

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4623H.06P
Bill No.: Perfected HCS for HB 2064
Subject: Courts; Mental Health; Civil Procedure; Guardians; Juries; Workers
Compensation; Elections; Crimes and Punishment; Business and Commerce
Type: Original
Date: April 10, 2024

Bill Summary: This proposal modifies provisions relating to civil proceedings.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	(Unknown, could exceed \$1,600,000)	(Unknown, could exceed \$600,000)	(Unknown, could exceed \$600,000)
Total Estimated Net Effect on General Revenue	(Unknown, could exceed \$1,600,000)	(Unknown, could exceed \$600,000)	(Unknown, could exceed \$600,000)

*Includes §454.1050 for a new child support module that could cost between \$500,000 to \$1 million in FY25. Also includes §478.001 that has an unknown cost that could exceed \$600,000 per year to establish mental health treatment courts.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Public Defender-Federal and Other Fund (0112)**	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
State Highway Funds (0644)	(\$177,151)	(\$216,833)	(\$221,170)
Treatment Court Resources Fund (0733)*	\$0	\$0	\$0
Basic Civil Legal Services Fund (0757)	\$0	\$346,217	\$692,434
Total Estimated Net Effect on <u>Other</u> State Funds	(Less than \$177,151)	More than \$129,384	More than \$471,264

Numbers within parentheses: () indicate costs or losses.

*Transfer-ins less expenditures will net to zero.

** Officials from the Office of the State Public Defender (SPD) assume having a dedicated fund for donations (instead of to the General Revenue Fund) will allow them to solicit and collect donations and/or grants. Oversight assumes since a minimal amount of donations have historically been made to the General Revenue Fund for the SPD, this proposal will have no direct fiscal impact on the General Revenue Fund.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
State Highway Fund	1 FTE	1 FTE	1 FTE
Basic Civil Legal Services Fund***	0 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	1 FTE	3 FTE	3 FTE

*** a continuation of existing FTE by removing the December 31, 2025 expiration date.

- Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
Local Government	(More or Less than \$99,168)	(More or Less than \$99,168)	(More or Less than \$99,168)

FISCAL ANALYSIS

ASSUMPTION

§193.265 – Birth, Marriage and Death Certificates for Public Attorneys

Officials from the **Department of Health and Senior Services (DHSS)** assume §193.265.7 of this proposal states no fee shall be required or collected for a certification of a birth, death, or marriage if the request for certification is made by a prosecuting attorney, a circuit attorney, or the attorney general. Currently, these entities are charged the statutorily required search fee for a vital record of \$15.00 per birth and marriage certification and \$14.00 per death certification. This proposed language would remove the ability for the DHSS to collect these fees for services provided.

According to a Missouri survey conducted by the National Prosecutors’ Consortium (<https://www.prosecutors.mo.gov/files/Missouri%20Survey%20Report.pdf>), in 2018, 41 percent of Missouri prosecuting offices responded, and on average, each office reviewed 1,219 felony cases and 1,845 misdemeanor cases. For an estimated average total cases of 3,064 per office, per annum. Missouri has 115 elected prosecutors from each of the 114 counties and the City of St. Louis. Combined, this is an average of 352,360 cases reviewed each year across the state. Not all prosecuting offices responded to the Consortium survey, so exact metrics were not available for all local offices. It is also not known how many of these cases would result in a request for a copy of a vital record. Therefore, up to 352,360 requests could be possible. Moreover, this proposed language does not limit the number of certificate requests that could be made, nor does it limit the purpose for which the certificates may be requested for free nor specify or require that the requestor be an official from Missouri. As a result, the number of certificates requested could exceed 352,360.

Since requests from the Missouri Attorney General (AGO) are also included in this proposed legislation, the estimated 700 criminal appeals (<https://ago.mo.gov/criminal-division/criminal-appeals>) that are handled by the AGO each year are factored into these calculations. This

estimate does not include any other appeals or cases that may be handled by the AGO. This would bring the estimated total of potential requests to 353,060 (352,360 cases reviewed each year plus 700 criminal appeals handled by AGO each year). For the purposes of this fiscal note, DCPH assumes only 25 percent of the possible requests for free vital records will be made, for a total of 88,265 (353,060 times 25 percent) requests per year. Based on what vital records has experienced when records are provided for free, this fiscal note also assumes that the 88,265 requests are new requests that are above the total volume of certificates issued each year. The Department's Bureau of Vital Records and the 115 local public health agencies (LPHAs), in total, currently issue approximately 827,695 birth, death, and marriage certificates each year.

The additional FTE needed comes from the calculation of a 10 minute application review, processing, and issuance time average with 2,080 working hours per annum which equals 12,480 applications processed per FTE. Most applications take 15 minutes, but a shorter time of 10 minutes per application was used in this calculation, as requests from "agencies", such as prosecutors and the Attorney General's Office, can usually be done slightly faster due to typically less documentation to review per request. As a result, a total of 7.00 Administrative Support Assistant FTE, each with an annual salary of \$36,979, would be needed if 88,265 certificates are requested. Additionally, one Senior Accounts Assistant, with an annual salary of \$51,064, would be needed to process payments that result.

While this proposed legislation references birth, death, and marriage certificates, the cheapest and typically most requested certification, death certificates (a fee of \$14.00 per certificate), will be used to make estimated calculations on lost revenues and other costs other than FTE to produce a free death certificate. Estimated 88,265 certificates requested times \$14.00 per certification equals a loss of certificate revenue of \$1,235,710 per year. Certificate paper and printing is approximately \$0.25 per sheet times 88,265 certificates requested equals \$22,066.25 in paper and ink costs.

