

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0150H.02P
Bill No.: Perfected HCS for HB 176
Subject: Estates, Wills and Trusts; Courts
Type: Original
Date: March 27, 2025

Bill Summary: This proposal establishes provisions relating to civil jurisprudence.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
General Revenue*	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)
Total Estimated Net Effect on General Revenue	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)

*§478.001 has an unknown cost that could exceed \$600,000 per year to establish mental health treatment courts. Cost for mental health treatment courts transferred to Treatment Court Resources Fund and unknown savings for the DOC assumed to be greater than \$250,000 per year. Without additional information, Oversight cannot estimate the net effect.

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
State Highway & Transportation Dept. Fund (0644)	(\$189,484)	(\$227,657)	(\$232,210)	(More than \$232,210)
Treatment Court Resources Fund (0733)*	\$0	\$0	\$0	\$0
Basic Civil Legal Services Fund (0757)	(\$424,221)	(\$848,441)	(\$848,441)	(\$848,441)
Total Estimated Net Effect on <u>Other</u> State Funds	(\$613,705)	(\$1,076,098)	(\$1,080,651)	(More than \$1,080,651)

*Transfer-ins less expenditures net to zero.

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
State Highway & Transportation Dept. Fund (MHP)	1 FTE	1 FTE	1 FTE	1 FTE
Basic Civil Legal Services Fund (OSCA)**	2 FTE	2 FTE	2 FTE	2 FTE
Total Estimated Net Effect on FTE	3 FTE	3 FTE	3 FTE	3 FTE

** 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 2026	FY 2027	FY 2028	Fully Implemented (FY 2032)
Local Government	More or Less than \$630,117	More or Less than \$656,140	More or Less than \$656,140	More or Less than \$656,140

FISCAL ANALYSIS

ASSUMPTION

§§456.1-108, 456.10-1005, 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 – Estate Planning

Officials from the **Department of Commerce and Insurance, Department of Health and Senior Services, Department of Mental Health, Department of Economic Development, Office of the State Courts Administrator** and the **Department of Social Services** 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 Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Oversight does not have any information to the contrary. Therefore, Oversight assumes the AGO will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the AGO for fiscal note purposes.

Upon brief review, **Oversight** notes that 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.

Oversight only reflects the responses received from state agencies and political subdivisions; however, other counties and county circuit clerks 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.

Rule Promulgation

Officials from the **Joint Committee on Administrative Rules** assume this proposal is not anticipated to cause a fiscal impact beyond its current appropriation.

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.

House Amendment #1

Oversight assumes this amendment is a titling change and will have no fiscal impact on the amendment.

House Amendment #2 as amended

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

In response to similar legislation from this year, HCS for HB 83, officials from the **Department of Health and Senior Services (DHSS)** assumed §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 447 criminal appeals (<https://ago.mo.gov/attorney-general-andrew-bailey-recaps-first-year-in-office/>) 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 352,807 (352,360 cases

reviewed each year plus 447 criminal appeals handled by AGO each year). For the purposes of this fiscal note, the Division of Community and Public Health (DCPH) assumes only 25 percent of the possible requests for free vital records will be made, for a total of 88,202 (352,807 times 25 percent) requests per year. Based on what vital records has experienced in the past when records are provided for free, this fiscal note also assumes that the 88,202 requests are new requests that are above the total volume of certificates issued each year. The DHSS'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 \$42,432, would be needed if 88,202 certificates are requested. Space for the seven additional staff located in Jefferson City will be required at a cost of \$28,890 annually (\$18 x 230 sq.ft. x 7 FTE).

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. An estimate of 88,202 certificates times \$14.00 equals an estimated loss of certificate revenue of \$1,234,828 per year. Certificate paper and printing is approximately \$0.25 per sheet times 88,202 certificates requested equals \$22,050 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 response assumes 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.

Oversight notes the DHSS has indicated \$193.265.7 of this proposed legislation will negatively impact total state revenue.

Lost certificate fees are estimated as follows:

	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>
General Revenue	(\$294,007)	(\$352,808)	(\$352,808)
Children's Trust Fund (0694)	(\$367,508)	(\$441,010)	(\$411,010)
MoPHS Fund (0298)	(\$220,505)	(\$264,606)	(\$264,606)
Endowed Care Cemetery (0562)	(\$73,502)	(\$88,202)	(\$88,202)
MO Coroners Training (0846)	(\$73,502)	(\$88,202)	(\$88,202)
Total Lost Revenue	<u>(\$1,029,024)</u>	<u>(\$1,234,828)</u>	<u>(\$1,234,828)</u>

DHSS estimates this proposal will have a negative fiscal impact on the General Revenue (GR) Fund of \$911,779 for FY 2026 (including lost certificate fees to GR); a negative impact of \$625,565 for FY 2027 (including lost certificate fees to GR); and a negative impact of \$636,149 for FY 2028 (including lost certificate fees to GR).

In response to similar legislation from this year, HCS for HB 83, **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 DHSS in 2023. MOPS believes the actual vital records request for those prosecution authorities to be under 1,000 per year.

MOPS officials state this provision would provide for a positive fiscal impact to prosecuting attorneys and the circuit attorney since they will not have to pay for birth, death, or marriage certificates. The amount of that positive fiscal impact is unknown.

Oversight assumes, based on the information provided by MOPS above (less than 1,000 vital records per year * \$14/record = < \$14,000), that the unknown impact to locals is minimal and will present no fiscal impact to local governments for this provision.

Oversight does not have information to the contrary. Using MOPS's estimate of 1,000 vital records requests per year times \$14 per record, the total savings would likely be less than \$14,000 annually. Oversight will assume a potential loss in fees from these records request for DHSS of less than \$14,000 on an annual basis.

