

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1781-09
Bill No.: Truly Agreed To and Finally Passed CCS for SCS for HCS for HB 613
Subject: Courts; Children and Minors; Circuit Clerk; Judges; Family Services Division
Type: Original
Date: June 13, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	(\$72,598 to Unknown)	(\$86,887 to Unknown)	(\$86,653 to Unknown)
Total Estimated Net Effect on General Revenue Fund	(\$72,598 to Unknown)	(\$86,887 to Unknown)	(\$86,653 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 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Federal	\$12,230	\$15,122	\$15,576
Total Estimated Net Effect on <u>All</u> Federal Funds	\$12,230	\$15,122	\$15,576

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	(Unknown)	(Unknown)	(Unknown)

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, Department of Transportation, Department of Corrections, Department of Labor and Industrial Relations, Department of Revenue, Department of Conservation, Missouri House of Representatives, Missouri Senate, Office of Secretary of State, Office of State Public Defender,** and the **Office of the State Treasurer** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General (AGO)** assume Section 511.350.4, which bars any court decree from being amended or modified by any administrative agency, will impact 8,000 pending child support enforcement cases that, heretofore, were subject to such amendment or modification by the agency. As the AGO will be handling these matters as of July 1, 2003, AGO anticipates that three additional FTE Assistant Attorneys General I (each at \$31,500 per year) and one additional FTE Legal Secretary (at \$21,500 per year) will be required to handle these matters that now must be considered by a court, with its more formal procedural requirements, rather than by the agency. The AGO anticipates these additional staff will only be required in FY 04 and FY 05 to handle the large pending caseload. Future costs could be absorbed because new cases going forward will be subject to the court review process from their

initiation and the AGO will be able to plan management of these cases accordingly.

The AGO assumes the costs of these FTE would be paid 75% from federal funds and 25% from the Child Support Enforcement Collection (CSEC) Fund. AGO assumes no general revenue dollars would be expended. AGO estimates the FY 04 cost to be \$51,089 CSEC fund and \$153,267 Federal Funds in FY 04. AGO estimates the FY 05 cost to be \$51,436 CSEC fund and \$154,309 Federal Funds in FY 05.

Oversight received information from Department of Social Services (DOS) that 27 FTE, including 20 Legal Counsel, from the Division of Family Support and 13 FTE, including 10 Legal Counsel, from the Division of Legal Services will be transferred from DOS to the AGO on July 1, 2003. Therefore, Oversight assumes the AGO could absorb any additional caseload within existing resources.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would revise various court administrative sections, including fee payments, filing procedures, cost assessments, reporting requirements, and fine collections.

The legislation would also modify various provisions relating to the filing of orders of protection, including prohibiting the assessment of filing fees, court costs, or bonds for orders of protection. Because of the low rate of assessment and collection of costs and fees for these cases, this bill would neither cost nor save a significant amount of revenue for the judiciary. (Federal law currently prohibits the assessment of costs and fees to the petitioner.)

Officials from the **Department of Social Services – Division of Child Support Enforcement (DCSE)** assume this bill, if enacted, would prevent DCSE from performing modifications of judicial child support orders via administrative process. Such prohibition could require DCSE to utilize services of staff attorneys and county prosecuting attorneys for such modifications. This would slow down the process, but DCSE does not expect federal funding to be jeopardized. DCSE has determined that passage of this legislation will not require the commitment of additional resources or require additional FTE. DCSE could perform the modifications with current resources and still be in federal compliance. Therefore, the proposal would have no fiscal impact.

ASSUMPTION (continued)

DCSE further assumes Section 454.505.2 would have a fiscal impact. DCSE currently sends a copy of an administrative wage withholding on a non-custodial parent to the circuit clerk of the appropriate court when the withholding is implemented. The proposed legislation would eliminate that requirement, resulting in reduced office supply and postage costs. DCSE estimates the savings to the General Revenue Fund to be \$6,300 in FY 04; \$7,790 in FY 05; and \$8,024 in FY 06. DCSE estimates the savings to Federal Funds to be \$12,230 in FY 04; \$15,122 in FY 05; and \$15,576 in FY 06.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** assume Section 43.530 of the proposed legislation states the MHP shall receive payments electronically. The proposed language also authorizes the Patrol to establish procedures for electronic payment. At this time, the MHP would only establish procedures to collect fees from customers that request and pay for the background checks at the Criminal Records and Identification Division with a credit card (walk-in customers). If another state agency is paying for a background check, it can be done electronically through SAM II with interagency billing, which is already established. Therefore, the proposed legislation would not result in any impact to the General Revenue fund, and only minimal impact to the Criminal Records System Fund.

