COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4713-04
Bill No.: Perfected HS for HCS for HB 1962
Subject: Circuit Clerk; Courts
Type: Original
Date: April 18, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue*	($142,643) to $2,007,357	($271,848) to $1,878,152	($294,463) to $1,855,537
DNR Dedicated	Unknown	Unknown	Unknown
Criminal Records System	($54,885)	($63,420)	($65,007)
Road Fund	(Unknown)	(Unknown)	(Unknown)
Conservation	(Unknown)	(Unknown)	(Unknown)
School District Trust	($933,300)	($933,300)	($933,300)
Highway Fund**	$170,970	$26,600	$26,600
State School Money***	$0	$0	$0
Total Estimated Net Effect on All State Funds	**(More than $1,130,828) to More than $2,178,327**	**(More than $1,268,568) to More than $1,904,752**	**(More than $1,292,770) to More than $1,882,137**

***FY 03: Income of $600,000 to $750,000; Savings of $34,999 to $1,900,000; Costs of ($814,897 to Unknown); Transfer out of $0 to (Unknown)**

****FY 03: Savings of $319,775; Costs of ($148,805)**

*****Offsetting Savings and Loss of Unknown to $1,900,000; offsetting transfer in and costs of $0 to Unknown**

Numbers within parentheses: ( ) indicate costs or losses.
This fiscal note contains 22 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on All Federal Funds	**$0**	**$0**	**$0**

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	**$0 to Unknown**	**$0 to Unknown**	**$0 to Unknown**

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri House of Representatives, State Treasurer's Office, Department of Social Services, Office of Administration – Commissioner's Office, Department of Health and Senior Services, Department of Insurance, Department of Mental Health,** and the **State Auditor's Office** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Prosecution Services** assume prosecutors could absorb the costs of the proposed legislation within existing resources.

Officials from the **Office of Secretary of State (SOS)** assume this bill modifies various aspects of court administration and transfers powers to the Administrative Hearing Commission from other departments. The Department of Revenue, State Treasurer, Department of Natural Resources, and Office of Administration may promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued could require as many as 68 pages in the Code of State Regulations. For any given rule, roughly half again as many pages are published in the Missouri Register as in the code because cost statements, fiscal notes and the like are not repeated in Code. The estimated cost of a page in the Missouri Register is $23.00. The estimated cost of a page in the Code of State Regulations is $27.00. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded or withdrawn.
ASSUMPTION (continued)

Based on these costs, the SOS estimates the cost of the proposal to be $4,082 in FY 03 and unknown in subsequent years.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which would require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Background Checks on Sex Offenders (§§43.540 and 589.410)

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal allows the patrol to provide information on persons registered as sex offenders when a background check request is made pursuant to Section 43.540, RSMo.

The MHP's Criminal Records and Identification Division (CRID) provided approximately 1.2 million background checks in 2001. If half of the checks were for the purposes in Section 43.540, then 600,000 searches would be required to be put into the sex offender registry. The technology is not currently available to conduct a synchronized search of the two databases (criminal history record and Megan's Law offenders), but will be available in the near future.

The MHP's CRID would require a full-time Computer Information Tech Specialist I position (at $41,556 per year) to design, develop, acquire training, maintain the application and hardware, ensure security, and monitor the network infrastructure. The MHP estimates the annual cost to the Criminal Records System Fund for the requested FTE, including fringe benefits, equipment and expense, to be $54,885 in FY 03; $63,420 in FY 04; and $65,007 in FY 05.

Local Crime Reduction Funds (§§50.550 and 50.555)

Officials from the **Office of State Courts Administrator (CTS)** assume the legislation would authorize county commissions to create local crime reduction funds and authorize courts to require misdemeanor defendants to pay into the local funds amounts up to $1,000 as part of a restorative justice program.

The proposal does not specify who would be responsible for receiving and accounting for what would in most cases be installment payments. Since the sheriff and prosecutor would be the beneficiaries of the fund, CTS assumes they would provide these services through local funds, and state-paid court clerks would not be required to do this. If this assumption is valid, there would be no appreciable state cost. However, if the court clerks are required to provide this service, there would be a state cost in direct proportion to the volume of transactions.

ASSUMPTION (continued)

Traffic cases are technically misdemeanors, and if as an alternative to a traffic conviction, a defendant can get a suspended sentence for payment into the crime reduction fund, the potential

volume could be in the hundreds of thousands of cases.

If cases that would otherwise have resulted in a conviction are shifted to a suspended imposition or execution of sentence, it is likely to result in the loss of revenue from fines to the schools, crime victims' compensation, law enforcement training and other earmarked funds.