As provided by DHSS, 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.

Lost certificate fees for 1,000 free certificates are estimated as follows:

	<u>FY 2026</u>	<u>FY 2027</u>	<u>FY 2028</u>
General Revenue	(\$3,333)	(\$4,000)	(\$4,000)
Children's Trust Fund (0694)	(\$4,167)	(\$5,000)	(\$5,000)
MoPHS Fund (0298)	(\$2,500)	(\$3,000)	(\$3,000)
Endowed Care Cemetery (0562)	(\$833)	(\$1,000)	(\$1,000)
MO Coroners Training (0846)	(\$833)	(\$1,000)	(\$1,000)
Total Lost Revenue	<u>(\$11,666)</u>	<u>(\$14,000)</u>	<u>(\$14,000)</u>

Therefore, based on the above information, Oversight assumes the DHSS could absorb the potential loss of fees resulting from providing vital records at no cost to state and local agencies and will not present this loss for fiscal note purposes.

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

Oversight also notes with the no charge being applied to certain public attorneys, it is assumed state and local agencies would see a savings of approximately the same amount. Oversight further assumes these savings are minimal and will not present the savings to local governments for fiscal note purposes.

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning (B&P)** assumed §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 has no information to the contrary. However, it is assumed the loss of vital records fees will be minimal and will not have a significant fiscal impact on state funds.

§287.200 – Modifications to permanent total disability

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration (OA)** stated §287.200.3.(2) adds a provision for an award of permanent total disability to suspend the lifetime payment when the employee is restored to his or her regular work or its equivalent. This provision could potentially decrease the cost of a workers' compensation claim. The potential costs are unknown. The amount of cost decrease, if any, cannot be estimated as it would depend on the facts and circumstances of each case and judicial interpretation of the changes.

Oversight contacted the Department of Labor and Industrial Relations (DOLIR) for more information on the potential fiscal impact of §287.200 to the State of Missouri. DOLIR states that Workers' Compensation Benefits are paid to the injured employee(s) by the employer's insurance company (in this case the State of Missouri). DOLIR believes the amount of the cost decrease associated with this bill, if any, cannot be estimated as it would depend on the facts and circumstances of each case and judicial interpretation of the changes. DOLIR states 1) there aren't many permanent and total disability (PTD) awards and 2) the person would have to be restored back by the use of glasses, prosthetic appliances or physical rehabilitation. Therefore, the number of cases would be very, very low and any impact on premiums would likely be quantifiably immeasurable.

Oversight will present a \$0 to Unknown savings to the General Revenue Fund for fiscal note purposes. Oversight assumes, based on the information from DOLIR, that the potential impact would be less than \$250,000 annually.

§287.610 – Administrative Law Judges (ALJ)

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume the removal of Chief Legal Counsel permanently removes the Division of Workers Comp's (DWC) ability to hire a Legal Counsel to support the Division. ALJ salary impacts the WC Admin Fund. Costs are required to be paid by DWC if the Administrative Hearing Commission (AHC) does not find grounds for performance management.

In response to similar legislation from this year, HCS for HB 83, officials from the **Department of Labor and Industrial Relations (DOLIR)** stated there would an impact if paying attorney fees on a complaint made against an ALJ by the Director to the AHC that was found to be invalid. However, the impact is unknown and incalculable because DOLIR doesn't know how much an attorney fee would be.

Oversight assumes attorney fees related to a complaint filed would be minimal and absorbable by DOLIR and will present no fiscal impact for this agency. Oversight further assumes, if fees were significant, DOLIR could request additional funding through the appropriations process.

§§287.615 & 287.835 – Administrative Law Judges

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning (B&P)** assumed §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. Section 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 as it relates to MOSERS, 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.

In response to similar legislation from this year, HCS for HB 83, officials from the **Joint Committee on Public Employee Retirement (JCPER)** stated the JCPER's review of HB 83 indicates it will not affect retirement plan benefits as defined in Section 105.660(9).

§§453.700 - 453.742 - Uniform Unregulated Child Custody Transfer Act

In response to similar legislation from this year, HCS for HB 83, officials from the **Missouri Office of Prosecution Services (MOPS)** assumed no measurable fiscal impact to MOPS. The enactment of a new crime (§453.710.4) creates additional responsibilities for county prosecutors and the circuit attorney which may in turn result in additional costs which are difficult to determine.

Oversight does not have any information to the contrary. Therefore, Oversight assumes MOPS will be able to perform any additional duties required by this proposal with current staff and resources and will reflect no fiscal impact to the MOPS for fiscal note purposes.

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning (B&P)** stated §453.710.4 states any person violating the provisions of §453.710 regarding transfer of child custody may be charged with a class B misdemeanor. In so far as class B misdemeanor fines may be deposited into the State Treasury, total state revenue could increase. In addition, §453.714.1 states a person shall not solicit or advertise to identify a person to which to make a transfer of custody in violation of subsection 1 of §453.710, nor identify a child for a transfer of custody in violation of subsection 3 of §453.710, nor act as an intermediary in a transfer of custody in violation of subsection 3 of §453.710. Any person in violation of these provisions can be charged with a class B misdemeanor. In so far as class B misdemeanor fines may be deposited into the State Treasury, total state revenue could increase.

