## COMMITTEE ON LEGISLATIVE RESEARCH OVERSIGHT DIVISION

#### **FISCAL NOTE**

L.R. No.: 0150S.03C

Bill No.: SCS for HCS for HB 176

Subject: Administrative Law; Attorney General; Attorneys; Children and Minors;

Children's Division; Civil Procedure; Civil Rights; Corporations; Courts; Crimes and Punishment; Emergencies; Estates, Wills and Trusts; Fees; Juries; Department of Labor and Industrial Relations; Libraries and Archives; Mental Health; Saint

Louis City; Department of Social Services; Workers' Compensation

Type: Original

Date: May 13, 2025

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

### **FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND					
FUND	FY 2026	FY 2027	FY 2028	Fully	
AFFECTED				Implemented	
				(FY 2032)	
	Unknown to	Unknown to	Unknown to	Unknown to	
	(Unknown,	(Unknown,	(Unknown,	(Unknown,	
General	Could exceed	Could exceed	Could exceed	Could exceed	
Revenue*	\$600,000)	\$600,000)	\$600,000)	\$600,000)	
T-4-1 F-441	T	T.I	T. l	TT1 4-	
Total Estimated	Unknown to	Unknown to	Unknown to	Unknown to	
Net Effect on	(Unknown,	(Unknown,	(Unknown,	(Unknown,	
General	Could exceed	Could exceed	Could exceed	Could exceed	
Revenue	\$600,000)	\$600,000)	\$600,000)	\$600,000)	

<sup>\*§478.001</sup> 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.

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1311	ESTIMATED NET EFFECT ON OTHER STATE FUNDS					
FUND	FY 2026	FY 2027	FY 2028	Fully		
AFFECTED				Implemented		
				(FY 2032)		
State Highway						
&Transportation						
Dept. Fund				(More than		
(0644)	(\$189,484)	(\$227,657)	(\$232,210)	\$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)		
<b>Total Estimated</b>						
Net Effect on						
Other State				(More than		
Funds	(\$613,705)	(\$1,076,098)	(\$1,080,651)	\$1,080,651)		

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

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ESTIN	ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)					
FUND	FY 2026	FY 2027	FY 2028	Fully		
AFFECTED				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		
<b>Total Estimated</b>						
<b>Net Effect on</b>						
FTE	3 FTE	3 FTE	3 FTE	3 FTE		

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

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### **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 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 Heath (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

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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)	<u>(\$73,502)</u>	<u>(\$88,202)</u>	(\$88,202)
<b>Total Lost Revenue</b>	<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

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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:

	FY 2026	FY 2027	FY 2028
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)	<u>(\$833)</u>	<u>(\$1,000)</u>	(\$1,000)
<b>Total Lost Revenue</b>	<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

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further assumes these savings are minimal and will not present the savings to local governments for fiscal note purposes.

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** 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

Officials from the **Office of Administration (OA)** state §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)** state 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.

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**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

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. 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 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.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §453.710.4 states any person violating the provisions of §453.710 regarding transfer of child custody may be

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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	\$1.00
(POST) Fund	
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	\$4.00
Training Fund	
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

Officials from the Clay County Auditor's Office assume this proposal will have <u>no fiscal</u> <u>impact</u> 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

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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.

§§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 Health and Senior Services** and the **Office of the State Courts Administrator** 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.

In response to a previous version, 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.

**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.

§§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.

DOR is unable to provide a detailed fiscal impact of these provisions at the present time. The department 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.

**Oversight** contacted DOR officials regarding their response. Based on the information provided, the DOR's General Counsel's Office did not have further information regarding the impact of this proposal except that it is assumed any impact would be to the General Revenue Fund and that the unknown impact may possibly be a loss. Therefore, for fiscal note purposes, Oversight

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will present a \$0 to (Unknown) loss of tax revenue to GR and it is further assumed if there is an impact, that the impact could exceed \$250,000 annually.

### §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.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §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.

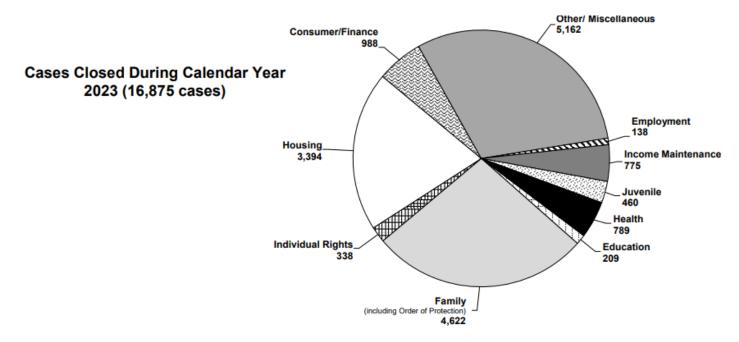
One of the focuses of the Legal Aid programs is to ensure that adults and children have access to medical care through the MoHealthNet system.

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:

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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:

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Basic Civil Legal Services Fund (0757)				
		Actual	Unexpended	
	Appropriation	Expenditures	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	
	<u> </u>	<u> </u>		
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**.

Regarding section 478.001.7-8, as statute has already mandated that veterans treatment courts may be created, it is assumed the courts have already done so and have been utilizing them. Therefore, this change has no impact.