Death certificates have a current fee split of \$5.00 per certificate to the Children's Trust Fund; \$3.00 to the Missouri Public Health Fund; \$4.00 to General Revenue; \$1.00 to Endowed Care Cemetery; and \$1.00 to the Coroner's Training fund. This is assuming all certificate requests come to the state office. Any requests completed at the local level by local public health agencies (LPHAs), would impact local public health funding.

Officials from the **Office of Administration - Budget and Planning (B&P)** assume §193.265.7 creates a new exemption from vital record request fees and may impact state and/or local revenues derived from such fees. The state and local government entities responsible for the collection and administration of those fees may be able to estimate the impact of this change. A decrease in such fee revenues will impact both TSR and 18e calculations.

Oversight inquired the **Missouri Office of Prosecution Services (MOPS)** regarding the number of vital records that they may request annually. MOPS conducted a survey on each of their 114 county prosecutors on how many vital records are requested from their offices on an annual basis. Of the 114 prosecutors, 47 responded with a total of 173 vital records requested from the

DHSS within the past year. MOPS believes the actual vital records request for those prosecution authorities to be under 1,000 per year.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the MOPS. Using MOPS's estimate of 1,000 vital records request per year times \$15 (the highest rate charged for vital records) per record would total \$15,000 annually. Oversight will assume a potential loss in fees from these records request for DHSS of less than \$15,000 on an annual basis.

DHSS also requested FTEs for this proposal and supply costs associated with the printing of these certificates. **Oversight** assumes DHSS is provided with core funding to handle a certain amount of activity each year. Oversight assumes DHSS could absorb the costs related to this proposal. If multiple bills pass which require additional staffing and duties at substantial costs, DHSS could request funding through the appropriation process.

Oversight notes with the no charge being applied to certain public attorneys, state and local agencies would see a savings for the same amount. Therefore, Oversight will reflect a savings to GR of an unknown could exceed \$15,000 and also to local political subdivisions of an unknown savings.

§§287.615 & 287.835 – Administrative Law Judges

Officials from the **Office of Administration - Budget and Planning (B&P)** assume §287.615.1(2) provides that administrative law judge salaries are set by statute and not subject to increase when pay raises for executive employees are appropriated. This change could result in potential future cost avoidance that might otherwise be budgeted. §287.835 could result in future potential benefit costs not being avoided but any such impact would depend on the described hypothetical conditions and may not be subject to estimation.

Oversight does not have information to the contrary and therefore, Oversight will reflect a \$0 or Unknown cost avoidance to GR as provided by the B&P.

Officials from the **Missouri State Employee's Retirement System (MOSERS)** state this proposal, if enacted, would remove §287.835.1 and allow an Administrative Law Judge (ALJ) and the ALJ's beneficiary to remain entitled to ALJ plan retirement benefits if the ALJ were removed from office by impeachment or for misconduct, or disbarred from the practice of law.

This proposal would result in an unknown cost as it would allow the ALJ and the ALJ's beneficiary to receive a benefit that they would not otherwise receive under the current plan provisions.

Oversight does not have information to the contrary and therefore, Oversight will reflect the potential impact as provided by the MOSERS.

§347.143 – Court Ordered Dissolutions of LLC’s

In response to similar legislation, CCS/HCS/SS/SCS/SB 72 (2023), officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

In response to similar legislation from this year, Perfected HCS for HB 1886, officials from the **Office of the State Treasurer**, the cities of **St. Louis & O’Fallon**, the **Jackson County Board of Elections**, the **Christian County Auditor’s Office**, the **Local Government Employees Retirement System**, the **Morgan County PWS #2**, the **Attorney General’s Office**, the **City of Osceola**, the **Eureka Fire Protection District** and the **Osceola Water/Wastewater District** each assumed the proposal would not change their fiscal impact estimates on the underlying proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§435.300, 435.303, 435.306, 435.309 & 435.312 – Alternative Dispute Resolution

Officials from the **Missouri Highway Patrol (MHP)** assume this proposal authorizes an alternative dispute resolution program, similar to federal court, and creates a Uniform Depositions and Discovery Act. With this proposed legislation the MHP anticipates an increased workload related to foreign subpoenas and/or discovery requests. There may also be increased litigation costs associated with non-party subpoena and discovery responses. These increased costs would likely cause a direct impact on the MHP because the Missouri Attorney General's Office does not normally represent the MHP in such cases. Many of these non-party legal matters would likely involve some of the over 30,000 motor vehicle crashes the MHP investigates each year. As a result of the expected workload increase, the MHP forecasts the need to add one (1) FTE Legal Counsel.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the MHP.

Officials from the **Office of Administration - Budget and Planning (B&P)** assume §435.306.9 authorizes the courts to order parties seeking alternative dispute resolution to pay fees for the costs of securing a neutral party. In the event that the state is such a party, this provision could result in additional state costs. Such costs do not appear to be subject to a reasonable estimation.