Oversight assumes that fiscal impact of Section 50.555 would depend upon several factors: 1) The County Commission would need to establish the Crime Reduction Fund, as allowed by this proposal; and 2) The amount of fiscal impact would depend on the number of cases the Court would suspend and require payment into the Crime Reduction Fund. Oversight assumes that to the extent there is a reduction in fines on the local level, schools would receive more money in state aid due to the school aid formula. Therefore, the loss of fine revenues would be subsidized by the State's General Revenue Fund.

State Waives Sovereign Immunity for Purposes of Workers' Compensation (§287.780)

Officials from the **Department of Conservation (MDC)** assume that the proposed legislation could have a fiscal impact on MDC funds because of the increased exposure to liability from lawsuits; however, the amount of impact to the Conservation Fund is unknown.

Officials from the **Department of Labor and Industrial Relations (DOL)** assume by removing the sovereign immunity clause, the potential for lawsuits to be filed could increase; however, the DOL currently is in compliance with the act, so no impact would be seen. The DOL assumes that any costs associated with defending the department would come from the Legal Expense Fund. The legislation eliminates the requirement that circuit court clerks maintain records of the number of criminal cases filed and the convictions obtained pursuant to Chapter 595, RSMo, and also eliminates the requirement that this data be subject to an audit by the Missouri State Auditor's Office. In the past, the DOL has used audit data to ensure that circuit courts are transferring the correct amount of revenue mandated by statute to the Crime Victims' Compensation Fund. Without this record-keeping requirement and accountability mechanism, the DOL believes that a substantial amount of revenue generated by circuit courts will go unreported and will not be deposited in the Crime Victims' Compensation Fund. Repeal of the audit language eliminates accountability for these funds.

ASSUMPTION (continued)

County Commissions Pay Salaries of Deputy Circuit Clerks and Division Clerks (§§476.270 and 483.245)

Officials of the **Office of State Courts Administrator** stated that this proposal would authorize County Commissions to pay the salaries of Deputy Circuit Clerks and Division Clerks. Officials stated since the only result of this proposal would be to codify current practice, there would be no cost or savings to the Judiciary.

Officials from the **Department of Labor and Industrial Relations (DOL)** assume the provisions could have an effect, although it is believed to be primarily on CARO. By changing the deputy circuit clerks and division clerks in this one county to county employees, the county now has responsibility for the workers' compensation liability for these employees. CARO should save money, but it will impose an additional cost on the County affected. Also, it will be difficult to track who the employer is when only the one county is changed.

Basic Civil Legal Services Fund (§§477.650 an 488.031)

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would establish the "Basic Civil Legal Services Fund" and authorize additional filing fees in civil and criminal cases to be credited to the fund. Moneys collected for this fund are to be paid by the court clerk to the Office of State Courts Administrator; the Missouri Supreme Court is to determine and oversee the administration of this fund. Based upon a caseload analysis for FY 2001, this legislation would generate approximately $3,646,000 in any given year.

CTS assume they would need one professional staff (1 FTE Accounting Specialist at $47,100 per year, plus fringe benefits, equipment and expense) and one clerical staff (1 FTE Account Coordinator at $27,444 per year, plus fringe benefits, equipment and expense) to collect, administer, and distribute the moneys for this fund. CTS estimates the cost of these positions, including necessary equipment and expense costs and fringe benefits, to be $101,912 in FY 03, $107,282 in FY 04, and $109,969 in FY 05.

The Supreme Court would create a committee to set the standards for the allocation of the funds and for monitoring the expenses. CTS estimates committee expenses to be $3,000 per year. There will also be travel expenses for the staff person to audit the records. CTS estimates these travel expenses to be $5,000 per year.

CTS estimates the total amount needed to comply with the requirements of the legislation to be $109,912 in FY 03; $115,282 in FY 04, and $117,969 in FY 05. Based on the language of the proposal, CTS assumes these costs will be from the General Revenue Fund.

ASSUMPTION (continued)

Oversight has adjusted the salaries to more closely reflect actual starting salaries.

Costs of Court Transcripts (§§488.2250, 488.2253)

Officials from the **Office of Attorney General** assume the proposal increases the cost for transcripts of court proceedings by approximately 45% (ordinarily 3 copies are ordered – original, 50% increase; copy, 43% increase for 2 copies). This would result in additional cost in pursuing appeals on behalf of the state. Because the number and length of transcripts to be requested is unknown, the cost of the proposal is unknown in each fiscal year.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would increase statutory fees paid to court reporters for preparation of transcripts, and increase the court costs paid by litigants for court reporter services.