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**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 <u>savings amount</u> 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 annual incarceration costs \*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.

Officials from the **Office of Administration - Budget and Planning (B&P)** state §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

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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).

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.

Officials from the Clay County Auditor's Office assume this proposal will have <u>no fiscal impact</u> 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

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Officials from the **Office of Administration - Budget and Planning** state 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.

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**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.

### §536.140 – Judicial review of agency determinations

In response to similar legislation from this year, Perfected SS for SB 221, officials from the **Office of the State Courts Administrator** assumed the proposal would have no fiscal impact on their organization.

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 Public Safety (Division of Alcohol and Tobacco Control, Capitol Police, Fire Safety, Office of the Director, Missouri Gaming Commission, Missouri Veterans Commission, State Emergency Management Agency), the Department of Social Services, the Missouri Department of Transportation, the Petroleum Storage Tank Insurance Fund, the Office of the Governor, the Missouri Department of Agriculture, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri National Guard, the MoDOT & Patrol Employees' Retirement System, the Office of the State Treasurer, Kansas City, the Platte County Board of Elections, the St. Louis County Board of Elections, the Newton County Health Department, the Phelps County Sheriff's Office, the Kansas City Civilian Police Employees' Retirement, the Kansas City Police Retirement System, the Public Education Employees' Retirement System, the Sheriff's

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Retirement System, the Metropolitan St. Louis Sewer District, the South River Drainage District, the St. Charles County PWSD #2, the Wayne County PWSD #2, the University of Central Missouri, the Office of the Lieutenant Governor, the Office of the State Auditor, the the Northwest Missouri State University, the Joint Committee on Public Employee Retirement, Legislative Research, the Missouri House of Representatives, the Oversight Division, the Missouri Senate, the Missouri Lottery Commission, the Missouri Consolidated Health Care Plan 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.

### **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.

In response to a previous version, 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 that 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.

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In response to a previous version, 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.

Officials from the **University of Missouri System (UM)** state 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 a previous version, officials from the St. Louis City Board of Elections, the County Employees' Retirement Fund, the Kansas City Public School Retirement System, Office of the State Public Defender, the Jackson County Board of Election Commissioners, the Lincoln County Assessor, Osceola, the Kansas City Election Board, the Osceola Water/Wastewater District and the Joint Committee on Education 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 only reflects the responses received from state agencies and political subdivisions; however, other cities, local election authorities, counties, county health departments, county recorders, nursing homes, county assessors, county auditors, county circuit clerks, county collectors, county treasurers, county public administrators, sheriff offices, fire protection districts, ambulance districts, retirement agencies, school districts, utility districts, hospitals and colleges and universities 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.

FISCAL IMPACT – State	FY 2026	FY 2027	FY 2028	Fully
Government	(10 Mo.)			Implemented
				(FY 2032)
GENERAL REVENUE				

