

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1184-01  
Bill No.: HB 315  
Subject: Attorneys; State Employees  
Type: Original  
Date: March 12, 2007

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Bill Summary: The proposal allows attorneys who are public officials or employees to provide legal services to the needy without compensation.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

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### **ASSUMPTION**

Officials from the **Department of Agriculture, Coordinating Board for Higher Education, Office of Administration – Division of Budget and Planning, – Division of Personnel, – Information Technology Services Division, – Administrative Hearing Commission, Department of Economic Development, Department of Elementary and Secondary Education, Department of Transportation, Department of Insurance, Financial Institutions, and Professional Registration, Department of Natural Resources, Department of Corrections, 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, – Missouri State Water Patrol, – State Emergency Management Agency, – Division of Alcohol and Tobacco Control, – Director’s Office, – Capitol Police, – Missouri Veterans Commission, Missouri Consolidated Health Care Plan, Office of the Governor, Missouri Ethics Commission, Missouri House of Representatives, Office of the Lieutenant Governor, State Auditor’s Office, Missouri Senate, Office of the Secretary of State, Office of the State Public Defender, Office of the State Treasurer, Kansas City Metropolitan Community College, University of Central Missouri, Linn State Technical College, Lincoln University, Missouri State University, Truman State University, and the University of Missouri** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General (AGO)** state they currently have a policy in place under which Assistant Attorneys General (AAG) may, after being granted permission, practice law outside of their regular employment. Because of the unusually high likelihood of legal conflicts of interest inherent in working as an AAG, individual permission is required for each case. AGO assumes this proposal would have no impact on this internal policy. To the extent this proposal would increase activity by public employees seeking to be insured by the legal expense fund, AGO assumes any costs could be absorbed.

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

ASSUMPTION (continued)

Officials from the **Department of Mental Health (DMH)** assume attorneys that work for DMH and wish to take advantage of this law would be expected to comply with DMH operating regulations requiring authorization for outside activities/employment and prohibits engaging in outside activities while on duty. If the attorney was approved to perform this legal work, any work occurring during work hours would require the approval of earned annual leave. Because the work would be approved and performed during off hours or while on annual leave, there should be no fiscal impact to DMH.

Officials from the **Department of Conservation (MDC)** assume the proposal would have a fiscal impact on MDC funds since it would allow attorneys employed by the state to be appointed to pro bono appointments. The exact amount of impact is unknown, but could be \$70,000 to \$150,000 annually.

**Oversight** assumes attorneys who are employees of the Department of Conservation (MDC) and providing legal services to the needy without compensation would be required to utilize annual leave or perform the legal services during off hours. Therefore, Oversight assumes no fiscal impact to the MDC.

Officials from the **Office of Prosecution Services** assume the proposal would not have a significant direct fiscal impact on county prosecutors or the Office of Prosecution Services.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</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

The proposed legislation appears to have no fiscal impact.

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 Attorney General  
Department of Agriculture  
Coordinating Board for Higher Education  
Office of Administration

- Division of Budget and Planning
- Division of Personnel
- Information Technology Services Division
- Administrative Hearing Commission

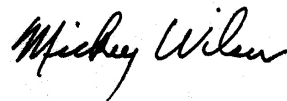
Office of State Courts Administrator  
Department of Economic Development  
Department of Elementary and Secondary Education  
Department of Transportation  
Department of Insurance, Financial Institutions, and Professional Registration  
Department of Mental Health  
Department of Natural Resources  
Department of Corrections  
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
- Missouri State Water Patrol
- State Emergency Management Agency
- Division of Alcohol and Tobacco Control
- Director's Office
- Capitol Police
- Missouri Veterans Commission

Missouri Consolidated Health Care Plan  
Office of the Governor

SOURCES OF INFORMATION (continued)

Missouri Ethics Commission  
Department of Conservation  
Missouri House of Representatives  
Office of the Lieutenant Governor  
Office of Prosecution Services  
State Auditor's Office  
Missouri Senate  
Office of the Secretary of State  
Office of the State Public Defender  
Office of the State Treasurer  
Kansas City Metropolitan Community College  
University of Central Missouri  
Linn State Technical College  
Lincoln University  
Missouri State University  
Truman State University  
University of Missouri

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

Mickey Wilson, CPA  
Director  
March 12, 2007