Court reporters are statutory state employees who are paid fees in addition to their statutory salary. The per page rate for original civil transcripts would increase from $1.50 to $2.25, or a $.75 increase (50%); and the rate for a page of copy would increase from $.35 to $.50, or an increase of $0.15 per page (43%). Indigent criminal transcripts would increase even more because the current copy rate is $0.20, so the increase would be $0.30 or 150%. These costs are paid by the State Public Defender. In a typical appeal, an original and three copies are prepared (one for each party, one for the trial court file, and one for the appellate court file) and, in some cases, more copies are required.

While most transcript costs are paid by private litigants, there are some costs borne by the judiciary, State Public Defender, and state agencies who are parties to appeals. The current expenditure for court reporter fees paid by the judiciary is approximately $100,000. Under this proposal, those costs would increase considerably, depending on the mix of original pages and copies.

The statutory court cost charged litigants in cases where the record is preserved using a court reporter would increase by $10, from $15 to $25. This is income to general revenue. Some of these costs will be borne by the state through the criminal costs bills paid by the Office of Administration. There were about 90,000 cases in FY 2001 to which the costs could apply. If fully collected, these costs would generate upwards of $900,000 in new revenue. Indigent cases, acquittals, dismissals, etc. will reduce receipts considerably, but it would be safe to say the revenue would increase anywhere from $600,000 to $750,000.

ASSUMPTION (continued)

The legislation also gives court reporters a COLA for transcripts based on the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. CTS is unable to predict what that increase or decrease might be, but do not expect it to be great.

In response to a similar proposal (HB 2014) officials from the **Office of State Public Defender (SPD)** stated that in FY 1999, the Office of State Courts Administrator core transferred $405,000 to the State Public Defender and the State Public Defender assumed the responsibility for paying court reporters for trial transcripts for indigent persons seeking an appeal or post conviction relief motion. The SPD's estimated expenditures for the current fiscal year (FY 2001) is $8,750 per week or $455,000.

Oversight assumes the proposal would increase the costs to the SPD by 150%. Therefore, Oversight assumes the SPD's cost to the General Revenue Fund would be $568,750 for 10 months of FY 03; $702,975 for FY 04; and $724,064 for FY 05.

Court Ordered Fee (§488.5021)

Officials from the **Department of Revenue (DOR)** assume if the person who pays the penalty fee files bankruptcy, there are possible consequences if they include a criminal fee in their bankruptcy proceeding. This may not affect the DOR unless the fee is a Motor Vehicle Administrative fee like the one for DWI, etc.

Officials from the **Office of State Courts Administrator (CTS)** assume this section would allow a court to assess an additional $20 fee for penalties, fines, and sanctions not paid in full within 30 days of imposition.

Depending on the rate of assessment and collection, CTS estimates the range of possible collections is from $1 million to $1.9 million. The first figure, $1 million, is based upon a 20% to $25% collection on misdemeanor and felony cases, and 10% on traffic. The second figure, $1.9 million, is based on a collection rate of 50% of felonies and 75% of misdemeanors, and is the less likely amount of the two estimates.

Oversight assumes a $20 fee for penalties, fines, and sanctions not paid within 30 days of imposition would result in an increase in fine revenue to the municipalities, counties, and local school districts. Oversight assumes the increase in fine revenue resulting from this proposal to the local school districts will decrease the contribution by the state to the State School Money Fund (through the General Revenue Fund).

ASSUMPTION (continued)

Sovereign Immunity in FMLA (§537.605)

Officials from the **Office of Attorney General (AGO)** assume the proposal would preclude the AGO from raising sovereign immunity as a defense in FMLA suits; however, AGO assumes state departments are operating under the assumption that they are covered by FMLA and that the proposal would not significantly increase the number of lawsuits filed. AGO assumes any cost could be absorbed within existing resources.

Administrative Hearing Commission (§§621.015, 621.040, 621.045)

Officials from the **Office of Attorney General (AGO)** assume the proposal would result in a cost savings equivalent to one Assistant Attorney General (AAG) I (at $31,500 per year) and associated equipment and expense from moving hearing officer duties in contested cases on peace officer standards and training to the Administrative Hearing Commission and reducing duplicate hearings in other cases now litigated by AAGs. The AGO estimates the savings to the General Revenue Fund to be $34,999 in FY 03; $43,049 in FY 04; and $44,125 in FY 05.

Officials from the **Department of Natural Resources (DNR)** assume the proposal would shift the responsibility to hear appeals on all actions granted to the director of the DNR and the different commissions within DNR to the Administrative Hearing Commission. Currently DNR hires a hearing officer to hear appeals brought before the commissions. The department pays for the hearing officer and for all costs associated with those hearings. These costs vary depending on the complexity of the appeal. Therefore, the DNR assumes there would be unknown savings to the DNR Dedicated Fund from this part of the proposal.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal shifts the power of the DESE to conduct hearings regarding the issuance, renewal, revocation, suspension, or probationary placement of certification of teachers. The proposal could lead to a significant delay in adjudication of these cases due to their inclusion among other cases docketed before the Administrative Hearing Commission. This potential for significant delay poses a unknown impact for the department and local schools.

