

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1456-03
Bill No.: SCS for SB 447 with HCA 1
Subject: Attorneys; Courts; Circuit Clerk; Fees; Judges
Type: Original
Date: April 18, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Basic Civil Legal Services	\$0	\$0	\$0
Total Estimated Net Effect on Other State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **State Treasurer’s Office, Missouri House of Representatives,** and the **Missouri Senate** assumed the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would establish the “Basic Civil Legal Services Fund” and authorize additional filing fees in civil and criminal cases to be credited to the fund. Moneys collected for this fund are to be paid by the court clerk to the Office of State Courts Administrator; the Missouri Supreme Court is to determine and oversee the administration of this fund.

Based upon a caseload analysis for FY 2002, CTS estimates this legislation would generate approximately \$3,194,959 in any given year.

Since the legislation provides that administrative costs are to be paid from the fund, CTS assumes there would be no cost to the judiciary.

ASSUMPTION (continued)

Oversight assumes CTS would incur costs to administer the Basic Civil legal Services Fund; however, these costs would be paid from the fund. Oversight assumes CTS would require one professional staff (1 FTE Accounting Specialist) and one clerical staff (1 FTE Account Coordinator) to collect, administer, and distribute the moneys for this fund. Oversight estimates the cost of these positions, including necessary equipment and expense costs and fringe benefits, to be \$93,080 in FY 04; \$96,430 in FY 05; and \$98,845 in FY 06.

In response to a previous version of this proposal, officials from the **Cape Girardeau County Circuit Clerk's Office** assumed, based on caseloads reported in the 2000 Missouri Judicial Report, the proposal would generate approximately \$107,410 in Revenues. Officials do not anticipate any savings or losses. Officials assume the costs would be minimal. There would be additional accounting time in the end of the month reports. In criminal cases, officials would use a limited amount of clerk time with receipts, since some of the criminal defendants only pay \$5.00 to \$10.00 at a time.

In response to a previous version of this proposal, officials from the **Phelps County Circuit Clerk's Office** assumed the proposal would have no fiscal impact. The costs to collect and disburse money to the state would be minimal.

<u>FISCAL IMPACT - State Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
BASIC CIVIL LEGAL SERVICES FUND			
<u>Income</u> – Office of State Courts Administrator (CTS)			
Court filing fees	\$2,662,466	\$3,194,959	\$3,194,959
<u>Costs</u> – CTS			
Personal Services (2 FTE)	(\$55,371)	(\$68,106)	(\$69,808)
Fringe Benefits	(\$22,409)	(\$27,562)	(\$28,251)
Equipment and Expense	(\$15,310)	(\$762)	(\$786)
Distribution to legal services organizations	<u>(\$2,569,376)</u>	<u>(\$3,098,529)</u>	<u>(\$3,096,114)</u>
<u>Total Costs</u> – CTS	<u>(\$2,662,466)</u>	<u>(\$3,194,959)</u>	<u>(\$3,194,959)</u>

ESTIMATED NET EFFECT ON BASIC CIVIL LEGAL SERVICES FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

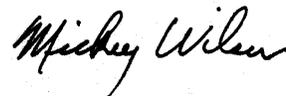
DESCRIPTION

The proposed legislation would create the Basic Civil Legal Services Fund. The fund would increase the public money available for civil legal services for low-income persons. To fund the program, a \$20 fee would be assessed upon the filing of every civil or criminal proceeding in supreme court and in any appellate court, a \$10 fee would be assessed upon filings in circuit court, and a \$8 fee would be assessed upon filings in associate circuit court. The Missouri Supreme Court or its designee would administer the fund. Moneys from the fund would be used to pay for the collection of the fee and the implementation and administration of the fund. The Supreme Court would be required to report to the General Assembly every year on the moneys collected and disbursed pursuant to this law by judicial circuit. The extra fees would not be collected in traffic violation cases. The sunset provision would be extended by one year from December 31, 2006, to December 31, 2007.

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

SOURCES OF INFORMATION

Office of State Courts Administrator
State Treasurer's Office
Missouri House of Representatives
Missouri Senate
Cape Girardeau County Circuit Clerk's Office
Phelps County Circuit Clerk's Office



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Director

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