

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0804-01
Bill No.: SB 214 with HCA 1
Subject: Civil Procedure; Courts; Fees; Judges
Type: Original
Date: April 21, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$78,898 to Unknown)	(\$94,677 to Unknown)	(\$94,677 to Unknown)
Total Estimated Net Effect on General Revenue Fund	(\$78,898 to Unknown)	(\$94,677 to Unknown)	(\$94,677 to Unknown)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Administration – Commissioner’s Office (COA)** assume Section 491.280 of the proposal would have a fiscal impact. COA assumes there will be increased costs to the criminal costs appropriation which reimburses counties for costs of witnesses. COA estimates there will be roughly 2,508 witnesses whose costs are reimbursed by the state. If the costs are increased, costs for witnesses will increase by \$52,668. (114 counties, 22 witnesses per county, increase from \$3 or \$4 per witness to \$25 per witness.) Since mileage is also added, the increase in costs is estimated at 50 miles per witness, at \$.335 per mile, an increase of \$42,009. However, with the significant increase in the per diem, COA anticipates reimbursements to increase. Currently many counties do not request witness fees because the administrative costs for requesting such fees are greater than the return. Therefore, COA assumes the cost to be \$94,677 to unknown in FY 04; \$97,517 to Unknown in FY 05; and \$100,443 to Unknown in FY 06. These costs are in the form of Local Assistance, since reimbursement is made to the counties.

ASSUMPTION (continued)

Oversight assumes the amount of reimbursement will not have an annual cost of living adjustment and has adjusted the costs accordingly.

Oversight assumes, based on information received from Office of State Courts Administrator, that local governments could experience an unknown cost due to the increased fees prosecutors could pay to witnesses. Witnesses are currently paid \$3.00 per day within their county, \$4.00 per day out of their county, and \$15.00 plus \$.10 per mile if they are from out of state. Oversight assumes these increased fees will be offset by state reimbursements.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Costs</u> – Office of Administration (\$491.280)			
Local Assistance – increased witness fees	(\$78,898 to <u>Unknown</u>)	(\$94,677 to <u>Unknown</u>)	(\$94,677 to <u>Unknown</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(\$78,898 to <u>Unknown</u>)	(\$94,677 to <u>Unknown</u>)	(\$94,677 to <u>Unknown</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
POLITICAL SUBDIVISIONS			
<u>Revenues</u> – Local Assistance			
Witness fee reimbursement	\$78,898 to Unknown	\$94,677 to Unknown	\$94,677 to Unknown
<u>Costs</u> – Prosecutors			
Increased witness fees	(\$78,898 to <u>Unknown</u>)	(\$94,677 to <u>Unknown</u>)	(\$94,677 to <u>Unknown</u>)
 ESTIMATED NET EFFECT ON POLITICAL SUBDIVISIONS	 <u>\$0</u>	 <u>\$0</u>	 <u>\$0</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation would provide that witnesses subpoenaed to testify in depositions or court proceedings would be allowed a fee of \$25 per day plus a mileage allowance. Currently, witness fees are determined by guidelines promulgated by the supreme court.

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

L.R. No. 0804-01
Bill No. SB 214 with HCA 1
Page 5 of 5
April 21, 2003

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of Administration

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
April 21, 2003