Officials from the **Department of Revenue (DOR)** assume the bill requires all state agencies that have the authority to issue, suspend, or revoke any license to fall under the provisions of the Administrative Hearing Commission in regard to appeals of such licenses.

ASSUMPTION (continued)

The DOR currently completes administrative hearings for administrative alcohol driver license suspensions, mandatory insurance driver license suspensions, motor vehicle accident evaluations, commercial driver license denial actions, third party commercial driver examiner certification denials and motor vehicle dealer license withdrawals. The Department of Revenue processes nearly 14,000 of these types of hearings annually. Under this bill, the Administrative Hearing Commission would be responsible for hearing and disposing of these 14,000 cases.

The Division of Motor Vehicles and Driver Licensing currently conducts administrative hearings for mandatory insurance and accident cases that result from motor vehicle accidents involving uninsured motorists. The Driver and Vehicle Services Bureau processes over 600 of these types of hearings annually.

Under this bill, the Driver and Vehicle Services Bureau assumes the actual hearing of such cases and notification of final disposition of the cases will now be completed by the Administrative Hearing Commission. The Driver and Vehicle Services Bureau assumes that the duties of the staff involved in this process will change but not be eliminated in order to provide administrative support to the administrative hearing commission and the attorneys used to prosecute the DOR's position on the case.

The DOR currently dockets and holds over 13,000 administrative alcohol hearings annually. The Driver and Vehicle Services Bureau assumes that the duties of the staff involved in this process will also change but will not be eliminated in order to provide appropriate administrative support to the administrative hearing commission and the attorneys that will prosecute the Department of Revenue's position on the case.

The duties of the existing staff will include copying and mailing alcohol arrest documentation, insurance and accident information, responding to correspondence and telephone inquiries, coordination of attorney resources to ensure the administrative hearing commission and attorneys are provided with sufficient documentation in order to hear and prosecute the case.

The DOR's General Counsel Office assumes no reduction of staff as a result of this legislation. State cases held before the Administrative Hearing Commission are represented by the Attorney General's Office or his or her designee. The DOR's General Counsel Office assumes attorneys currently employed by the department will be designated by the Attorney General's Office to represent the department's case on hearings before the commission.

The DOR will no longer be required to mail administrative hearing results which will result in a certified mail postage savings to the Highway Fund of $26,600.

ASSUMPTION (continued)

In order to qualify for $933,300 in federal grants for state alcohol programs, Missouri must meet five of seven qualifying criteria established by the U.S. Secretary of Transportation. Missouri currently meets the minimum (5) of these criteria. One of the criteria Missouri is currently meeting is the turn around time requirement on administrative alcohol suspensions. Under the federal criteria, within 30 days of an administrative alcohol arrest, the state must suspend or revoke the arrested individual's driving privilege unless the individual's case has been dismissed through due process. The 30 day period includes the time taken under all due process (hearing and appeal) requirements provided under state law. The DOR currently averages 28 days from the time of arrest to the time the suspension of the driver license is activated.

Based on cases that the DOR and other state agencies have held before the Administrative Hearing Commission, six months is typical for the commission to dispose of current cases. Under this proposal the commission will be expanded to six members. However, the DOR alone will be increasing their docket size by nearly 14,000 cases. It will be physically impossible for the six commissioners to docket, hear, and issue a final decision on these 14,000 cases annually and meet the federal turn around requirement. This will result in Missouri meeting only four of the seven criteria and a loss of the $933,300 grant for alcohol programs.

Officials from the **Office of Administration – Administrative Hearing Commission (AHC)** assume the legislation would authorize one more AHC Commissioner and transfer the administrative law judge of the Division of Motor Carrier and Railroad Safety to the AHC as a commissioner. As long as funding would follow the transfer and as long as the fourth commissioner is only appointed subject to the funding, this legislation would have no fiscal impact on the AHC. This legislation adds additional jurisdiction, which could be absorbed with existing staff. If other similar bills also pass to give the AHC more cases or more complex cases, there could be a fiscal impact.

Officials from the **Department of Economic Development – Division of Motor Carriers and Railway Safety (MCRS)** assume two Administrative Law Judge (ALJ) positions, currently funded under Highway Funds, would be eliminated from MCRS' budget with a subsequent transfer of one ALJ FTE to the Administrative Hearing Commission. The net result would be the reduction of two FTE and associated PS/E&E costs from MCRS and an assumed GR pick-up of PS/E&E costs for one FTE by the AHC. The transfer of the existing ALJ FTE to the AHC may cause some delays in issuing orders due to the fact that MCRS issues will be combined with issues from other state agencies, thereby resulting in the need for a prioritization system for the AHC workload.