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Implementa	FISCAL IMPACT – State	FY 2026	FY 2027	FY 2028	Fully
Savings - OA (§287.200) - reduction in worker's compensation claims benefits paid p. 7			112027	112020	
Savings - OA (§287.200) - reduction in worker's compensation claims benefits paid p. 7		(=====)			(FY 2032)
Reduction in worker's compensation claims benefits paid p. 7	<u>Savings</u> – OA (§287.200) –				
Daid p. 7   Unknown   Un					
Savings - DOC (§478.001) - reduction in costs resulting from diversions to mental health treatment courts p. 14	compensation claims benefits	\$0 to	\$0 to	\$0 to	\$0 to
Reduction in costs resulting from diversions to mental health treatment courts p. 14	paid p. 7	Unknown	Unknown	Unknown	Unknown
Reduction in costs resulting from diversions to mental health treatment courts p. 14					
So or   So o					
Treatment courts p. 14	_				
Cost Avoidance - ALJ's - potential savings in pay raises (§287.615 & 287.835) p. 8		1		· ·	\$0 or
Dotential savings in pay raises (§§287.615 & 287.835) p. 8	treatment courts p. 14	Unknown	Unknown	Unknown	Unknown
Dotential savings in pay raises (§§287.615 & 287.835) p. 8	Cost Avoidance – ALT's –				
Unknown   Unkn		\$0 or	\$0 or	\$0 or	\$0 or
Loss - DOR (§§469.399 - 469.487) - potential reduction in taxes collected p. 11	1	·	· ·		Unknown
469.487) - potential reduction in taxes collected p. 11	(33====================================				
469.487) - potential reduction in taxes collected p. 11	<u>Loss</u> – DOR (§§469.399 –				
Laxes collected p. 11		\$0 to	\$0 to	\$0 to	\$0 to
Costs - DOC (§510.506) -   \$0 to   \$0 to   \$0 to   \$0 foreign subpoena costs p. 16-17   (Unknown) (Unknown to   ESTIMATED NET EFFECT   exceed   exc	· =	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Costs - DOC (§510.506) -   \$0 to   \$0 to   \$0 to   \$0 foreign subpoena costs p. 16-17   (Unknown) (Unknown to   ESTIMATED NET EFFECT   exceed   exc					
Costs - DOC (§510.506) -   \$0 to   \$0 to   \$0 to   \$0 foreign subpoena costs p. 16-17   (Unknown) (Unknown to   Exceed   Exc	<u>Costs</u> – OSCA various	\$0 or	\$0 or	\$0 or	\$0 or
Transfer Out - (§478.001) - to establish mental health treatment courts p. 13-15   S600,000   \$60	provisions P. 18	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Transfer Out - (§478.001) - to establish mental health treatment courts p. 13-15   S600,000   \$60	Costs _ DOC (8510 506) _	\$0 to	\$0 to	\$0 to	\$0 to
Transfer Out — (§478.001) — to establish mental health treatment courts p. 13-15    Unknown to (Unknown, Could exceed exc			· ·	· ·	· ·
establish mental health treatment courts p. 13-15    Unknown to (Unknown, Could ESTIMATED NET EFFECT ON GENERAL REVENUE   \$600,000)   \$600,000)   \$600,000)   \$600,000)   \$600,000)   \$600,000   \$600,000)   \$600,000   \$600,000)   \$600,000   \$60	Toreign subpoena costs p. 10-17	(Chkhowh)	(Clikilowii)	(Clikilowii)	(Chkhowh)
establish mental health treatment courts p. 13-15    Unknown to (Unknown, Could ESTIMATED NET EFFECT ON GENERAL REVENUE   \$600,000)   \$600,000)   \$600,000	Transfer Out – (§478.001) – to	\$0 or (could	\$0 or (could	\$0 or (could	\$0 or (could
Unknown to (Unknown, Could Could Could ESTIMATED NET EFFECT exceed exceed exceed exceed exceed exceed S600,000) \$600,000) \$600,000 \$600,000		,	exceed	exceed	exceed
(Unknown, Could Could Could Could ESTIMATED NET EFFECT exceed exceed exceed exceed exceed exceed S600,000) \$600,000) \$600,000 \$600,000 \$5000,000 \$	courts p. 13-15	<u>\$600,000)</u>	<u>\$600,000)</u>	<u>\$600,000)</u>	\$600,000)
(Unknown, Could Could Could Could ESTIMATED NET EFFECT exceed exceed exceed exceed exceed exceed S600,000) \$600,000) \$600,000 \$600,000 \$5000,000 \$					
Could Could Could ESTIMATED NET EFFECT exceed exceed exceed exceed exceed s600,000) \$600,000) \$600,000 \$600,000 \$600,000 \$500,000 \$5000,000					Unknown to
ESTIMATED NET EFFECT exceed exceed exceed exceed s600,000 \$600,000 \$600,000 \$600,000 \$600,000 \$5000,000 \$5		/	/	· ·	
ON GENERAL REVENUE \$600,000) \$600,000) \$600,000 \$600,000  STATE HIGHWAY & TRANSPORTATION					Could
STATE HIGHWAY & TRANSPORTATION					
TRANSPORTATION	ON GENERAL REVENUE	<u>\$600,000)</u>	<u>\$600,000)</u>	<u>\$600,000)</u>	<u>\$600,000)</u>
TRANSPORTATION					
TRANSPORTATION	CTATE HICHWAY 0.				
DEPARTMENT FUND (0644)					
DELAKTMENT FUND (VUTT)	DELAKTMENT FUND (0044)				

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FISCAL IMPACT – State	FY 2026	FY 2027	FY 2028	Fully
Government	(10 Mo.)			Implemented (FY 2032)
<u>Costs</u> – DPS-MHP (§§510.500 –				
510.521) p. 17				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)	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>Total Costs</u> – DPS-MHP	(\$189,484)	(\$227,657)	(\$232,210)	(\$232,210)
FTE Change – MHP	1 FTE	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT				More than
ON THE ROAD FUND	<u>(\$189,484)</u>	<u>(\$227,657)</u>	<u>(\$232,210)</u>	<u>(\$232,210)</u>
Estimated Net FTE Change on				
the Road Fund	1 FTE	1 FTE	1 FTE	1 FTE
TREATMENT COURT				
RESOURCES FUND (0733)				
	\$0 or could	\$0 or could	\$0 or could	\$0 or could
<u>Transfer In</u> – funds from GR	exceed	exceed	exceed	exceed
(§478.001) p. 13-15	\$600,000	\$600,000	\$600,000	\$600,000
	\$0 or (could	\$0 or (could	\$0 or (could	\$0 or (could
<u>Cost</u> – program expenditures	exceed	exceed	exceed	exceed
(§478.001) p. 13-15	\$600,000)	\$600,000)	\$600,000)	\$600,000)
ESTIMATED NET EFFECT ON TREATMENT COURT			00	00
RESOURCES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
DACIC CIVIL LECAL				
BASIC CIVIL LEGAL SERVICES FUND (0757)				

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FISCAL IMPACT – State	FY 2026	FY 2027	FY 2028	Fully
Government	(10 Mo.)			Implemented
				(FY 2032)
Revenue – OSCA – continuation				
of receipts received from \$8				
court fee (§477.650) p. 12	\$2,035,376	\$4,070,753	\$4,070,753	\$4,070,753
<u>Cost</u> – OSCA – continuation of				
expenditures (§477.650) p. 13	(\$2,459,597)	(\$4,919,194)	(\$4,919,194)	(\$4,919,194)
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