Oversight notes the provisions of §§453.710 and 453.714 provide for the charge of class B misdemeanors which can result in up to six months in jail and/or a fine not to exceed \$1,000 for each offense in addition to any individual county/municipal fees and court costs. The fine

revenue for the offense goes to local school funds and court costs go to various state and local funds. Oversight assumes there will be some (less than \$250,000) amount of fine revenue from violations of the statute. Therefore, the impact to various state funds and local governments will be presented as less than \$250,000. For simplicity, Oversight will not reflect the possibility that fine revenue paid to school districts may act as a subtraction in the foundation formula.

Below are examples of some of the state and local funds which court costs are distributed:

Fee/Fund Name	Fee Amount
Basic Civil Legal Services Fund	\$8.00
Clerk Fee	\$15.00 (\$12 State/\$3 County)
County Fee	\$25.00
State Court Automation Fund	\$7.00
Crime Victims' Compensation Fund	\$7.50
DNA Profiling Analysis Fund	\$15.00
Peace Officer Standards and Training (POST) Fund	\$1.00
Motorcycle Safety Trust Fund	\$1.00
Brain Injury Fund	\$2.00
Independent Living Center Fund	\$1.00
Sheriff's Fee	\$10.00 (County)
Prosecuting Attorney and Circuit Attorney Training Fund	\$4.00
Prosecuting Attorney Training Fund	\$1.00 (\$0.50 State/\$0.50 County)
Spinal Cord Injury Fund	\$2.00

§§455.010, 455.035 & 455.513 – Orders of Protection

In response to similar legislation from this year, HCS for HB 83, **Oversight** noted officials from the **Clay County Auditor's Office** assumed this proposal will have no fiscal impact on their organization. However, in response to the previous version of this legislation, the Clay County Auditor indicated a cost of \$5,000 per year due to the increase in age for appointing a Guardian ad Litem from 17 to 18. In the previous fiscal note, Oversight assumed the Clay County Auditor's Office would be able to absorb this minimal expense and presented no fiscal impact for the agency.

§§469.399 – 469.487 Uniform Fiduciary Income & Principal Act

Officials from the **Department of Revenue (DOR)** state these sections attempt to modify the uniform fiduciary income and principal act, and the definitions used under these statutes. DOR notes that some of these changes may impact how fiduciary are taxed in the future.

Due to the required short turn around time for responding to the fiscal note, DOR is unable to provide a detailed fiscal impact of these provisions. DOR notes that \$87,264,064 is collected in fiduciary tax annually. DOR is unsure how much of that tax could be impacted under these changes if any. DOR assumes at this time; the impact is unknown.

§477.650 – Basic Civil Legal Services Fund

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of the State Courts Administrator (OSCA)** assumed 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.

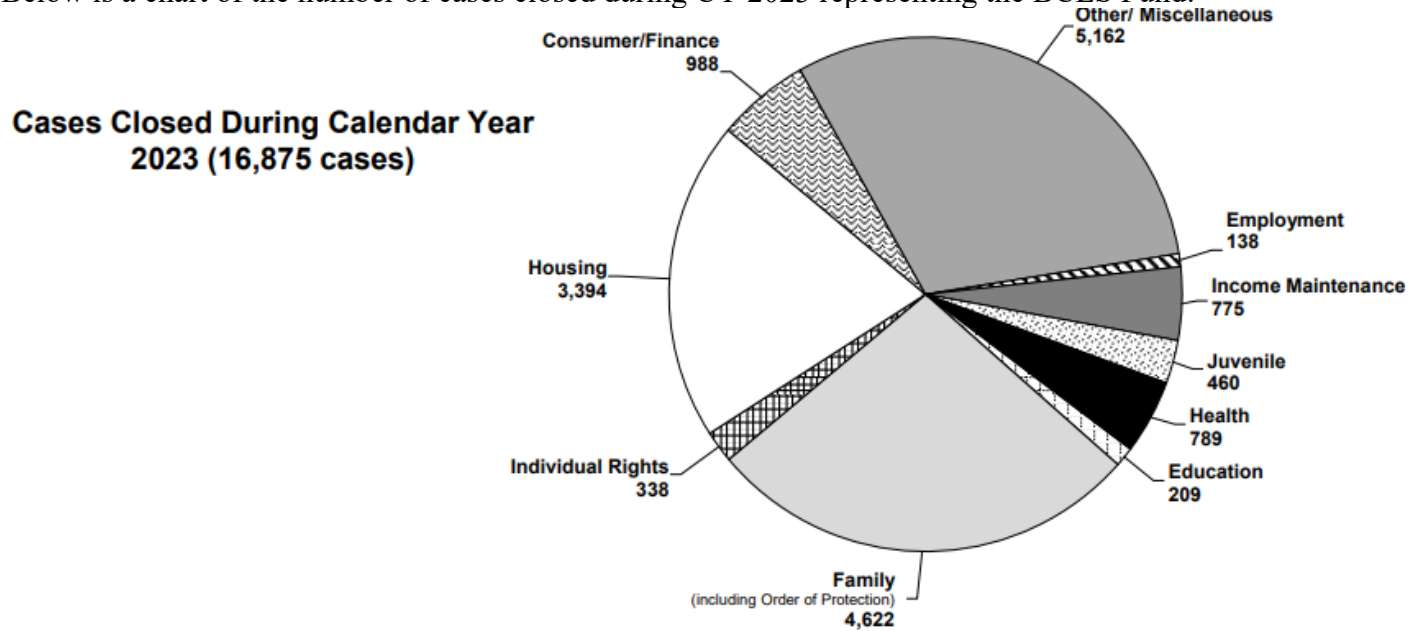
In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning (B&P)** stated §477.650.7's repeal eliminates the current December 31, 2025, sunset date for the Basic Civil Legal Services Fund. Because the elimination of this sunset 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 2023 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 2020 to FY 2024:

Basic Civil Legal Services Fund (0757)	
FY 20	\$ 4,290,667
FY 21	\$ 3,868,347
FY 22	\$ 3,865,619
FY 23	\$ 4,047,390
FY 24	\$ 4,281,742
Total	\$20,353,765
5 year avg	\$ 4,070,753
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)			
	Appropriation	Actual Expenditures	Unexpended Funds
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	\$3,903,651	\$1,198,732
FY 23	\$5,108,764	\$3,997,430	\$1,111,334
FY 24	\$5,117,803	\$4,668,397	\$ 449,406
FY 25	\$5,127,681	N/A	N/A
Last 5 yr avg.	\$5,626,065	\$4,919,194	\$ 706,871

Source: OSCA Budget Requests Books

Oversight notes the balance of the BCLS (0757) at December 31, 2024 was \$264,070.

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.

§478.001 – Mental Health Courts

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of the State Courts Administrator (OSCA)** stated the potential budgetary impact could initially be \$600,000 and continue to increase due to the growth in mental health courts.

Officials from the **Department of Corrections (DOC)** state §478.001 adds that a mental health treatment 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. The DOC uses a classification system (1-5) that correlates an offender's mental health impairment with the necessary services and/or interventions for treatment of the disorder. It is unknown how many of the offenders with applicable mental health concerns that would typically be sentenced to the Department of Corrections would instead be diverted by the court to a mental health treatment court. Therefore, the department assumes an **unknown fiscal impact**.

Oversight notes the provisions of this section provide for the establishment of a mental health court as an alternative for the disposal of cases that typically are sentenced to the DOC. In response to similar legislation from the current session (SB 143), DOC stated the department is unable to project a savings amount and assumes an unknown fiscal impact. Oversight notes if only 24 people are diverted away from DOC as a result of the mental health treatment courts, the savings would exceed \$250,000 annually ($\$10,485 \text{ annual incarceration costs} \times 24 = \$251,640$). Therefore, for fiscal note purposes, Oversight will present a \$0 to unknown savings to the General Revenue Fund.

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 6,092 participants for CY 2023. The Treatment Court Division has 147 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 ($\$9,642,143 / 6,092$). 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 2023 participants	CY 2023 Programs
Adult Drug Treatment Court	4,245	82
DWI Treatment Court	1,016	27
Veterans Treatment Court	369	17
Family Treatment Court	429	17
Juvenile Treatment Court	33	4

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 (Could exceed \$600,000) in costs 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.

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning (B&P)** stated §478.001(9) creates a statutory definition for a "mental health treatment court" and §478.001.8 provides a mental health treatment court may be established by any circuit court. While this section's provisions will not impact TSR, the establishment of additional treatment courts may create a need for additional state resources for

such courts through the treatment court resources fund, which is funded by a general revenue transfer. Treatment court resources funds are subject to appropriation.

§§488.040 & 494.455 – Compensation of Jurors

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of the State Courts Administrator (OSCA)** provided that §494.455 states that in any county, or city not within a county, upon adoption by a majority vote of 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).

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning** assumed §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 officials from the **Clay County Auditor's Office** assume this proposal will have no fiscal impact on their organization. However, in response to the previous version of this legislation, the Clay County Auditor indicated a cost of \$1,000 per year for the increase in mileage reimbursement for jurors.

Oversight notes §488.040 is removing language and clarifying the statute to follow the language in §494.455. Oversight notes the compensation for jurors will remain the same as outlined in §494.455, however, this proposal is increasing the mileage compensation from 7 cents per mile to the state employee rate as outlined in §33.095. Because of the increased rate, Oversight will, therefore, reflect an unknown cost to circuit funds.

Oversight also notes subsection 3 is being removed in §494.455 and is adding clarifying language stating, “by majority vote, the governing body of a county or a city not within a county may adopt a system for juror compensation in a city not within a county may adopt a system for juror compensation”, where a petit or grand juror can receive \$50 per day starting on the third day and each subsequent day of actual service plus the mileage rate per §33.095 for a state employee provided that no compensation for the first two days is received. Oversight is unsure how many county circuits would participate and if the increase in compensation would result in an unknown cost or savings to the state or county. Therefore, Oversight will reflect a \$0 (no adoption) or unknown cost or savings to General Revenue and county circuits for this proposal.

§488.426 – St. Louis City Circuit Court Civil Case Filing Fee

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Budget and Planning** stated this section appears to alter the scope of circuits to which certain surcharge authorizations apply, potentially impacting TSR.

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of the State Courts Administrator (OSCA)** stated the proposed legislation allows the circuit court in St. Louis City to collect a fee not to exceed twenty dollars, rather than fifteen, to go toward the law library.

During the past five years there was an average of 11,031 circuit civil case filings, 5,021 domestic relations civil case filings and 15,176 associate civil and small claims civil case filings for a total of 31,228 case filings.

Based upon the increase in the collection fee not to exceed \$20.00, rather than \$15.00, to go toward the library, OSCA estimates the increase to be \$0 to \$156,140 (\$5 x 31,228).

Oversight assumes fees collected would go directly to the St. Louis City Circuit Court and will present a positive fiscal impact of \$0 to \$156,140 (\$5 x 31,228) annually. Oversight also assumes the provisions of this section will not create a material fiscal impact to local political subdivisions other than St. Louis City Circuit Court.