ASSUMPTION (continued)

It was assumed that all Highway funded costs for the two currently budgeted ALJ positions in MCRS would be eliminated and one position, with associated costs would be transferred to the AHC. It was also assumed that there would be a General Revenue pick-up of costs through the AHC. MCRS currently has three ALJ positions authorized by statute. It was assumed that the elimination of two Governor-appointed ALJ positions would be constitutional. It was assumed that the ALJ position currently filled would be transferred at the existing salary level and that the other, vacant ALJ position, would be eliminated at a comparable salary level.

Expense and equipment costs shown for the ALJ are based on projected FY 02 actual costs, then adjusted for inflation factors for future fiscal years. Highway funded costs for the ALJ were based on only one FTE for FY 02. To adjust for a second ALJ FTE, a 60% increase is shown in the base E&E cost. A higher percentage is not used since some of the incurred costs will be constant despite a change in the number of FTE's. All impacts shown begin on July 1, 2002, which may be the earliest effective date of the transfer of the ALJ position to the AHC. Should the date be later, then the impact will be less in FY 03.

It was assumed that one ALJ from MCRS would be removed from the covered payroll for general state employees participating in the Missouri State Employees' Plan (MSEP) and added to the payroll for individuals covered by the Administrative Law Judges Legal Advisors Plan (ALJLAP). The net effect of this is an increase in contributions of 11.21% (20.02% - 8.81%) of pay, or $10,272 based on the existing salary of MCRS' ALJ of $91,636 per year.

In summary, the fiscal impact to the DED – MCRS is a savings to the Highway Fund in the amount of $297,609 in FY 03; $305,291 in FY 04; and $313,172 in FY 05; and a cost to the General Revenue Fund in the amount of $165,119 in FY 03; $169,398 in FY 04; and $173,789 in FY 05.

Oversight assumes the funding for one Administrative Law Judge (ALJ) will be transferred from the Department of Economic Development – Division of Motor Carriers and Railroad Safety (MCRS) to the Office of Administration – Administrative Hearing Commission (AHC) and one ALJ position would be abolished. Oversight assumes the AHC will incur a cost to the General Revenue Fund for the increased contributions for individuals covered by the Administrative Law Judges Legal Advisors Plan (ALJLAP).

ASSUMPTION (continued)

"Judicial Officers" to Include Family Court Commissioner, Drug Court Commissioners, and Juvenile Court Officers (§565.084)

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court. If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY01 average of $35.78 per inmate per day, or an annual cost of $13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY01 average of $3.34 per offender per day, or an annual cost of $1,219 per offender).

Supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed $100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than $100,000 per year for the DOC.

Setoff of Income Tax Refund for Failure to Pay Court Costs (Section 1)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume collections on delinquent fines would increase, thereby increasing the amount of fine money distributed to local school districts.

There is no state cost to the foundation formula associated with this bill. DESE does not know how much additional money might be collected by the DOR to distribute to schools. Any increase in this money distributed to schools becomes a deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula with a proration factor of 1.00.

Consumer Service Contract (Section 3)

Officials from the **Department of Transportation (MoDOT)** assume the proposal defines "consumer service contract" as a "contract for the purchase of work, labor or services, including services furnished in connection with the sale, maintenance, lease, rent, or repair of goods or equipment." Unlike most federal laws regulating consumer contracts, this definition contains no text that limits its application to only individual (real person) consumers. Thus the term "consumer" notwithstanding, this provision would only appear to apply to all business and industrial consumers for their household goods and equipment. As so construed and interpreted, this provision would have a minimal negative fiscal impact on MoDOT (Road Fund), the amount of which is impossible to estimate.

FISCAL IMPACT - State Government	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
Income – Courts (§488.2253)	$600,000 to	$600,000 to	$600,000 to
Increased court fees	$750,000	$750,000	$750,000
Savings – Office of Attorney General (§621)			
Personal Service (1 FTE)	$26,250	$32,288	$33,095
Fringe Benefits	$8,749	$10,761	$11,030
Equipment and Expense	$0	$0	$0
Total Savings – AGO	$34,999	$43,049	$44,125
Savings – Decreased Transfers to State	Unknown to	Unknown to	Unknown to
School Money Fund (§488.5021)	$1,900,000	$1,900,000	$1,900,000
Costs – Office of Attomey General			
Increased transcript costs (§488.2250)	(Unknown)	(Unknown)	(Unknown)
Costs – Office of State Public Defender			
Increased transcript costs (§488.2250)	($568,750)	($702,975)	($724,064)
Costs – Department of Corrections	Less than	Less than	Less than
Incarceration/Probation (§565.084)	($100,000)	($100,000)	($100,000)
Costs – Office of Administration – Administrative Hearing Comm (§621)			
ALJLAP Retirement Plan	($10,272)	($10,529)	($10,792)