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. These costs are in the form of Local Assistance, since reimbursement is made to the counties.

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

In response to a previous version of this proposal, officials from the **Boone County Treasurer’s Office** assumed the proposal would result in a decrease in revenues and a loss of funds from fees taken away. Officials estimated the losses to be \$100,000 per fiscal year.

ASSUMPTION (continued)

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 in Section 488.032. 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 has reflected the statewide losses to counties as unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
GENERAL REVENUE FUND			
<u>Savings</u> – Department of Social Services			
Reduced copying and postage (\$454.505.2)	\$6,300	\$7,790	\$8,024
 <u>Costs</u> – Office of Administration (\$491.280)			
Local Assistance	(\$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	 (\$72,598 to <u>Unknown</u>)	 (\$86,887 to <u>Unknown</u>)	 (\$86,653 to <u>Unknown</u>)
 FEDERAL FUNDS			
<u>Savings</u> – Department of Social Services			
Reduced copying and postage (\$454.505.2)	<u>\$12,230</u>	<u>\$15,122</u>	<u>\$15,576</u>
 ESTIMATED NET EFFECT ON FEDERAL FUNDS	 <u>\$12,230</u>	 <u>\$15,122</u>	 <u>\$15,576</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
POLITICAL SUBDIVISIONS			
<u>Income</u> – (\$491.280)			
Local Assistance	\$78,898 to Unknown	\$94,677 to Unknown	\$94,677 to Unknown
<u>Losses</u> – Counties			
Loss of fees	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> – Prosecutors			
Increased witness fees (\$491.280)	(\$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>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</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 change various provisions relating to court procedures. In its main provisions, the proposal would:

Allow criminal record requests performed by the State Highway Patrol to be paid for by electronic payment. The proposal would also allow the State Highway Patrol to establish a procedure to receive electronic payment for criminal record and fingerprint requests (§43.530).

Delete duplicate language requirement that the Division of Family Services must file all income withholding orders with the circuit clerk in child support cases (§454.505).

Provide that filing fees would not be assessed to petitioners in actions seeking protective orders (§§455.027, 455.504).

DESCRIPTION (continued)

Eliminate, effective January 1, 2004, any requirement that petitioners for protection orders provide their Social Security numbers on petitions or case documents, although courts may require petitioners to provide the number on confidential case sheets (§455.030).

Amend the process for filling vacancies of any unexpired term on the executive council of the judicial conference (§476.340).

Provide that witnesses 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 (§491.280).

Require, beginning July 1, 2004, that the names on the master jury list be chosen from certain source lists. The names of potential jurors on the list would not be public record (§494.410).

Amend the statute on time computation in civil cases to exactly match the corresponding Supreme Court rule (§506.060).

Allow for legislative continuances in court during special and veto sessions and during interim committee assignments (§510.120).

Allow a party to a contested case with a state agency to apply to a court for enforcement of a subpoena. Current law allows only the agency to seek court enforcement. The proposal would also allow the agency or any party to intervene in an enforcement action (§536.077).

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

– Administrative Hearing Commission

– Commissioner's Office

Office of State Courts Administrator

Department of Transportation

Department of Corrections

Department of Labor and Industrial Relations

Department of Revenue

Department of Social Services

Department of Conservation

Department of Public Safety

– Missouri State Highway Patrol

Missouri House of Representatives

Missouri Senate

Office of Secretary of State

Office of State Public Defender

Office of the State Treasurer

Boone County Treasurer's Office



Mickey Wilson, CPA

Director

June 13, 2003