§509.520 – Court Pleadings, Attachments, and Exhibits

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of the State Courts Administrator (OSCA)** stated the provisions of this section may have some impact but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

Oversight notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

§§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 **DOC** state §510.506 provides a mechanism by which a foreign subpoena could be issued, served, and enforced on a person or entity in Missouri. It is unknown if and

when any of the Department of Corrections' offenders or staff would be subpoenaed. Therefore, the department is unable to project a fiscal cost and assumes a **(\$0 – Unknown)** fiscal impact.

Oversight has no information to the contrary. Therefore, Oversight will range the potential cost of this proposal on the General Revenue Fund as presented by the DOC.

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP or Patrol)** state this proposal authorizes an alternative dispute resolution program, similar to federal court, and creates a Uniform Interstate Depositions and Discovery Act in §§510.500 to 510.521. 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 Patrol because the Missouri Attorney General's Office does not normally represent the Patrol in such cases. Many of these non-party legal matters would likely involve some of the over 30,000 motor vehicle crashes the Patrol investigates each year. As a result of the expected workload increase, the Patrol forecasts the need to add one Legal Counsel FTE.

The DPS estimates a fiscal impact to the Highway Fund (0644) of \$189,494 for FY26; \$227,657 for FY27; and \$232,210 FY28.

Oversight has no information to the contrary. Therefore, Oversight will present the fiscal impact for these sections of this proposal as provided by the Patrol.

Bill as a whole

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of the State Courts Administrator (OSCA)** stated the following sections may have some fiscal impact on their organization, but the impact is unknown at this time. If additional resources are needed, they will be requested during the appropriations process.

Sections with an unknown impact: §287.610, §§469.399-469.487, §476.1025, §487.110 and §§510.500-510.521.

Oversight notes OSCA assumes the above sections may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the impact of the above proposed sections will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Attorney General (AGO)** assumed any potential litigation costs arising from this proposal can

be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

In response to similar legislation from this year, HCS for HB 83, officials from the **University of Missouri System (UM)** stated the proposal will not have any significant cost increase for their organization. **Oversight** has no information to the contrary. Therefore, Oversight will present no fiscal impact for this proposal to UM.

In response to similar legislation from this year, HCS for HB 83, officials from the **Office of Administration - Administrative Hearing Commission, the Department of Commerce and Insurance, 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 Public Safety, Divisions of: Alcohol and Tobacco Control, Capitol Police, Fire Safety, Missouri Gaming Commission, Missouri Veterans Commission and the State Emergency Management Agency, the Department of Social Services, the Office of the 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 Petroleum Storage Tank Insurance Fund, the City of 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 Phelps County Sheriff, 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 Public Education Employees' Retirement System, the Sheriff's Retirement System, the Metropolitan St. Louis Sewer District, the South River Drainage District, the Wayne County Public Water Supply District #2, the University of Central Missouri, the Office of the State Auditor, the Missouri House of Representatives, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, the Oversight Division, the Missouri Senate, the Missouri Lottery, the Missouri Consolidated Health Care Plan, and the State Tax Commission** 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.

In response to similar legislation from this year, HCS for HB 83, officials from the **Department of Economic Development, the Department of Revenue, the Office of the State Public Defender, the Jackson County Board of Election Commissioners, the Lincoln County Assessor, the St. Charles County Public Water Supply District #2 and Northwest Missouri State University** each assumed the proposal would have no fiscal impact on their organizations.

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.

Responses regarding the proposed legislation as a whole, as amended

Officials from the Department of Commerce and Insurance, the Department of Elementary and Secondary Education, the Department of Mental Health, the Department of Natural Resources, the Department of Public Safety (Fire Safety, Missouri Gaming Commission), the Department of Social Services, the Missouri Department of Agriculture, the MoDOT & Patrol Employees' Retirement System, the Petroleum Storage Tank Insurance Fund, the Office of the State Treasurer, Osceola, the Kansas City Election Board, the Platte County Election Board, the St. Louis County Board of Elections, the Clay County Auditor's Office, the County Employees Retirement Fund, the Public Education Employees' Retirement System, the Osceola Water/Wastewater District, the South River Drainage District, the Office of the Lieutenant Governor, the Missouri House of Representatives, the Joint Committee on Administrative Rules, Legislative Research, the Oversight Division, the Missouri Senate, the Missouri Lottery Commission, the Missouri Consolidated Health Care Plan, the <AGENCIES> 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.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
GENERAL REVENUE				
<u>Savings</u> – OA (\$287.200) – reduction in worker's compensation claims benefits paid p. 8-9	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown	\$0 to Unknown