FISCAL IMPACT - State Government	FY 2003 (10 Mo.)	FY 2004	FY 2005
Costs – Office of State Courts Administrator (§488.031)			
Personal Service (2 FTE)	($55,371)	($68,106)	($69,808)
Fringe Benefits	($19,939)	($24,525)	($25,138)
Equipment and Expense	($23,310)	($8,762)	($8,786)
Increased transcript costs (§488.2250)	(Unknown)	(Unknown)	(Unknown)
Total Costs – CTS	($98,620 to Unknown)	($101,393 to Unknown)	($103,732 to Unknown)
Transfer out – to State School Moneys Fund (§50.555)	$0 to (Unknown)	$0 to (Unknown)	$0 to (Unknown)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	**($142,643) to 2,007,357**	**($271,848) to $1,878,152**	**($294,463) to $1,855,537**
DNR DEDICATED FUNDS			
Savings – Dept. of Natural Resources Hearing Officer (§621)	Unknown	Unknown	Unknown
ESTIMATED NET EFFECT ON DNR DEDICATED FUNDS	**Unknown**	**Unknown**	**Unknown**
CRIMINAL RECORDS SYSTEM FUND			
Costs – Missouri State Highway Patrol (§43.540)			
Personal Service	($35,496)	($43,660)	($44,751)
Fringe Benefits	($15,533)	($19,106)	($19,583)
Equipment and Expense	($3,856)	($654)	($673)
Total Costs – MHP	($54,885)	($63,420)	($65,007)
ESTIMATED NET EFFECT ON CRIMINAL RECORDS SYSTEM FUND	**($54,885)**	**($63,420)**	**($65,007)**

FISCAL IMPACT - State Government	FY 2003 (10 Mo.)	FY 2004	FY 2005
CONSERVATION FUND			
Costs – Department of Conservation (§287.780)			
Judgments from potential lawsuits	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON CONSERVATION FUND	**(Unknown)**	**(Unknown)**	**(Unknown)**
ROAD FUND			
Costs – Department of Transportation			
Consumer Service Contract (Sec 3)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON ROAD FUND	**(Unknown)**	**(Unknown)**	**(Unknown)**
HIGHWAY FUNDS			
Savings – Department of Revenue			
Decreased postage (§621)	$22,166	$26,600	$26,600
Savings – Department of Economic Development – MCRS (§621)			
Personal Service (2 FTE)	$183,272	$0	$0
Fringe Benefits	$65,996	$0	$0
Equipment and Expense	$48,341	$0	$0
Total Savings – DED – MCRS	$297,609	$0	$0
Costs – Office of Administration – AHC (§621)			
Personal Service (1 FTE)	($91,636)	$0	$0
Fringe Benefits	($32,998)	$0	$0
Equipment and Expense	($24,171)	$0	$0
Total Costs – COA – AHC	($148,805)	$0	$0
ESTIMATED NET EFFECT ON HIGHWAY FUNDS	**$170,970**	**$26,600**	**$26,600**
SCHOOL DISTRICT TRUST FUND			

FISCAL IMPACT - State Government	FY 2003 (10 Mo.)	FY 2004	FY 2005
Loss – Department of Revenue Loss of Federal Alcohol Program Grant (§621)	($933,300)	($933,300)	($933,300)
ESTIMATED NET EFFECT ON SCHOOL DISTRICT TRUST FUND	**($933,300)**	**($933,300)**	**($933,300)**
STATE SCHOOL MONEY FUND			
Savings – Decreased Distributions to School Districts (§488.5021)	Unknown to $1,900,000	Unknown to $1,900,000	Unknown to $1,900,000
Loss – Decreased Transfers from General Revenue Fund (§488.5021)	(Unknown to $1,900,000)	(Unknown to $1,900,000)	(Unknown to $1,900,000)
Transfer in – from General Revenue Fund (§50.555)	$0 to Unknown	$0 to Unknown	$0 to Unknown
Costs – transfer to local school districts (§50.555)	$0 to (Unknown)	$0 to (Unknown)	$0 to (Unknown)
ESTIMATED NET EFFECT ON STATE SCHOOL MONEY FUND	**$0**	**$0**	**$0**