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from this year, Perfected HCS for HB 1886, officials from the **Office of the State Treasurer**, the cities of **St. Louis & O’Fallon**, the **Jackson County Board of Elections**, the **Christian County Auditor’s Office**, the **Local Government Employees**

Retirement System, the Morgan County PWS #2, the Attorney General's Office, the City of Osceola, the Eureka Fire Protection District and the Osceola Water/Wastewater District each assumed the proposal would not change their fiscal impact estimates on the underlying proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§454.1050 - "Bentley's Law" – Adds child maintenance provisions for certain children

In response to similar legislation from this year, HB 1958, officials from the **Office of the State Courts Administrator (OSCA)** state this proposal would have an impact in Show-Me Courts and possibly others systems. As regarding a budgetary impact, the estimate would be \$500,000 to \$1,000,000 to develop a new Child Support module.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by OSCA.

Officials from the **Department of Corrections (DOC)** assume this section stipulates that the court shall order a defendant convicted of the offense of driving while intoxicated to pay restitution for a child whose parent or guardian died as a result of such offense. The order of restitution under this section shall require the defendant to make restitution directly to the person or agency that will accept and forward restitution payments to the victim or other person eligible for restitution under this section; or deliver payment for restitution to the Division of Probation and Parole or to the DOC for transfer to the victim or person or state as appropriate.

Currently the Division of Probation and Parole does not accept payment for any form of restitution. The DOC collects restitution from incarcerated individuals when it receives an order from the prosecuting attorney and then remits payment to the prosecuting attorney in accordance with RSMO 559.105.

There would be an unknown fiscal impact to update DOC's offender management system in order to send payments directly to individual victims. It is unclear the amount of additional staff that would be necessary to process and remit these additional payments. It is also unclear if the DOC would be required to continue receiving and issuing payments to the victims after the defendant has been released from the department's supervision.

Oversight does not have information to the contrary and therefore, Oversight will reflect the estimates as provided by the DOC.

§§474.540, 474.542, 474.544, 474.546, 474.548, 474.550, 474.552, 474.554, 474.556, 474.558, 474.560, 474.562, 474.564, 474.600 – Electronic Estate Planning Documents

In response to similar legislation from 2023, CCS/HCS/SS/SCS/SB 72, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their

organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

Oversight notes that according to <https://trustandwill.com/learn/e-will>, electronic wills are only accepted in a few states currently. Some states have updated their statutes to allow e-wills. Electronic wills are now legal in Nevada, Florida, Indiana, and Arizona. Utah and Colorado have also recently adopted the Uniform Electronic Wills Act, which is a model law created by the Uniform Laws Commission. In other instances, some state courts have accepted e-wills on a case-by-case basis. COVID-19 also caused some courts to temporarily allow remote witnessing as an emergency measure.

In response to similar legislation from this year, Perfected HCS for HB 1886, officials from the **Office of the State Treasurer**, the cities of **St. Louis & O'Fallon**, the **Jackson County Board of Elections**, the **Christian County Auditor's Office**, the **Local Government Employees Retirement System**, the **Morgan County PWS #2**, the **Attorney General's Office**, the **City of Osceola**, the **Eureka Fire Protection District** and the **Osceola Water/Wastewater District** each assumed the proposal would not change their fiscal impact estimates on the underlying proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§475.063 & 488.2300 – Guardianships/Conservatorships & the Family Services and Justice Fund

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Officials from the **Office of Administration - Budget and Planning** assume §475.063.4 requires the courts to accept certain filings without charging a fee. This provision could result in a decrease of state and/or local revenues and impact both TSR and 18e calculations. §488.2300.4 provides that the section does not prohibit appropriations by the state legislature to support certain county funds. This change may result in additional state costs in the event of such appropriations.

Oversight notes §475.063 specifies what assistance a court clerk must provide or make available for a petitioner filing for emergency or full orders regarding a minor entering adult guardianship or conservatorship. The duties of the court clerk will be performed without cost to the petitioner. No filing fees, court costs, or bond will be assessed to the petitioner as well. The clerk may be reimbursed from the Family Services and Justice Fund for expenses incurred under this section.

Oversight notes §488.2300 allows fees incurred for guardianship or conservatorship proceedings by court-appointed attorneys, physicians, or other professionals, as well as fees incurred by court clerks providing assistance, to be given priority for payment from the "Family Services and Justice Fund". This section also doesn't prohibit the appropriation of funds by the general

assembly to the various county family services and justice funds of the family courts of the counties.

Oversight assumes the various county circuits are provided with core funding to handle a certain amount of activity each year. Oversight assumes the county circuits could absorb the costs related to this proposal. Therefore, Oversight will reflect a \$0 fiscal impact for these sections of this proposal.

In response to similar legislation from this year, Perfected HCS for HB 1886, officials from the **Office of the State Treasurer**, the cities of **St. Louis & O’Fallon**, the **Jackson County Board of Elections**, the **Christian County Auditor’s Office**, the **Local Government Employees Retirement System**, the **Morgan County PWS #2**, the **Attorney General’s Office**, the **City of Osceola**, the **Eureka Fire Protection District** and the **Osceola Water/Wastewater District** each assumed the proposal would not change their fiscal impact estimates on the underlying proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§476.1025 – Removal of Court Records from the Automated Case Management System

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight does not have information to the contrary and therefore, Oversight will reflect a \$0 fiscal impact for this proposal. Oversight assumes OSCA will be able to administer these requests within existing resources or request additional appropriations in future budget requests.

§477.650 – Basic Civil Legal Services Fund

Officials from the **Office of the State Courts Administrator (OSCA)** assume this proposal would repeal the expiration date of the Basic Civil Legal Services Fund. The Basic Civil Legal Services Fund annual appropriations are approximately \$5.1 million and 2 FTE.