FISCAL IMPACT – Local	FY 2026	FY 2027	FY 2028	Fully
Government	(10 Mo.)			Implemented
				(FY 2032)
LOCAL POLITICAL				
SUBDIVISIONS				
Revenue – (§§453.710 &	Less than	Less than	Less than	Less than
453.714) – court costs p. 9	\$250,000	\$250,000	\$250,000	\$250,000
Revenue – Schools (§§453.710	Less than	Less than	Less than	Less than
& 453.714) – fine revenue p. 9	\$250,000	\$250,000	\$250,000	\$250,000
Revenue – St. Louis Court				
(§488.426) – \$5 increase in fee	\$0 to	\$0 to	\$0 to	\$0 to
for law library p. 16	\$130,117	\$156,140	\$156,140	\$156,140
<u>Cost</u> – increased mileage rate for				
jurors following §33.095 for				
state employees (§494.455) p. 15	(Unknown)	(Unknown)	(Unknown)	(Unknown)
ESTIMATED NET EFFECT	More or	More or	More or	More or
ON LOCAL POLITICAL	Less than	Less than	Less than	Less than
SUBDIVISIONS	<u>\$630,117</u>	<u>\$656,140</u>	<u>\$656,140</u>	<u>\$656,140</u>

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### 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 act modifies provisions relating to civil jurisprudence.

### BIRTH, DEATH, AND MARRIAGE RECORDS (SECTION 193.265)

This act 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 (SECTIONS 214.330 & 469.399 TO 469.487 & THE REPEAL OF SECTIONS 469.409, 469.411 & 469.461)

This act establishes the "Missouri Uniform Fiduciary Income and Principal Act" which applies to trusts and estates where Missouri is the principal place of administration and to property in Missouri that is subject to a life estate or other term interest and in which the interest of one or more persons will be succeeded by the interest of another.

This act provides requirements for fiduciaries when making an allocation or determination or exercising discretion pursuant to this act, including acting in good faith and administering the trust or estate impartially and in accordance with the terms of the trust and this act. Specifically, the fiduciary shall add a receipt and charge disbursement to principal. Additionally, the fiduciary may exercise the power to adjust, convert an income trust to a unitrust, change the percentage or method used to calculate a unitrust amount, or convert a unitrust to an income trust, if the fiduciary determines that such actions will assist the fiduciary to administer the trust or estate impartially.

The court shall not order a fiduciary to change a decision unless there was an abuse of discretion, upon which the court may order a remedy to place the beneficiaries in the positions as if there was not an abuse of discretion. A fiduciary may petition the court for instruction on whether a proposed fiduciary decision will result in an abuse of discretion. If the petition meets the requirements of this act, the beneficiaries have the burden to establish that a fiduciary decision will result in an abuse of discretion.

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Additionally, this act modifies provisions relating to fiduciary determinations of net income upon the death of an individual resulting in the creation of an estate or trust or in the termination of an income interest in a trust, relating to rights of beneficiaries to receive a share of net income, relating to dates on which income interests begin, assets become subject to a trust, and fiduciary allocation of an income receipt or disbursement to principal, and relating to mandatory income interests and undistributed income.

As provided by this act, a fiduciary shall allocate as income any money received in an entity distribution, as defined in the act, and any tangible personal property of nominal value received from the entity. A fiduciary shall also allocate as principal certain moneys and other property received in an entity distribution. The act further provides factors for a fiduciary to determine or estimate that money received in an entity distribution is a capital distribution.

The fiduciary, instead of the trustee, shall also allocate to income amounts received as a distribution of income, including a unitrust distribution, from a trust or estate in which the fiduciary, instead of the trust, has an interest, other than an interest the fiduciary purchased in a trust that is an investment entity, and shall allocate to principal amounts received as a distribution of principal from the trust or estate. Furthermore, this act makes changes to the provisions relating to businesses or other activity conducted by a fiduciary if the fiduciary determines that it is in the interests of the beneficiaries to account separately.

Additionally, this act modifies provisions relating to allocations to principal by the fiduciary instead of the trustee, allocations of rental property income, allocations of amounts received as interest or from the sale, redemption, or other disposition on an obligation to pay money, and allocations of proceeds of a life insurance policy or other contract received by the fiduciary as beneficiary. If a fiduciary, instead of a trustee, determines that an allocation between income and principal is insubstantial, the fiduciary may allocate the entire amount to principal. The act further modifies the factors for a fiduciary to presume an allocation is insubstantial. Such power may be exercised by a co-fiduciary or may be released or delegated as provided by law.

This act repeals provisions relating to the income allocation of payments characterized as distributions to the trustee and instead provides rules for separate funds, as defined in the act, and requirements of fiduciaries of marital trusts. Furthermore, this act modifies provisions relating to liquidating assets and the failure of a fiduciary to account for receipts from the interests in minerals, water, or other natural resources, from the sale of timber and related products, or for transactions in derivatives. This act also contains modifications to the provisions relating to marital deductions, including qualifications for such deductions, and allocations of receipts related to an asset-backed security to income. Specifically, a fiduciary shall allocate receipts related to a financial instrument or arrangement not addressed by this act.