FISCAL IMPACT - Local Government	FY 2003 (10 Mo.)	FY 2004	FY 2005
SCHOOL DISTRICTS			
Increase in Revenue – Additional $20 fee for penalties, fines, and sanctions not paid within 30 days (§488.5021)	Unknown to $1,900,000	Unknown to $1,900,000	Unknown to $1,900,000
Reduction in Replacement Revenue – Decreased distributions from the State School Money Fund (§488.5021)	(Unknown to $1,900,000)	(Unknown to $1,900,000)	(Unknown to $1,900,000)
Income – to Certain School Districts* from State's School Aid Formula (§50.555)	$0 to Unknown	$0 to Unknown	$0 to Unknown
Loss – to Certain School Districts* from reduction in fines (§50.555)	$0 to (Unknown)	$0 to (Unknown)	$0 to (Unknown)
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	**$0**	**$0**	**$0**

***Fiscal impact would be dependent upon the County Commission establishing a Crime Reduction Fund and upon the number of cases that would be suspended without a fine.**

LOCAL GOVERNMENTS			
Increase in Revenue – to local Crime Reduction Fund (§50.555)	$0 to Unknown	$0 to Unknown	$0 to Unknown
ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS	**$0 to Unknown**	**$0 to Unknown**	**$0 to Unknown**

FISCAL IMPACT - Small Business

The proposal could have a fiscal impact on small businesses.

DESCRIPTION

The proposed legislation would change several provisions relating to court procedures and jurisdiction. In its major provisions, the proposal would:

1. Allow the Highway Patrol to receive requests for criminal history record information and payments for such requests by electronic means (§43.530);

2. Authorize the Highway Patrol to inform providers whether an applicant for employment is a registered offender under "Megan's Law" (§43.540);

3. Allow county commissions to create county crime reduction funds and specify the purposes for which the money in the funds can be spent (§§50.550 and 50.555);

4. Allow counties with combined offices of Circuit Clerk and Recorder of Deeds to separate the offices by voting to approve a system of appointed circuit clerks (§59.040 and 59.042);

5. Define "court" for purposes of income tax credits and refunds (§143.782);

6. Subject the state to lawsuits for discrimination resulting from an employee exercising his or her rights under workers' compensation law (§287.780);

7. Make the surety liable for all costs incurred by the state or county in returning a defendant, unless the jurisdiction in which the defendant is held will not release the defendant to the surety(§374.770);

8. Allow the public administrator of certain counties to utilize computerized data management software to maintain financial records of estates and to prepare and file settlements of the accounts(§473.750);

9. Prohibit an interpreter or translator from being compelled to testify as to information that would otherwise be protected by attorney-client privilege. Interpreters or translators who serve in any criminal or juvenile proceeding would be allowed a reasonable fee approved by the court (§476.061);

10. Amend the process for filling vacancies of any unexpired term of the Executive Council of the Judicial Conference(§476.340);

DESCRIPTION (continued)

11. Create the Basic Civil Legal Services Fund. The fund would increase the public money available for civil legal services for low-income persons. To fund the program, a $20 fee would be assessed upon the filing of every civil or criminal proceeding in circuit court and in any appellate court, a $10 fee would be assessed upon filings in circuit court, and a $5.50 fee would be assessed upon filings in associate circuit court. The Missouri Supreme Court or its designee would administer the fund.(§477.650 and 488.031);

12. Provide that venue in small claims cases will be determined pursuant to the general venue statute for cases instituted by summons, Section 508.010, RSMo. Under current law, venue in small claims cases lies in the county (a) where the defendant resides, or where the plaintiff resides and the defendant may be found; or (b) where the cause of action accrued (§482.330);

13. Allow County Commissions to vote to pay the salaries of Deputy Circuit Clerks and Division Clerks with county funds. Currently, the salaries of Deputy Circuit Clerks and Division Clerks must be paid by the state (§483.245);

14. Allows county clerks from collecting any surcharge authorized by ordinance, order, or resolution which provides an effective date for the surcharge on or after January 1, 1997, if the ordinance, order, or resolution is authorized by statute (§488.005);

15. Remove the $1.00 fee for each additional summons issued in each associate circuit court case filed and increase the fee for municipal court costs from $12 to $18 (§488.012);

16. Increase court transcript fees from $1.50 to $2.25 per page for the original of the transcript and no more than three copies, and from $.35 to $.50 per page for copies. The proposal would also increase the fees paid to the for copies of notes of the evidence from $1.50 to $2.25 for the original and no more than three copies. These amounts would increase by a cost-of-living adjustment each year. In addition, the amount for evidence preservation paid to the Director or Revenue would increase from $15.00 to $25.00. (§488.2250, 488.2253);