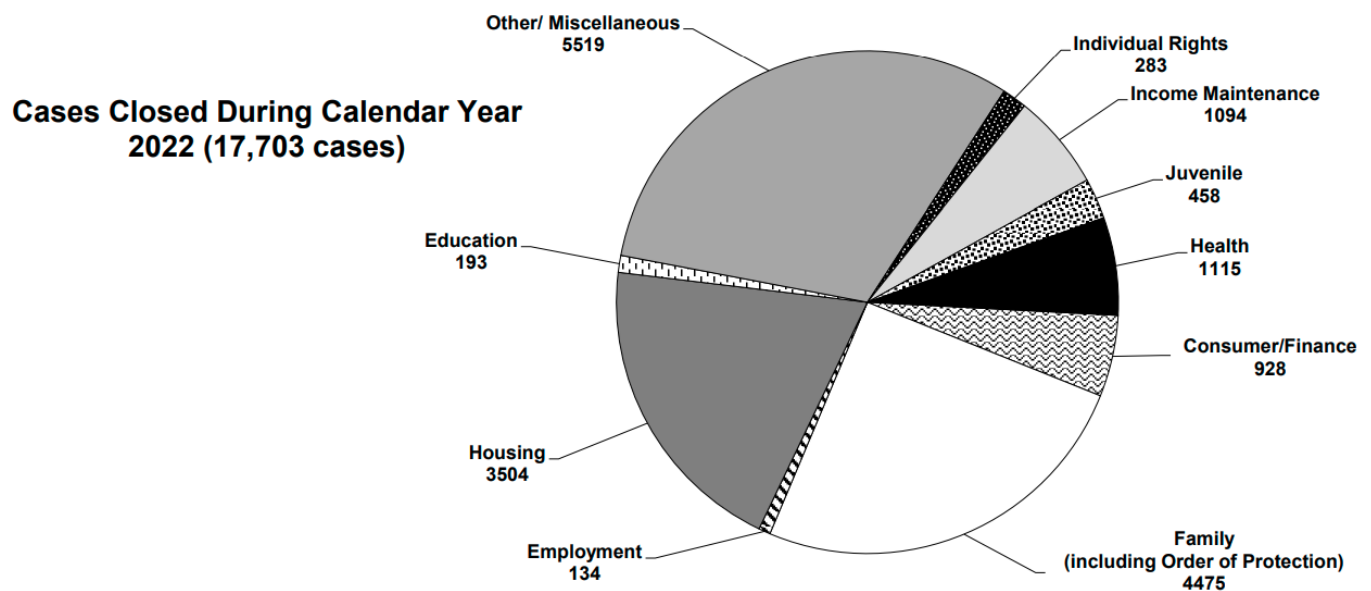
Officials from the **Office of Administration - Budget and Planning (B&P)** §477.650.7’s repeal eliminates the current December 31, 2025 sunset date for the Basic Civil Legal Services Fund. Because the elimination of this sunset will preserve the status quo, it will have no impact on state revenues, TSR or 18e.

Oversight notes the Basic Civil Legal Services Fund (BCLS) is a statutorily created fund (SB 447 in 2003) and was created to fund the work of Missouri’s four Legal Aid programs, which provide access to the civil justice system to low-income Missourians (who live at or below 125% of the Federal Poverty Level) to protect their fundamental legal rights. The fund is set to expire December 31, 2025.

One of the focuses of the Legal Aid programs is to ensure that adults and children have access to medical care through the MoHealthNet system.

Legal Aid staff bring cases to obtain access to medical care for their clients. There are four regional Legal Aid offices: Kansas City, St. Louis, Columbia and Springfield. In FY22, over \$125 million from punitive damages awarded in talc litigation in Missouri was transferred from the Tort Victims Compensation Fund into the BCLS. This represents the largest single payment into the BCLS, and this funding was paid to legal service organizations.

Below is a chart of the number of cases closed during CY 2022 representing the BCLS Fund:



The fund has a court filing fee on certain civil and criminal actions of \$20 in the Missouri Supreme Court and Court of Appeals, \$10 in the circuit courts and \$8 in the associate circuit courts. The fund has received the following receipts during FY 2019 to FY 2023:

Basic Civil Legal Services Fund (0757)	
<u>Receipts</u>	
FY 19	\$ 4,417,206
FY 20	\$ 4,290,667
FY 21	\$ 3,868,347
FY 22	\$ 3,865,619
FY 23	\$ 4,047,390
Total	\$ 20,489,229
5 year average	\$ 4,097,846
Source: State Treasurer Fund Activity Reports	

Below is a history of the expended funds for the last 5 years:

Basic Civil Legal Services Fund (0757)			
	<u>Appropriation</u>	<u>Actual Expenditures</u>	<u>Unexpended Funds</u>
FY 20	\$ 5,099,958	\$ 4,467,368	\$ 632,590
FY 21	\$ 7,701,418	\$ 7,559,124	\$ 142,294
FY 22	\$ 5,102,383	\$ 2,813,393	\$ 2,288,990
FY 23	\$ 5,108,764	\$ 3,997,430	\$ 1,111,334
FY 24	\$ 5,117,803	N/A	N/A
Last 3 yr avg.	\$ 5,109,650	\$ 3,405,412	\$ 1,700,162
Source: OSCA Budget Requests Books			

Oversight notes this proposal removes the expiration date of these provisions. If the proposal is extended, Oversight assumes revenue and expenditure activity will continue for the fund. Since the fund does not expire until December 31, 2025, Oversight assumes only half of the average receipts and expenditures would be shown for FY26. Therefore, Oversight will use the average amounts from the table above to reflect the fiscal impact.