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
<u>Savings</u> – DOC (§478.001) – reduction in costs resulting from diversions to mental health treatment courts p. 14-15	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Cost Avoidance</u> – ALJ’s – potential savings in pay raises (§§287.615 & 287.835) p. 9-10	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Costs</u> – OSCA various provisions	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs</u> – DOC (§510.506) – foreign subpoena costs p. 17-18	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<u>Transfer Out</u> – (§478.001) – to establish mental health treatment courts p. 14-15	<u>\$0 or (could exceed \$600,000)</u>	<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 GENERAL REVENUE	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)	Unknown to (Unknown, Could exceed \$600,000)
State Highway & Transportation Dept. Fund (0644)				
<u>Costs</u> – DPS-MHP (§§510.500 – 510.521) p. 17-18				More than...
Personal service	(\$97,420)	(\$119,242)	(\$121,627)	(\$121,627)
Fringe benefits	(\$88,574)	(\$108,415)	(\$110,583)	(\$110,583)
Equipment and expense	(\$3,500)	\$0	\$0	\$0
<u>Total Costs</u> – DPS-MHP	<u>(\$189,484)</u>	<u>(\$227,657)</u>	<u>(\$232,210)</u>	<u>(\$232,210)</u>
FTE Change – MHP	1 FTE	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
ESTIMATED NET EFFECT ON THE ROAD FUND	<u>(\$189,484)</u>	<u>(\$227,657)</u>	<u>(\$232,210)</u>	<u>More than (\$232,210)</u>
Estimated Net FTE Change on the Road Fund	1 FTE	1 FTE	1 FTE	1 FTE
TREATMENT COURT RESOURCES FUND (0733)				
<u>Transfer In – funds from GR (\$478.001) p. 14-15</u>	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000	\$0 or could exceed \$600,000
<u>Cost – program expenditures (\$478.001) p. 14-15</u>	<u>\$0 or (could exceed \$600,000)</u>	<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>	<u>\$0</u>
BASIC CIVIL LEGAL SERVICES FUND (0757)				
<u>Revenue – OSCA – continuation of receipts received from \$8 court fee (\$477.650) p. 12-14</u>	\$2,035,376	\$4,070,753	\$4,070,753	\$4,070,753
<u>Cost – OSCA – continuation of expenditures (\$477.650) p. 12-14</u>	<u>(\$2,459,597)</u>	<u>(\$4,919,194)</u>	<u>(\$4,919,194)</u>	<u>(\$4,919,194)</u>
ESTIMATED NET EFFECT ON THE BASIC CIVIL LEGAL SERVICES FUND	<u>(\$424,221)</u>	<u>(\$848,441)</u>	<u>(\$848,441)</u>	<u>(\$848,441)</u>
Estimated Net FTE Change for the Basic Civil Legal Services Fund	2 FTE	2 FTE	2 FTE	2 FTE

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028	Fully Implemented (FY 2032)
LOCAL POLITICAL SUBDIVISIONS				
<u>Revenue</u> – (§§453.710 & 453.714) – court costs p. 10-11	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – Schools (§§453.710 & 453.714) – fine revenue p. 10-11	Less than \$250,000	Less than \$250,000	Less than \$250,000	Less than \$250,000
<u>Revenue</u> – St. Louis Court (§488.426) – \$5 increase in fee for law library p. 16-17	\$0 to \$130,117	\$0 to \$156,140	\$0 to \$156,140	\$0 to \$156,140
<u>Cost</u> – increased mileage rate for jurors following §33.095 for state employees (§494.455) p. 16	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>More or Less than \$630,117</u>	<u>More or Less than \$656,140</u>	<u>More or Less than \$656,140</u>	<u>More or Less than \$656,140</u>

FISCAL IMPACT – Small Business

There could be a direct fiscal impact to small businesses who sell software for electronic wills and estate planning as a result of this proposal. (§§456.1-108, 456.10-1005, 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)

Small business limited liability companies may be negatively impacted if dissolved involuntarily by a circuit court. (§347.143).

Small business adoption agencies/child-placing agencies may be negatively impacted by the provisions of this proposal (§§453.700 to 453.742)

FISCAL DESCRIPTION

This bill modifies provisions relating to civil proceedings.

BIRTH, DEATH, AND MARRIAGE RECORDS (§193.265, RSMo)

The bill waives any required fees for the issuance or copy of a birth certificate if the request is made by a prosecuting or circuit attorney or the Attorney General.

MISSOURI UNIFORM FIDUCIARY INCOME AND PRINCIPAL ACT (§§214.330 and 469.399 to 469.487)

This bill specifies that the income and principal of the Endowed Care Trust Fund is determined under the laws applicable to trusts with an exception that the trustee has no power: of adjustment; of conversion; to determine or modify the unitrust rate or to determine applicable value to compute the unitrust amount beyond that granted by law. A unitrust definition of income must be determined by the cemetery operator in the terms of the Endowed Care Trust Fund Agreement and not by the trustee. Further, no principal from the Trust Fund will be distributed except if a unitrust amount is required under the Agreement. The cemetery operator may instruct by record for the trustee to distribute less than all the income distributable for the year if the cemetery operator determines that the money is not needed.

The bill establishes the "Missouri Uniform Fiduciary Income and Principal Act" (MUFIPA). Certain provisions of the current Principal and Income Act (PIA) are updated to achieve compliance with the MUFIPA. This bill modifies certain definitions and adds definitions. It also removes reference to current definitions of "income beneficiary", "qualified beneficiary", and "remainder beneficiary".

The bill provides that the MUFIPA applies to a trust or estate and a life estate or other term interest in which the interest of one or more persons will be succeeded by the interest of one or more other persons, except as otherwise provided in the terms of a trust or in MUFIPA. In addition, the MUFIPA applies when Missouri is the principal place of administration of a trust or estate or the situs of property that is not held in a trust or estate and is subject to a life estate or other term interest.

This bill details the fiduciary's duties including the power to adjust or convert an income trust to a unitrust and vice versa. In addition, the bill specifies the business or other activity conducted by the fiduciary that the fiduciary may account separately, as specified in the bill. This bill calls for the application of MUFIPA to a trust or estate existing or created on or after August 28, 2025, with exceptions.

The bill defines "unitrust" to mean a trust for which net income is an amount computed by multiplying a determined value of a trust by a determined percentage, including a trust for which under the terms the income or net income must or can be calculated in such way.