17. Provide that the judgment collected in juvenile proceedings is payable to the Family Services and Justice Fund (§488.2300);

18. Allow a court to assess an additional $20 fee for penalties, fines, and sanctions not paid in full within 30 days of imposition (§488.5021);

DESCRIPTION (continued)

19. Add juvenile proceedings and domestic violence actions to the types of cases for which the state will pay for an interpreter or translator for a party or witness to the proceeding (§491.300);

20. Provide that certain jury lists will be disclosed only pursuant to local court rule (§494.410, 494.415, and 494.420);

21. Lower the age of jury service from twenty-one to eighteen years(§494.425);

22. Exclude Saturdays in the computation of any period of time prescribed by code, order of court, or any applicable statute (§506.060);

23. Judgments entered by associate courts would be liens on real estate without the filing of a transcript judgement. (Sections 511.350 and 517.151) The clerks, not just circuit clerks, could furnish and enter abstracts (Section 511.510);

24. Extend, for an additional period not to exceed two years, the Statutes of Limitations contained in Chapters 516 and 537 if the court finds that the defendant has taken any action that hinders the plaintiff's ability to serve the defendant (§516.200);

25. Delete the requirement that a judgment in a judge-tried case in associate circuit court must be entered within 30 days of submission for decision (§517.111);

26. Remove the requirement that a transcript judgment be filed with the circuit clerk before a judgment entered by an associate division of the circuit court becomes a lien on real property (§517.151);

27. Subject the state to lawsuits for violations of the federal Family and Medical Leave Act (§537.605);

28. Require the circuit court clerk to determine on a monthly basis all costs that have accrued in criminal cases where a change of venue has been taken (§550.135 and 550.295);

29. Allow the court to order restorative justice methods in cases where there is a suspended imposition or execution of sentence and to order individuals who have a suspended imposition or execution of sentence for a misdemeanor to make a payment of up to $1,000 to the county crime reduction fund (§558.019);

DESCRIPTION (continued)

30. Allow the court to order a payment of up to $1,000 to the county crime reduction fund as a condition of probation. A judge could only order such a condition of probation if the county crime reduction fund was established prior to sentencing. A defendant could refuse probation that includes payments to a county crime reduction fund as a condition, but probation could not be revoked solely for failure to make payments to the fund, except under certain circumstances (§559.021);

31. Provide that in a jury trial for murder in the first degree in which the death penalty was not waived, if the jury is unable to decide or agree upon punishment, the court shall assess and declare the punishment at life imprisonment without eligibility for probation, parole, or release except by act of the Governor. The jury shall be so instructed before the case is submitted (§565.030);

32. Expand the crime of tampering with a judicial officer to add family court commissioners, drug court commissioners, and juvenile court officers to the definition of "judicial officers"(§565.084);

33. Change the assessment of fees in certain criminal cases payable to the county or the state from time of conviction to the plea or finding of guilt (§595.045);

34. Expand the Administrative Hearing Commission (AHC) from three members to four members and expand the hearing powers of the AHC (§621.015, 621.040, 621.045, 640.805);

35. Allow the state courts administrator to seek a setoff of an income tax refund upon an individual's failure to pay court costs, fines, fees, or other sums ordered by the court as payable to the state (Section 1);

36. Require the official conducting the court-issued warrant check to contact the issuing jurisdiction within 24 hours of the check. The issuing jurisdiction would be required to acknowledge notification within 24 hours and remove the prisoner within 48 hours of notification (Section 2);

37. Entitle attorneys elected to or employed by the general assembly during a regular legislative session to report fifteen credit hours of continuing legal education for the reporting year that includes the session (Section 3);

38. Disallow any automatic renewal provision for a period longer than one year in a consumer service contract (Section 3); and

DESCRIPTION (continued)

39. Remove duplicate language and sections.

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

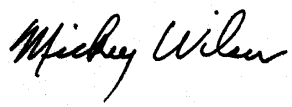
SOURCES OF INFORMATION

Office of Attorney General
Office of Administration
- Commissioner's Office
- Administrative Hearing Commission

Office of State Courts Administrator
Department of Economic Development
- Motor Carriers and Railway Safety

Department of Elementary and Secondary Education
Department of Transportation
Department of Corrections
Department of Mental Health
Department of Natural Resources
Department of Health and Senior Services
Department of Labor and Industrial Relations
Department of Revenue
Department of Social Services
Department of Public Safety
- Missouri State Highway Patrol

Department of Insurance
Department of Conservation
Missouri House of Representatives
Office of Prosecution Services
State Auditor's Office
Office of Secretary of State
State Treasurer's Office



Mickey Wilson, CPA
Acting Director
April 18, 2002

BLG:LR:OD (12/01)