This act modifies provisions relating to required income and principal disbursements by fiduciaries, rather than trustees, and transfers to principal of net cash receipts from a principal asset that is subject to depreciation. A fiduciary may transfer an appropriate amount from principal to income in an accounting period to reimburse income if the fiduciary makes or

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expects to make an income disbursement, as described in the act. The provision regarding transfer of an amount from income in an accounting period to reimburse principal or to provide a reserve for future principal disbursements is also modified.

Additionally, this act repeals the existing provision relating to adjustments between principal and income and provides that a fiduciary may make an adjustment between income and principal to offset the shifting of economic interests or tax benefits between current income beneficiaries and successor beneficiaries that arises from:

- (1) An election or decision the fiduciary makes regarding a tax matter, other than a decision to claim an income tax deduction;
- (2) An income tax or other tax imposed on the fiduciary or a beneficiary as a result of a transaction involving the fiduciary or a distribution by the fiduciary; or
- (3) Ownership by the fiduciary of an interest in an entity, a part of whose taxable income, whether or not distributed, is includable in the taxable income of the fiduciary or a beneficiary.

A fiduciary may offset a charge to each beneficiary that benefits from a decrease in an income tax to reimburse the principal from which the increase in estate tax is paid by obtaining payment from the beneficiary, withholding an amount from future distributions to the beneficiary, or adopting another method.

This act modifies, limits, and supersedes the federal Electronic Signatures in Global and National Commerce Act, except for certain provisions relating to consumer disclosures, and does not authorize electronic delivery of certain notices.

Additionally, this act repeals existing provisions relating to unitrust amounts and establishes new provisions relating to unitrusts, which is defined as a trust for which net income is an amount computed by multiplying a determined value of a trust by a determined percentage. The conversion of an income trust to a unitrust and for the determination of the rate used to compute the unitrust amount is provided in this act.

Furthermore, this act provides for certain requirements for a unitrust policy. Specifically, the policy:

- (1) Shall provide the unitrust rate or method for determining such rate, the method for determining the applicable value of assets, and rules for the unitrust administration;
- (2) Shall provide the period used for the determination of the rate and value;
- (3) May provide standards for using fewer preceding periods if certain circumstances exist and prorating the unitrust amount on a daily basis for a part of a period in which the trust or the

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administration of the trust as a unitrust or the interest of any beneficiary commences or terminates; and

(4) May provide methods and standards for determining the timing of distributions, making distributions in cash or in kind, or correcting an underpayment or overpayment to a beneficiary based on the unitrust amount if there is an error in calculating the unitrust amount, or may provide other standards and rules to serve the interest of the beneficiaries.

This act also provides that if a trust qualifies for a special tax benefit or if a fiduciary is not an independent person, the unitrust rate shall not be less than three percent and no more than five percent and that only certain provisions of this act apply.

Finally, certain provisions relating to the statute of limitations on claims of a breach of trustee's duty to impartially administer a trust are repealed.

The provisions of this act apply to trusts and estates existing or created on or after August 28, 2025, except if expressly provided in the terms of the trust or by this act.

### WORKERS' COMPENSATION (SECTIONS 287.200 TO 287.835 & 621.045)

The act permits the Labor and Industrial Relations Commission ("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.

Current law requires a retention vote be taken by the Administrative Law Judge Review Committee ("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 act repeals these requirements and instead creates new provisions for filing complaints against and removing ALJs.

The act repeals a requirement that members of the Committee 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 act additionally repeals a requirement that all members of the Committee have a working knowledge of workers' compensation.

The act permits the Director of the Division of Workers' Compensation to file a complaint with the Administrative Hearing Commission ("AHC") seeking to remove an ALJ from office for one or any combination of the following causes:

(1) The ALJ has committed any criminal offense as described in the act, regardless of whether a criminal charge has been filed;

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- (2) The ALJ has been convicted, or has entered a plea of guilty or nolo contendere in a criminal prosecution under the laws of any state, the United States, or of any country, regardless of whether sentence is imposed or is guilty of misconduct;
- (3) Habitual intoxication;
- (4) Willful neglect of duty;
- (5) Corruption in office;
- (6) Incompetency; or
- (7) The ALJ has committed any act that involves moral turpitude or oppression in office.

Prior to filing a complaint, the Director shall 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 AHC that:

- (1) The grounds for disciplinary action are met, the Director may, singly or in combination, issue disciplinary actions against the ALJ, as provided in the act, including removal or suspension from office; or
- (2) There are no grounds for disciplinary action, the ALJ shall immediately resume duties and shall receive any attorney's fees due under current law.

An ALJ may be suspended with pay, without notice, at the discretion of the Director if:

- (1) The ALJ commits a crime for which the ALJ is being held without bond for a period of more than 14 days;
- (2) The ALJ's license to practice law has been suspended or revoked; or
- (3) A declaration of incapacity by a court of competent jurisdiction has been made with respect to the ALJ.

The act provides that the compensation for ALJs and chief administrative law judges shall be determined solely by the rate outlined in law and shall not increase when pay raises for executive employees are appropriated.

The act furthermore repeals reference to the position of Chief Legal Counsel.