The provisions that apply to unitrusts do not create a duty to take or consider action or to inform a beneficiary about the applicability of the provisions. A fiduciary that in good faith takes or fails to take an action under the unitrust provisions is not liable to a person affected by the action or inaction. The bill details the actions that the fiduciary can take without court approval. The bill specifies determinations, considerations, and procedures required of a fiduciary in taking actions. The requirements include sending a notice in a record, describing and proposing to take the action, to certain persons all as detailed in the bill. The MUFIPA includes provisions allowing these persons to object to a proposed action, where the fiduciary or a beneficiary may request the court to have the proposed action taken as proposed, taken with modifications, or prevented. The bill contains requirements relating to the unitrust policy and unitrust rate. This bill provides for uniformity in the interpretation and application of the MUFIPA; contains a severability clause; and explains MUFIPA's interaction with the Electronic Signatures in Global and National Commerce Act, 15 U.S.C. Section 7001 et Seq.

CHANGES OF ATTORNEYS IN WORKERS' COMPENSATION CASES (§§287.200 and 287.470)

The bill permits the Labor and Industrial Relations Commission to change the name, information, or fee arrangement of the attorney or law firm representing a claimant upon the filing of a written agreement, signed by both the claimant and the attorney, with the Commission. Additionally, a lifetime payment for permanent total disability will be suspended during the time in which an employee is restored to his or her regular work or its equivalent through the use of glasses, prosthetic appliances, or physical rehabilitation.

COMPLAINTS, DISCIPLINE, AND REMOVAL OF ADMINISTRATIVE LAW JUDGES (§§287.610 and 621.045)

Current law requires a retention vote be taken by the Administrative Law Judge Review Committee with respect to each workers' compensation Administrative Law Judge (ALJ). Additionally, the Committee is required to conduct performance audits periodically and make recommendations of confidence or no confidence with respect to each ALJ. This bill repeals these requirements and instead creates new provisions for filing complaints against and removing ALJs. Prior to filing a complaint, the Director must notify the ALJ in writing of the reasons for the complaint. Special provisions are included if the reason for the complaint is willful neglect of duty or incompetency. Upon a finding by the Administrative Hearing Commission (AHC) that the grounds for disciplinary action are met, the Director may, singly or in combination, issue the disciplinary actions against the ALJ, as specified in the bill, including removal or suspension from office. If there are no grounds for disciplinary action, the ALJ will immediately resume duties and receive any attorneys' fees due under current law. The bill repeals a requirement that the Committee's members not have any direct or indirect employment or financial connection with a workers' compensation insurance company, claims adjustment company, health care provider nor be a practicing workers' compensation attorney. The bill additionally repeals a

requirement that all members of the Committee have a working knowledge of workers' compensation.

PAYMENT AND RETIREMENT BENEFITS OF ADMINISTRATIVE LAW JUDGES (§§287.615, 287.812, and 287.835)

The bill provides that the compensation for an ALJ and chief administrative law judges will be determined solely by the rate outlined in law and will not increase when pay raises for executive employees are appropriated. The bill furthermore repeals reference to the position of Chief Legal Counsel. The bill repeals a prohibition on the payment of any retirement benefits under workers' compensation law to any administrative law judge who has been removed from office by impeachment or for misconduct, or to any person who has been disbarred from the practice of law, or to the beneficiary of any such persons.

COURT DISSOLUTION OF A LIMITED LIABILITY COMPANY (§347.143)

Currently, a limited liability company (LLC) may be dissolved involuntarily by a decree of the circuit court located in the county of the registered office of the LLC upon application by or for a member of the LLC when it is not reasonably practicable to carry on business in conformity with the operating agreement. This bill expands the circumstances under which an LLC may be dissolved to include when a court determines that: (1) Dissolution is reasonably necessary for the protection of the rights or interests of complaining members; (2) The business of the LLC has been abandoned; (3) The management of the LLC is deadlocked or subject to internal dissension, or (4) Those in control of the LLC have been found guilty of, or have knowingly allowed persistent and pervasive fraud, mismanagement, or abuse of authority.

UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT (§§453.700 to 453.742)

The bill establishes the "Uniform Unregulated Child Custody Transfer Act", which specifies that a parent or guardian of a child or an individual with whom a child has been placed for adoption may not transfer custody of the child to another person with the intent, at the time of the transfer, to abandon the rights and responsibilities concerning the child. That type of transfer is only allowed through the methods specified in the bill. A person may not receive custody of a child, or act as an intermediary in a transfer of custody of a child, if the person knows or reasonably should know the transfer violates any provision in the bill. The person must notify Children's Division within the Department of Social Services of the transfer violation as soon as practicable. A violation of this matter is a class B misdemeanor. If the Children's Division has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation of the provisions in this bill, the Children's Division may conduct a home visit as provided by law and take appropriate action to protect the welfare of the child. Law enforcement agencies may also investigate a possible violation of the provisions in this bill. If the Children's Division conducts a home visit for a child adopted or placed through an inter-country adoption, the Children's Divisions must: (1) Prepare a report on the welfare and plan for permanent placement of the child; and (2) Provide a copy to the United States Department of State. A

person may not solicit or advertise to find a person or child in violation of the provisions in the bill nor to act as an intermediary in violation of the provisions in this bill. A violation of this matter is as class B misdemeanor.

Within a reasonable time before a child-placing agency places a child for adoption with a prospective adoptive parent, the agency must provide or have provided to the prospective adoptive parent general adoption information, which should address the information as described in the bill, as well as information specific to the child that is known to or reasonably obtainable by the agency and material to the prospective adoptive parent's informed decision to adopt the child, which must include information as specified in the bill. Also, a child-placing agency must provide or have provided to the prospective adoptive parent guidance and instruction specific to the child to help prepare the parent to respond effectively to needs of the child, which must address issues as specified in the bill. If new information is discovered by the child-placing agency at any point in the adoption process, it must provide that information to the prospective parent. Upon request from the child or the adoptive parent, the child-placing agency or the Children's Division will provide information about how to obtain financial assistance or support services: (1) To assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges; and (2) To help preserve the placement or adoption. The Children's Division and law enforcement can initiate proceedings to determine whether a child-placing agency has failed to comply with the provisions in the bill, which can result in either law enforcement filing for injunctive relief or initiating an administrative proceeding, or Children's Division suspending or revoking the agency's license.

