

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0070-01
Bill No.: HB 383
Subject: Department of Revenue; Criminal Procedure; Drunk Driving/Boating
Type: Original
Date: February 7, 2019

Bill Summary: This proposal modifies provisions relating to the administrative procedures for driver's license suspensions and revocations.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	(\$268,827)	(\$268,631)	(\$270,935)
Total Estimated Net Effect on General Revenue	(\$268,827)	(\$268,631)	(\$270,935)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> 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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	4 FTE	4 FTE	4 FTE
Total Estimated Net Effect on FTE	4 FTE	4 FTE	4 FTE

☒ 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 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Revenue (DOR)** assume the following regarding this proposal:

Administrative Impact

There is no data that reflects the amount of time each case takes because it varies greatly, but the total number of refusals DOR would be required to handle is estimated to be 5,621 versus the number of de novo hearings DOR currently does at 683. This data is based on the estimated numbers from this calendar year of refusals that were filed in the courts and the number of de novo hearings.

DOR would be required to appear in more counties for the refusals because of the increased number of cases that would be filed in each county. DOR would need an additional attorney for each office: Kansas City, St. Louis and Jefferson City (total of 3 Legal Counsels). DOR would also need an additional Senior Office Support Assistant to handle opening new files for the additional attorneys. In addition not all counties have a special day just for DOR (some do), which would entail attorneys having to appear in court more often.

The proposed changes will increase the number of circuit court hearings the Department is required to appear at with legal counsel. As a result of the increase, the General Counsel Office would require the following additional FTE:

- Three (3) Legal Counsel - \$44,344 annually
- One (1) Senior Office Support Assistant - \$26,340 annually

The Department assumes this legislation will generate a large number of court cases. However, the Department may need to request an additional attorney through the appropriations process if the denials create a number of additional cases in the circuit court.

Oversight assumes DOR will incur costs related to this proposal. Oversight has no information to the contrary, so has reflected costs for four additional FTE on the fiscal note as assumed by DOR. Oversight assumes DOR will request additional appropriation if it is determined that additional attorneys will be required.

Officials from the **Office of the State Courts Administrator, Office of Prosecution Services** and **Department of Public Safety - Missouri Highway Patrol** each assume the proposal will have no fiscal impact on their respective organizations.

ASSUMPTION (continued)

Oversight notes that the Office of the State Courts Administrator, Office of Prosecution Services and Department of Public Safety - Missouri Highway Patrol have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other county prosecutors were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Cost - DOR</u>			
Personal Services	(\$132,810)	(\$160,966)	(\$162,575)
Fringe Benefits	(\$82,507)	(\$99,494)	(\$99,985)
Expense and Equipment	(\$53,510)	(\$8,171)	(\$8,375)
<u>Total Costs - DOR</u>	<u>(\$268,827)</u>	<u>(\$268,631)</u>	<u>(\$270,935)</u>
FTE Change - DOR	4 FTE	4 FTE	4 FTE
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>(\$268,827)</u>	<u>(\$268,631)</u>	<u>(\$270,935)</u>
Estimated Net FTE change for the General Revenue Fund	4 FTE	4 FTE	4 FTE
 <u>FISCAL IMPACT - Local Government</u>	 FY 2020 (10 Mo.)	 FY 2021	 FY 2022
	<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.

FISCAL DESCRIPTION

This bill requires trial de novo of driver's license decisions under Chapter 536, RSMo to be handled by the prosecuting attorney of the county who shall appear on behalf of the Director of the Department of Revenue.

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

Department of Revenue
Office of Prosecution Services
Office of the State Courts Administrator
Department of Public Safety - Missouri Highway Patrol



Kyle Rieman
Director
February 7, 2019

Ross Strobe
Assistant Director
February 7, 2019