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The act 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 (SECTION 347.143)

The act modifies the procedure by which a court may decree dissolution of a limited liability company. Specifically, in addition to circumstances where it is not reasonably practicable to carry on the business in conformity with the operating agreement, the court may issue such a decree if it determines:

- (1) Dissolution is reasonably necessary for the protection of the rights or interests of the complaining members;
- (2) The business of the limited liability company has been abandoned;
- (3) The management of the limited liability company is deadlocked or subject to internal dissension
- (4) The business operations are substantially impaired; or
- (5) Those in control of the limited liability company have been found guilty of, or have knowingly countenanced, persistent and pervasive fraud, mismanagement, or abuse of authority.

# <u>UNIFORM UNREGULATED CHILD CUSTODY TRANSFER ACT (SECTIONS 453.700 TO 453.742)</u>

This act 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 shall not transfer custody of the child to another person with the intent to abandon the rights and responsibilities concerning the child except through adoption or guardianship, a judicial award of custody, placement through a child-placing agency, judicial action, or through the Safe Place for Newborns Act of 2002. A violation of this provision shall be a class B misdemeanor.

If the Children's Division of the Department of Social Services has a reasonable basis to believe that a person has transferred or will transfer custody of a child in violation this act, the Children's Division may conduct a home visit and take appropriate action to protect the welfare of the child.

Furthermore, this act provides that a person shall not solicit or advertise to identify a person to which to make a transfer of custody in violation of this act, to identify a child for a transfer of custody in violation of this act, or to act as an intermediary in a transfer of custody in violation of this act. A violation of this provision is a class B misdemeanor.

This act additionally provides that a child-placing agency shall provide to the prospective adoptive parent, as such term is defined in the act, within a reasonable time before adoption

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placement, certain general adoption information described in the act and certain information that is specific to the child that is known to or reasonably obtainable by the agency and is material to the prospective adoptive parent's informed decision to adopt the child. Additionally, a child-placing agency shall provide to the prospective adoptive parent specific guidance and instruction as provided by the act regarding the child to help prepare the parent to respond effectively to needs of the child that are known to or reasonably ascertainable by the agency. Finally, on request, the child-placing agency or the Children's Division shall provide information about how to obtain financial assistance or support services to assist the child or parent to respond effectively to adjustment, behavioral health, and other challenges and to help preserve the placement or adoption.

This act further provides that law enforcement or the Children's Division can initiate investigations or proceedings to determine whether a child-placing agency has failed to comply with the provisions of this act, which can result in either law enforcement filing for injunctive relief or initiating an administrative proceeding, or the Children's Division suspending or revoking the agency's license or any other action permitted by law.

These provisions shall apply to:

- (1) A transfer of custody on or after August 28, 2025;
- (2) Soliciting or advertising on or after August 28, 2025;
- (3) Adoption placements more than sixty days after August 28, 2025.

# CLASSIFICATION OF MINORS FOR ORDERS OF PROTECTION (SECTIONS 455.010, 455.035 & 455.513)

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

#### PRINCIPAL PLACE OF ADMINISTRATION OF A TRUST (SECTION 456.1-108)

This act provides that the notice of a proposed transfer of a trust's principal place of administration shall include a notice stating that a change in the place of administration may result in a change of the trust's governing law, which may affect the rights of any beneficiaries if the new governing law differs from the current governing law.

## STATUTE OF LIMITATIONS ON ACTIONS AGAINST A TRUSTEE (SECTION 456.10-1005)

Currently, if a trustee has not furnished a report on potential claims or such report fails to meet the information requirements, a proceeding against a trustee for breach of trust shall be commenced within five years after the first of certain events. This act modifies the provision by providing that such action shall be commenced within the first of:

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- (1) The removal, resignation, or death of the trustee;
- (2) The occurrence of the event causing a termination of the beneficiary's interest in the trust; or
- (3) The occurrence of the event causing a termination of the trust.

# MISSOURI ELECTRONIC WILLS AND ELECTRONIC ESTATE PLANNING DOCUMENTS ACT (SECTIONS 474.540 TO 474.564)

This act establishes the "Missouri Electronic Wills and Electronic Estate Planning Documents Act" which provides for the execution of wills through electronic methods.

An electronic will shall be a will for all purposes of the laws of this state. An electronic will is a record that is readable, and remains accessible, as text at the time of signing by the testator or by another individual in the testator's name, in the testator's physical presence, and by the testator's direction. Additionally, an electronic will shall be signed by at least two individuals in the physical or electronic presence of the testator within a reasonable amount of time after witnessing the signing of the will or acknowledgment of the will or signing. Furthermore, an electronic will that has not been executed in compliance with these requirements shall still be considered an electronic will under this act if executed in compliance with the law of the jurisdiction where the testator is physically located when the will was signed or where the testator is domiciled or resides when the will is signed or upon his or her death.

The intent of the testator that the record be an electronic will may be established by extrinsic evidence. As provided in the act, an electronic will may be made self-proving by acknowledgment of the testator.

An electronic will may revoke all or part of a previous will and an electronic will shall be revoked by use of:

- (1) A subsequent will that revokes the electronic will expressly or by inconsistency;
- (2) A written instrument signed by the testator declaring the revocation; or
- (3) A physical act, if established by a preponderance of the evidence that the testator, with the intent of revoking, performed or directed another individual to perform the act in the testator's physical presence.