CLASSIFICATION OF MINORS FOR ORDERS OF PROTECTION (§§455.010, 455.035, and 455.513)

This bill modifies the definitions of "adult" and "child" in provisions relating to orders of protection. An "adult" is any person 18, instead of 17, years of age or older and a "child" is any person under 18, instead of 17, years of age unless he or she is otherwise emancipated.

CONFIDENTIALITY OF CERTAIN CASES IN COURT CASE MANAGEMENT SYSTEM (§476.1025)

This bill provides that a parent, spouse, child, or personal representative of a person who was convicted of a misdemeanor offense may file a motion with a copy of the death certificate in the court of conviction to have the record made confidential on any automated case management system if the person has been deceased for six months or more. Prior to making the conviction confidential, the court must determine whether any person would be unfairly prejudiced by the confidentiality of the conviction.

FUNDING OF BASIC CIVIL LEGAL SERVICES FOR CERTAIN PERSONS (§477.650)

Currently, the provision of law establishing the Basic Civil Legal Services Fund, which provides funding to legal services organizations in this state to provide civil legal services and

representation to eligible low-income persons, is set to expire on December 31, 2025. This bill repeals the expiration date.

MENTAL HEALTH TREATMENT COURTS (§478.001)

The 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. This bill specifies that a mental health treatment 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.

REFERENCES TO THE CHILD CUSTODY JURISDICTION AND ENFORCEMENT ACT (§ 487.110)

The bill modifies references to the title and sections of law of Uniform Child Custody Jurisdiction Act, which was repealed in 2009, to the Uniform Child Custody Jurisdiction and Enforcement Act for the provision relating to child custody proceedings in family courts.

COMPENSATION OF JURORS (§§488.040 and 494.455)

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.

CIVIL CASE FILING SURCHARGE (§488.426)

Currently, any circuit court may collect a civil case filing surcharge of an amount not to exceed \$15 for the maintenance of a law library, the county's or circuit's family services and justice fund, or courtroom renovation and technology enhancement. If the circuit court reimburses the state for salaries of family court commissioners or is the circuit court in Jackson County, the surcharge may be up to \$20. The bill provides that the circuit court in the City of St. Louis may charge a filing surcharge up to \$20.

EXCLUSION OF PERSONAL INFORMATION IN COURT DOCUMENTS (§509.520)

Currently, certain information must be excluded from pleadings, attachments, exhibits, judgments, orders, or other records of the court but must be included in a confidential information sheet filed with the court, which will not be subject to public inspection or

availability. This bill modifies the provision to include information concerning a witness in a criminal case that is confidential as otherwise provided by law or rule and any other information redacted for good cause by order of the court.

UNIFORM INTERSTATE DEPOSITION AND DISCOVERY ACT (§§510.500 to 510.521)

The bill establishes the "Uniform Interstate Depositions and Discovery Act". This bill provides procedures and processes for when a subpoena for discovery or a deposition is submitted in Missouri by a party in a foreign jurisdiction.

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

Attorney General's Office
Office of Administration –
 Administrative Hearing Commission
 Budget and Planning
Department of Commerce and Insurance
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education and Workforce Development
Department of Health and Senior Services
Department of Mental Health
Department of Natural Resources
Department of Corrections
Department of Labor and Industrial Relations
Department of Revenue
Department of Public Safety –
 Division of Alcohol and Tobacco Control
 Capitol Police
 Fire Safety
 Director's Office
 Missouri Gaming Commission
 Missouri Highway Patrol
 Missouri Veterans Commission
 State Emergency Management Agency
Department of Social Services
Office of the Governor
Missouri Department of Agriculture
Missouri Department of Conservation
Missouri Ethics Commission
Missouri Department of Transportation

Missouri National Guard
MoDOT & Patrol Employees' Retirement System
Office of Administration
Petroleum Storage Tank Insurance Fund
Office of the Secretary of State
Office of the State Treasurer
Office of the State Public Defender
University of Missouri System
City of Kansas City
Jackson County Board of Election Commissioners
Platte County Board of Elections
St. Louis City Board of Elections
St. Louis County Board of Elections
Newton County Health Department
Lincoln County Assessor
Clay County Auditor
Phelps County Sheriff
County Employees Retirement Fund
Kansas City Civilian Policier Employees' Retirement
Kansas City Police Retirement System
Kansas City Public School Retirement System
Public Education Employees' Retirement System
Sheriff's Retirement System
Metropolitan St. Louis Sewer District
South River Drainage District
St. Charles County Public Water Supply District #2
Wayne County Public Water Supply District #2
Northwest Missouri State University
University of Central Missouri
Office of the State Auditor
Missouri House of Representatives
Joint Committee on Administrative Rules
Joint Committee on Education
Joint Committee on Public Employee Retirement
Legislative Research
Oversight Division
Missouri Senate
Missouri Lottery Commission
Missouri Consolidated Health Care Plan
Missouri State Employee's Retirement System
Missouri Office of Prosecution Services
Office of the State Courts Administrator
State Tax Commission

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City of Osceola
Kansas City Election Board
Osceola Water/Wastewater District
Office of the Lieutenant Governor



Julie Morff
Director
March 27, 2025



Jessica Harris
Assistant Director
March 27, 2025