The appropriations for the BCLS Fund includes 2 FTEs according to OSCA. **Oversight** assumes should this proposal be extended, the 2 FTEs will also continue to be funded through the BCLS Fund.

In response to similar legislation from this year, HB 1838, officials from the **Attorney General's Office** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight notes the balance of the BCLS (0757) at December 31, 2023 was \$510,360.

§478.001 – Mental Health Courts

Officials from the **Office of the State Courts Administrator (OSCA)** state the potential budgetary impact could initially be \$600,000 and continue to increase due to the growth in mental health courts. There may be additional impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to a previous version, officials from the **Attorney General's Office** assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Oversight assumes this proposal establishes mental health courts within the treatment court division and specifies that a mental health court may be established by any circuit court.

Currently all 46 circuits provide treatment court services with an estimated 6,341 participants for CY 2022. The Treatment Court Division has 143 programs representing services for adult drugs, DWI, veterans, families and juveniles. Oversight assumes this proposal will add mental health to the services as an alternative to incarceration/probation.

Based upon FY 2023 expenditures for treatment courts using the Treatment Court Resources Fund, cost per participant is \$1,521 (\$9,642,143/6,341). There are many other factors that affect the operating costs associated with establishing and maintaining treatment courts which vary from county to county throughout the state.

OSCA's budget book presented the following information:

	CY 2022 participants	CY 2022 Programs
Adult Drug Treatment Court	4,470	82
DWI Treatment Court	985	25
Veterans Treatment Court	362	16
Family Treatment Court	498	16
Juvenile Treatment Court	26	4

Officials from the Christian County Auditor's Office state creation of a "Mental Health Court" amounts to an unfunded mandate by the state for the burden to be placed onto counties under 476.270 which requires all expenses of circuit courts to be paid by the county. Currently, the cost

for DWI, Drug and Veteran's Courts to Christian County is \$38,600 per year. It is expected that an additional administrator would be needed for this which would be an additional \$25-30,000/year.

Oversight is unaware of the number of mental health treatment courts that could be established, when those services would be needed and/or where those services would be located. Oversight assumes when the mental health treatment court services are needed within a certain circuit, OSCA would request the proper appropriation authority for those expenditures through the budget appropriation process. Therefore Oversight will reflect a \$0 or the estimated amount from OSCA that could continue to increase because of the potential growth in mental health courts. Oversight will reflect this as a transfer out of the General Revenue Fund and transferred into the Treatment Court Resources Fund for this proposal. Oversight will also reflect a potential costs to counties to help administer the mental health treatment courts.

§§488.040 & 494.455 – Compensation of Jurors

Officials from the **Office of the State Courts Administrator (OSCA)** assume this proposal states that in any county, or city not within a county, upon adoption by the governing body, no grand or petit juror shall receive compensation for the first two days of service but shall receive fifty dollars per day for the third day and each subsequent day he or she may serve. These funds are to be paid by the county. It is unknown how many counties will participate and the increase may result in an unknown cost or savings to the state or county. Section 494.455 also ties the juror mileage rate to the mileage rate as provided by law for state employees (rather than seven cents per mile).

Officials from the **Office of Administration - Budget and Planning** assume §488.040 revises current juror compensation requirements and may result in a change to the costs incurred by state and local courts for such compensation.

Oversight notes this section states the court of a judicial circuit may, by a majority vote, vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as mileage reimbursement at the rate provided by law for state employees for necessary travel from the juror's residence to the courthouse and back, to be paid by the county. Using information from the 2018 – 2022 Annual Supplemental Reports for Jury Trial Information (Table 57) from OSCA, there were 5 circuit who had averaged 3 or more days of service. These circuits were Platte (6), Clay (7), Jackson (16), Cole (19) and St. Louis County (21). Oversight notes current statute already requires the Greene County Circuit (31) to restructure juror compensation for this proposal.

Oversight notes according to information from the 2018 – 2022 Annual Supplemental Reports for Jury Trial Information (Table 57) from OSCA, there was an average of 897 days and 235 cases where jurors were in session for both civil and criminal cases for these 5 circuits. On average between these circuits, 3.8 days (897/235) were spent for each case. Using the chart below, Oversight assumes if the court votes to adopt this restructure of juror compensation

within these 5 circuits, there could be an additional cost of up to \$191,904 each year. If the rest of the circuits were to adopt this restructuring plan, then there could also be a savings of up to \$92,736 each year. This would be the minimum payout and does not include mileage reimbursement to jurors, since Oversight does not have that information available. Therefore, Oversight will reflect an unknown cost to pay jurors that could exceed \$99,168 (\$191,904 – 92,736) annually.

Officials from the **Clay County Auditor's Office** assume a cost of \$1,000 per year for the increase in mileage reimbursement for jurors.

In response to similar legislation from this year, Perfected HCS for HB 1886, officials from the **Office of the State Treasurer**, the cities of **St. Louis & O'Fallon**, the **Jackson County Board of Elections**, the **Christian County Auditor's Office**, the **Local Government Employees Retirement System**, the **Morgan County PWS #2**, the **Attorney General's Office**, the **City of Osceola**, the **Eureka Fire Protection District** and the **Osceola Water/Wastewater District** each assumed the proposal would not change their fiscal impact estimates on the underlying proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§494.430 – Serving on a Petit and Grand Jury

In response to similar legislation from this year, HB 1736, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their organization. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note.