Additionally, if there is evidence that a testator signed an electronic will, but neither the electronic will nor a certified paper copy can be located after a testator's death, there shall be a presumption that the testator revoked the electronic will, even if no instrument or later will revoking such electronic will can be located. At any time during the administration of the estate or as determined by the court if there is no grant of administration, the court may issue an order

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for a custodian of an account held under a terms-of-service agreement to disclose digital assets for purposes of obtaining an electronic will from the account of a deceased user.

Furthermore, this act provides that any written estate planning document, as defined in the act, may be executed electronically and no such estate planning document shall be invalid or void solely because of its electronic form or electronic signatures. Any written estate planning document that requires one or more witnesses to the signature of a principal may be witnessed by any individual in the electronic presence of the principal. Additionally, this act provides that a person who acts in reliance upon an electronically executed written estate planning document shall not be liable to any person for so relying and may assume without inquiry the valid execution of the electronically executed written estate planning document.

An individual may create a certified paper copy of an electronic will or estate planning document by affirming under penalty of perjury that a paper copy of the electronic will or document is a complete, true, and accurate copy. If a provision of law or rule of procedure requires a will or document to be presented or retained in its original form or provides consequences for the failure to present or retain the will or document in its original form, a certified paper copy shall satisfy the provision or rule.

This act also supersedes the federal Electronic Signatures in Global and National Commerce Act, except for certain provisions relating to consumer disclosures, and does not authorize electronic delivery of certain notices.

Finally, this act shall apply to any will of a decedent who dies on or after August 28, 2025, and to any written estate planning document signed or remotely witnessed on or after August 28, 2025.

#### ESTATE PLANNING DURING COVID-19 (SECTION 474.600)

With respect to the execution of an estate planning document, a person required for the execution of an estate planning document shall be deemed to have satisfied any physical presence requirement under Missouri law during the COVID-19 state of emergency if the following requirements were met:

- (1) The signer affirmatively represented that he or she was physically in this state;
- (2) The notary was physically located in this state and stated the county he or she was physically located in;
- (3) The notary identified the signers to the satisfaction of the notary and Missouri law;
- (4) Any person whose signature was required appeared using video conference software where live, interactive audio-visual communication between the principal, notary, and any other necessary person allowed for observation, direct interaction, and communication at the time of signing; and

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(5) The notary recorded in his or her journal the exact time and means used to perform the act.

These requirements shall be deemed satisfied if a licensed Missouri attorney present at the remote execution signs a written acknowledgment made before an officer authorized to administer oaths and evidenced by the officer's certificate, which shall be affixed to or logically associated with the acknowledgment.

# CONFIDENTIALITY ON CASE.NET OF DECEASED INDIVIDUALS WITH CERTAIN CONVICTIONS (SECTION 476.1025)

This act 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 such conviction confidential, the court shall determine whether any person would be unfairly prejudiced by the confidentiality of such conviction.

### BASIC CIVIL LEGAL SERVICES FUND (SECTION 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 act repeals the expiration date.

#### TREATMENT COURTS (SECTION 478.001)

Currently, the treatment court divisions of the circuit courts may include an adult treatment court, DWI court, family treatment court, juvenile treatment court, and veteran treatment court, which are specialized courts focused on addressing substance abuse disorders, mental health disorders, and co-occurring disorders of certain criminal defendants. This act provides for the establishment of a mental health treatment court to provide an alternative for the disposal of cases that stem from mental health or co-occurring disorders of criminal defendants.

# REFERENCES TO THE UNIFORM CHILD CUSTODY JURISDICTION ACT (SECTION 487.110)

This act 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 (SECTIONS 488.040 & 494.455)

Currently, a juror shall receive seven cents per mile to and from his or her place of residence and the courthouse. This act modifies the mileage rate of jurors to the mileage rate of state employees, which is currently provided at sixty-five and half cents. Current law also provides that grand or petit jurors in certain counties, including in Clay and Greene, shall not receive compensation for the first two days of service, but shall receive fifty dollars with seven cents per

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mile for the third and any subsequent days that the juror actually serves. This act provides that the governing body of the county or the City of St. Louis may adopt a system of juror compensation that provides grand or petit jurors to receive no compensation on the first two days of actual service, but receive fifty dollars with the state employee mileage rate for the third and any subsequent days of actual service.

## ST. LOUIS CITY CIRCUIT COURT CIVIL CASE FILING SURCHARGE (SECTION 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. This act 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 (SECTION 509.520)

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

# <u>UNIFORM INTERSTATE DEPOSITION AND DISCOVERY ACT (SECTIONS 510.500 TO 510.521)</u>

This act establishes the Uniform Interstate Depositions and Discovery Act, which provides procedures for out-of-state subpoenas for certain forms of discovery conducted in Missouri.

To request a subpoena in Missouri, a party shall submit a foreign subpoena to a clerk of the court in the county in which discovery is sought to be conducted. The clerk shall promptly issue a subpoena, which shall incorporate the terms used in the foreign subpoena and include contact information of the attorneys and any party not represented by an attorney in the proceeding to which the subpoena relates. A request for issuance of a subpoena pursuant to this act shall not constitute an appearance in Missouri courts.

