to be able to continue receiving some support from the state.

Oversight inquired the Mississippi County Recorder of Deeds Office. If this proposal is enacted, there will be a decrease in the amount of subsidies received from the state for the County. The

ASSUMPTION (continued)

decrease would be a small impact to the County, between \$5,000 and \$7,000 per year. Oversight assumes that multiple counties could be affected from this legislation. Therefore, Oversight will reflect a potential unknown loss to County Recorder of Deeds Offices.

House Amendment #3

§ 640.648 - Similar to HCS for HB 2216

In response to a similar proposal this year (HCS for HB 2216), officials at the **City of St. Charles** assumed this bill prohibits political subdivisions from restricting private wells in certain instances. A private well would introduce additional demand on sewer systems, since the amount of water used would be unknown. If fire protection is provided by a public water supply, then the burden of the cost would be borne on the other customers and not the owner of the private well. Public water systems are regulated, are constantly monitoring water quality and must provide safe water to the public. A private well is not under the same regulations. Additionally, if a public system was connected to the same system as a private well (as a backup to the private system) and a backflow valve failed, this could cause contamination of the public system. The true fiscal impact of such legislation would be extremely difficult to calculate.

In response to a similar proposal this year (HCS for HB 2216), officials at the **City of Springfield** assumed there is a potential negative fiscal impact, however the impact is unquantifiable without knowing how the proposal will affect City departments.

Oversight assumes this proposal prohibits political subdivisions from restricting the rights of certain property owners with regard to water resources. While there are advantages and disadvantages of owning a private well vs. a public water supply, there are also rules and regulations in place to monitor public water supplies. Oversight assumes the proposal would not have a direct fiscal impact on local political subdivisions.

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

ASSUMPTION (continued)

Officials from the following **counties**: Andrew, Atchison, Audrain, Barry, Benton, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Clinton, Cole, Cooper, Davies, Dekalb, Dent, Franklin, Greene, Holt, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Pulaski, Scott, St. Charles, St. Francois, Taney, Warren, Wayne, and Worth did not respond to **Oversight’s** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
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COUNTY FUNDS

<u>Reduction</u> - Recorder of Deeds - modifying provisions of county subsidies on recorder fees \$59.800	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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ESTIMATED NET EFFECT ON COUNTY FUNDS	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal sets a 60-day time limit for the Governor to fill a vacancy in the Office of County Commissioner with the advice and consent of the Senate. The vacancies filled by appointment will be held by the appointee for the remainder of the term. The proposal does not apply to any county that has adopted a charter for its own government under Article VI, Section 18 of the Missouri Constitution.

FISCAL DESCRIPTION (continued)

The proposal also requires the county commission in all non charter counties to fill by appointment, within 14 days, a vacancy in a county elected office to serve until the Governor makes an appointment or until the vacancy is filled by operation of another provision of law. In counties with only two county commissioners, when there is the absence of an agreement, the presiding judge of the circuit court will make the appointment. The offices of prosecuting attorney and circuit attorney are excluded from this provision.

The proposal provides a method by which distributions from the statutory county recorder's fund will be allocated among counties if collections fall below distributions.

Currently, Missouri landowners have the right to have, use, and own private water systems and ground source systems any time and anywhere unless prohibited by city ordinances. This proposal specifies that this includes systems for potable water and rainwater collection and removes the ability for cities to prohibit the use through a city ordinance.

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 Secretary of State
Office of State Courts Administrator
Department of Natural Resources
Department of Revenue
Jackson County Board of Election Commissioners
Platte County Board of Election Commissioners
St. Louis County Board of Election Commissioners
Kansas City Election Board
City of Kansas City

Ross Strope



Acting Director

L.R. No. 5051-01
Bill No. Perfected HB 1442
Page 7 of 7
March 7, 2018

March 7, 2018

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