§509.520 – Court Pleadings, Attachments, and Exhibits

In response to similar legislation from 2023, Perfected HCS for HB Nos. 994, 52 & 984, officials from **Department of Corrections (DOC)** assumed this section prohibits the court from including some personal identifying information in judgments or orders, therefore, making it difficult for staff to verify identity before individual can be accepted for incarceration. This could have an unknown impact.

Oversight assumes because the potential for impact is speculative, the DOC will not incur significant cost related to this proposal. If a fiscal impact were to result, the DOC may request additional funding through the appropriation process.

In response to similar legislation from 2023, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **City of Springfield**, **Putnam County**, the **Attorney General's Office** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§§510.500, 510.503, 510.506, 510.509, 510.512, 510.515, 510.518, 510.521 – Uniform Interstate Depositions and Discovery Act

Officials from the **Office of State Courts Administrator (OSCA)** state there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to similar legislation from this year, Perfected HCS for HB 1886, officials from the **Office of the State Treasurer**, the cities of **St. Louis & O’Fallon**, the **Jackson County Board of Elections**, the **Christian County Auditor’s Office**, the **Local Government Employees Retirement System**, the **Morgan County PWSD #2**, the **Attorney General’s Office**, the **City of Osceola**, the **Eureka Fire Protection District** and the **Osceola Water/Wastewater District** each assumed the proposal would not change their fiscal impact estimates on the underlying proposal. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§537.106 – Civil Liability for Publishing or Distributing Material Harmful to Minors on the Internet

In response to similar legislation from this year, HB 1855, officials from the **Office of the State Courts Administrator** assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§537.580 – Civil Liability for Employers Hiring Ex-Offenders Act

In response to similar legislation from this year, HB 1969, officials from the **Office of the State Courts Administrator** and the **Attorney General’s Office** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

§600.042 – State Public Defender funding

Officials from the **Office of the State Public Defender (SPD)** assume the modification of this section would authorize SPD to receive and accept gifts. The fiscal impact is unknown. SPD knows of no donations that have been made to General Revenue (GR) under the current statute. SPD has solicited grants from Americorp Vista for in-kind donations and would like to solicit grants from the DOJ if the Quality Defense Act is passed. That legislation authorizes substantial grants for public defender organizations that have completed workload studies and are working to establish appropriate workloads. SPD would also investigate other grant funding available.

Oversight assumes since no material amount of donations have been received by General Revenue through this statute, changing the designation to the new Public Defender – Federal and Other Fund would not create a material direct fiscal impact to the state.

In response to similar legislation from 2023, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **Office of the State Treasurer** assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies for this section.

In response to similar legislation from 2023, Perfected HCS for HB Nos. 994, 52 & 984, officials from the **City of Springfield, Putnam County, the Attorney General’s Office** and the **St. Joseph Police Department** each assumed the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Responses regarding the proposed legislation as a whole

Officials from the **Office of Administration - Administrative Hearing Commission, the Department of Commerce and Insurance, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Higher Education and Workforce Development, the Department of Mental Health, the Department of Natural Resources, the Department of Revenue, the Department of Labor and Industrial Relations, the Department of Public Safety (Division of Alcohol and Tobacco Control, Capitol Police, Office of the Director, Fire Safety, Missouri Gaming Commission, Missouri Veterans Commission, State Emergency Management Agency), the Department of Social Services, the Office of the Governor, the Office of the Lieutenant Governor, the Missouri Department of Agriculture, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri Department of Transportation, the Missouri National Guard, the MoDOT & Patrol Employees’ Retirement System, the Office of Administration, the Petroleum Storage Tank Insurance Fund, the University of Missouri System, Kansas City, the Platte County Board of Elections, the St. Louis City Board of Elections, the St. Louis County Board of Elections, the Newton County Health Department, the Lincoln County Assessor’s Office, the Phelps County Sheriff’s Office, the Branson Police Department, the Kansas City Police Department, the St. Louis County Police Department, the County Employees Retirement Fund, the Kansas City Civilian Police Employees’ Retirement, the Kansas City Police Retirement System, the Kansas City Public School Retirement System, the Metropolitan St. Louis Sewer District Employees Pension Plan, the Public Education Employees’ Retirement System, the Sheriff’s Retirement System, the Metropolitan St. Louis Sewer District, the Pulaski County Sewer District #1, the South River Drainage District, the St. Charles County PWS #2, the Wayne County PWS #2, Missouri State University, Northwest Missouri State University, the University of Central Missouri, the Office of the State Auditor, the Missouri House of Representatives, the Joint Committee on Administrative**

Rules, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, the Oversight Division, the Missouri Senate, the Missouri Lottery Commission, the Missouri Consolidated Health Care Plan, the Missouri Higher Education Loan Authority, the Missouri Office of Prosecution Services and the State Tax Commission each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