The Missouri Supreme Court Rules of Civil Procedure and the laws of this state apply to subpoenas issued pursuant to this act and such subpoenas shall be served in compliance with such rules and laws. Additionally, an application for a protective order or to enforce, quash, or modify a subpoena issued by clerk of this state shall comply with such court rules and laws of this state. However, in applying and construing this act, consideration shall be given to the need to promote uniformity among the states.

These provisions shall apply to requests for discovery in cases pending on August 28, 2025.

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#### JUDICIAL REVIEW OF AGENCY INTERPRETATIONS (SECTION 536.140)

This act modifies the standard for review for a state agency's interpretation of statutes, rules, regulations, and other subregulatory documents. Specifically, a court or administrative hearing officer shall interpret the meaning and effect of such statutes, rules, regulations, and documents de novo, rather than de novo upon motion by a party if the action only involves the agency's application of the law to the facts and does not involve administrative discretion. Further, after applying customary tools of interpretation, the court or officer shall decide any remaining doubt in favor of a reasonable interpretation that limits agency power and maximizes individual liberty.

## <u>UNIFORM PUBLIC EXPRESSION PROTECTION ACT (SECTION 537.529 & REPEAL OF SECTION 537.528)</u>

This act establishes the "Uniform Public Expression Protection Act". Currently, any action against a person for conduct or speech undertaken or made in connection with a public hearing or meeting in a quasi-judicial proceeding before a tribunal or decision-making body of the state or a political subdivision thereof is subject to a special motion to dismiss, a motion for judgment on the pleadings, or motion for summary judgment and any such motion shall be considered by the court on a priority or expedited basis. This act repeals this provision and creates procedures for dismissal of causes of action asserted in a civil action based on a person's:

- (1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding;
- (2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or
- (3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or the Missouri Constitution, on a matter of public concern.

However, this act shall not apply to a cause of action asserted:

- (1) Against a governmental unit, as described in the act, or an employee or agent of a governmental unit acting in an official capacity;
- (2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or
- (3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the sale or lease of such goods or services.

No later than 60 days after a party is served with a complaint, cross-claim, counterclaim, third-party claim, or other pleading that asserts a cause of action covered by this act, or at a later time

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upon a showing of good cause, a party may file a special motion to dismiss. The court shall hear and rule on such motion no later than 60 days after the filing of the motion, unless the court orders a later hearing to allow for limited discovery or upon good cause. However, this act provides that the court shall hear and rule on the motion for dismissal no later than 60 days after the order allowing for discovery.

This act provides that all other proceedings between the moving party and the responding party in the action, including discovery and any pending hearings or motions, shall be stayed upon the filing of the special motion to dismiss. Additionally, this act provides that the court may stay, upon motion by the moving party, a hearing or motion involving another party or discovery by another party if a ruling on such hearing or motion or discovery relates to a legal or factual issue.

Any stay pursuant to this act shall remain in effect until the entry of an order ruling on the special motion to dismiss and the expiration of the time to appeal the order. A moving party may appeal an order denying the special motion to dismiss in whole or in part within 21 days of such order. If a party appeals an order ruling on a special motion to dismiss, this act provides that all proceedings between all parties shall be stayed until the conclusion of the appeal.

The court may allow discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy the requirements of this act and such information is not reasonably available without discovery. Additionally, a motion for costs and expenses, voluntary dismissal, or a motion to sever shall not be stayed. During a stay, the court upon good cause may hear and rule on any motions unrelated to the special motion to dismiss and any motions seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

In ruling on a special motion to dismiss, this act provides that the court shall consider the parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could be considered in a ruling on a motion for summary judgment. The court shall dismiss the cause of action with prejudice if:

- (1) The moving party has established that the cause of action is covered by this act;
- (2) The responding party has failed to establish that this act does not apply to the cause of action; and
- (3) Either the responding party failed to establish a prima facie case as to each essential element of the cause of action, or the moving party has established that the responding party failed to state a cause of action upon which relief can be granted or that there is no genuine issue as to any material fact and that the party is entitled to judgment as a matter of law.

A voluntary dismissal without prejudice of a cause of action that is subject to a special motion to dismiss pursuant to this act shall not affect the moving party's right to obtain a ruling on the motion and seek costs, reasonable attorneys' fees, and reasonable litigation expenses. Additionally, if the moving party prevails on the motion, this act provides that such costs, fees, and expenses shall be awarded to the moving party. A voluntary dismissal with prejudice of a

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cause of action that is subject to a special motion to dismiss establishes that the moving party prevailed on the motion. The responding party shall be entitled to such costs, fees, and expenses if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with the intent to delay the proceeding. Finally, this act applies to causes of action filed or asserted on or after August 28, 2025.

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

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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 Police 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

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Missouri Office of Prosecution Services
Office of the State Courts Administrator
State Tax Commission
City of Osceola
Kansas City Election Board
Osceola Water/Wastewater District
Office of the Lieutenant Governor
Missouri State Employee's Retirement System

Julie Morff Director

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May 13, 2025

Jessica Harris Assistant Director May 13, 2025