Officials from the **Office of the Secretary of State (SOS)** note many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$5,000. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with its core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other cities, counties, local election authorities, county health departments, county recorders, nursing homes, county assessors, county auditors, county circuit clerks, county collectors, county prosecutors, county treasurers, county public administrators, local law enforcement agencies, fire protection districts, ambulance districts, retirement agencies, schools, utility districts, hospitals and colleges were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
GENERAL REVENUE			
<u>Savings</u> – for state attorneys not being charges for death certificates §193.265 p. 4-5	Unknown, less than \$15,000	Unknown, less than \$15,000	Unknown, less than \$15,000
<u>Cost Avoidance</u> – ALJ’s – potential savings in pay raises §§287.615 & 287.835 p. 5	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<u>Cost</u> – ALJ’s/MOSERS – beneficiaries to receive benefit that they would not otherwise receive §287.835 p. 5	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Loss of Revenue</u> – DHSS – no fees charged to certain attorneys for death certificates §193.265 p. 4-5	(Unknown, less than \$15,000)	(Unknown, less than \$15,000)	(Unknown, less than \$15,000)
<u>Costs</u> – OSCA (§454.1050) New child support module p. 7	(\$500,000 to \$1,000,000)	\$0	\$0
<u>Cost</u> – DOC (§454.1050) – to update offender management system and possible staff needed to process & remit payments p. 7	(Unknown)	(Unknown)	(Unknown)
<u>Transfer Out</u> - §478.001 – to establish mental health treatment courts p. 12-13	\$0 or (could exceed \$600,000)	\$0 or (could exceed \$600,000)	\$0 or (could exceed \$600,000)
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>(Unknown, could exceed \$1,600,000)</u>	<u>(Unknown, could exceed \$600,000)</u>	<u>(Unknown, could exceed \$600,000)</u>
PUBLIC DEFENDER – FEDERAL AND OTHER FUND (0112)			
<u>Income</u> - (§600.042) Government grants, private gifts, donations, and bequests made to the Office of the Public Defender p. 15-16	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>	\$0 to <u>Unknown</u>
ESTIMATED NET EFFECT TO THE PUBLIC DEFENDER – FEDERAL AND OTHER FUND (0112)	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
STATE HIGHWAY FUNDS (0644)			
<u>Costs</u> – MHP §§435.300, 435.303, 435.306, 435.309 & 435.312 p. 6			
Personnel Service	(\$94,380)	(\$115,521)	(\$117,832)
Fringe Benefits	(\$82,771)	(\$101,312)	(\$103,338)
Expense & Equipment	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs -</u>	<u>(\$177,151)</u>	<u>(\$216,833)</u>	<u>(\$221,170)</u>
FTE Change	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT ON STATE HIGHWAY FUNDS (0644)	<u>(\$177,151)</u>	<u>(\$216,833)</u>	<u>(\$221,170)</u>
Estimated Net FTE Change on State Highway Funds	1 FTE	1 FTE	1 FTE
TREATMENT COURT RESOURCES FUND (0733)			
<u>Transfer In</u> – funds from GR §478.001 p. 12-13	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000
<u>Cost</u> – program expenditures §478.001 p. 12-13	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>	<u>\$0 or (could exceed \$600,000)</u>
ESTIMATED NET EFFECT ON TREATMENT COURT RESOURCES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
BASIC CIVIL LEGAL SERVICES FUND (0757)			
<u>Revenue</u> – OSCA – continuation of receipts received from \$8 court fee (§477.650) p. 9-12	\$0	\$2,048,923	\$4,097,846

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<u>Cost</u> – OSCA – continuation of expenditures (§477.650) p. 9-12	\$0	(\$1,702,706)	(\$3,405,412)
ESTIMATED NET EFFECT ON THE BASIC CIVIL LEGAL SERVICES FUND	\$0	\$346,217	\$692,434
Estimated Net FTE Change for the Basic Civil Legal Services Fund	0 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
LOCAL POLITICAL SUBDIVISIONS			
<u>Savings</u> – Prosecutors/Circuit Attorneys – no charges for death certificates §193.265 p. 4-5	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown
<u>Costs</u> – counties – potential additional costs to house/administer mental health treatment courts §478.001	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Potential Revenue Loss</u> – LPHA – no fees charged to certain attorneys for death certificates §193.265 p. 4-5	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Cost</u> – potential increase compensation in certain circuits for jurors (§494.455) p. 13-14	(Unknown, could exceed \$99,168)	(Unknown, could exceed \$99,168)	(Unknown, could exceed \$99,168)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	(More or Less than \$99,168)	(More or Less than \$99,168)	(More or Less than \$99,168)

FISCAL IMPACT – Small Business

Small business employers who hire ex-offenders could be impacted by this proposal.

FISCAL DESCRIPTION

§§435.300, 435.303, 435.306, 435.309 & 435.312 – Alternative Dispute Resolution

The bill also establishes an alternative dispute resolution process to which a court may refer, by rule or court order, a single case or a category of cases. The parties themselves may enter into a written agreement to resolve their differences through an alternative dispute resolution process and may agree that the provisions of this bill will apply to the process. The process, whether referred by the court or agreed to by the parties, is nonbinding unless the parties agree in writing to it being binding. In an action referred to an alternative dispute resolution process, discovery may proceed as in any other action, except that alternative dispute resolution communications will not be admissible as evidence in any proceeding or subject to discovery. Similarly, evidence or information that is otherwise admissible or subject to discovery will not become inadmissible or protected from discovery solely because of its disclosure or use in an alternative dispute resolution process. Any participant in an alternative dispute resolution process has standing to intervene in any proceeding to object to the admissibility of an alternative dispute resolution communication made by that person during or relating to that process.

If the court has not referred a case to a non-binding alternative dispute resolution process and the parties do not themselves enter into a written agreement to resolve their differences using the process in this bill, the process the parties use will be considered settlement negotiations and will be subject to rules of confidentiality that generally apply to such negotiations.

§454.1050 - "Bentley's Law" – Adds child maintenance provisions for certain children

This bill establishes "Bentley's Law", which requires a person convicted of an offense of driving while intoxicated where the death of a parent or parents results to pay, upon petition by the surviving parent or the legal guardian, child maintenance to the child's or children's surviving parent or to the legal guardian until the child: dies; marries; enters active military duty; turns 18 or, if the child is 18 and enrolls in college, until completion of a degree or until the child reaches the age of 21, whichever occurs first.

The bill specifies how the amount of maintenance to be paid is determined and how the maintenance is to be paid. If the surviving parent or the guardian brings a civil action against the person prior to any maintenance being ordered and the parent or guardian receives a judgment in his or her favor, no maintenance will be ordered. Alternatively, if the court orders maintenance to be paid and the parent or guardian later brings a civil action and obtains a judgment in his or her favor, the amount awarded will be offset by the amount of maintenance ordered. (§454.1050)

§477.650 – Basic Civil Legal Services Fund

Currently, the "Basic Civil Legal Services Fund" is set to expire on December 31, 2025. This bill repeals that expiration date. It also corrects an incorrect reference to a provision in the Missouri Constitution.

§478.001 – Mental Health Courts

This bill adds mental health courts to the list of treatment court divisions, defined as a court focused on addressing the mental health disorder or co-occurring disorder of defendants charged with a criminal offense. The bill specifies that a mental health court may be established by any circuit court to provide an alternative for the judicial system to dispose of cases that stem from a mental health disorder or co-occurring disorder.

§§488.040 & 494.455 – Compensation of Jurors

This bill specifies that each grand and petit juror will receive at least \$6 per day for every day the juror actually serves and a mileage reimbursement rate as provided by law for state employees. Each county and the City of St. Louis may authorize additional compensation for its jurors. Alternatively, the court of a judicial circuit may, by a majority vote, vote to restructure juror compensation so that grand and petit jurors do not get paid for the first two days of service but thereafter will receive \$50 per day, as well as mileage reimbursement at the rate provided by law for state employees for necessary travel from the juror's residence to the courthouse and back, to be paid by the county.

§600.042 – State Public Defender funding

Currently, any funds available from government grants, private gifts, donations, bequests, or other sources made to the Office of the Public Defender are deposited into the General Revenue Fund. This bill creates the "Public Defender - Federal and Other Fund" and provides that funding from any government grants, private gifts, donations, bequests, or other sources shall be deposited into such fund.

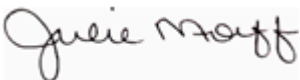
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

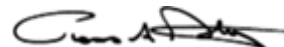
Office of the State Courts Administrator
Attorney General's Office
Department of Mental Health
Missouri Office of Prosecution Services
Office of the State Public Defender
Office of the Secretary of State
Jackson County Board of Elections
Platte County Board of Elections
St. Louis City Board of Elections
St. Louis County Board of Elections
Greene County
Department of Labor and Industrial Relations
Department of Revenue
Missouri Department of Transportation
Phelps County Sheriff's Office
Kansas City Police Department

St. Louis County Police Department
Office of Administration
 Budget and Planning
 Administrative Hearing Commission
 Office of the Commissioner
Department of Natural Resources
Department of Public Safety
 Fire Safety
 Office of the Director
 Division of Alcohol and Tobacco Control
 Capitol Police
 Missouri Gaming Commission
 Missouri Veterans Commission
 State Emergency Management Agency
 Missouri Highway Patrol
Missouri Department of Agriculture
MoDOT & Patrol Employees' Retirement System
Newton County Health Department
County Employees Retirement Fund
Sheriff's Retirement System
South River Drainage District
Joint Committee on Administrative Rules
Legislative Research
Oversight Division
Missouri Consolidated Health Care Plan
Department of Elementary and Secondary Education
Kansas City
Metropolitan St. Louis Sewer District
Missouri House of Representatives
Joint Committee on Education
Missouri State Employee's Retirement System
Department of Commerce and Insurance
Department of Economic Development
Department of Higher Education and Workforce Development
Missouri Department of Conservation
Office of the Governor
Department of Social Services
Missouri Lottery Commission
State Tax Commission
Joint Committee on Public Employee Retirement
Branson Police Department
Kansas City Public School Retirement System
University of Central Missouri
Department of Health and Senior Services

Missouri Ethics Commission
Missouri National Guard
Petroleum Storage Tank Insurance Fund
Office of the State Treasurer
St. Louis City
O'Fallon
Christian County Auditor's Office
Lincoln County Assessor's Office
Kansas City Civilian Police Employee Retirement
Kansas City Police Retirement System
Local Government Employees Retirement System
Metropolitan St. Louis Sewer District Employees Pension Plan
Public Education Employees' Retirement System
Morgan County PWSD #2
Wayne County PWSD #2
Northwest Missouri State University
Office of the State Auditor
Missouri Senate
University of Missouri System
Osceola
Eureka Fire Protection District
Osceola Water/Wastewater District
St. Charles County PWSD #2
Clay County Auditor's Office
Department of Corrections
Springfield
Putnam County
St. Joseph Police Department
Pulaski County Sewer District #1
Missouri Higher Education Loan Authority
Office of the Lieutenant Governor
Missouri State University



Julie Morff
Director
April 10, 2024



Ross Strope
Assistant Director
April 10, 2024