

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5163-04  
Bill No.: SS for HCS for HB 1765  
Subject: Credit and Bankruptcy; Property, Real and Personal; Uniform Laws; Estate, Wills and Trusts; Courts; Civil and Criminal Procedure; Liability; Mental Health; Health Care Professionals; Crimes and Punishment; Probation and Parole  
Type: Original  
Date: May 11, 2016

**Bill Summary:** This proposal creates regulations for commercial receiverships and powers of appointment, exempts firearms from bankruptcy, modifies provisions regarding wills, trusts, and exonerated individuals, and establishes a statute of limitations on suits against mental health professionals.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
General Revenue	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses. This fiscal note contains 7 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

§§404.710, 456.5-508, 456.970, 456.975, 456.980, 456.985, 456.990, 456.995, 456.1000, 456.1005, 456.1010, 456.1015, 456.1020, 456.1025, 456.1030, 456.1035, 456.1040, 456.1045, 456.1050, 456.1055, 456.1060, 456.1065, 456.1070, 456.1075, 456.1080, 456.1085, 456.1090, 456.1095, 456.1100, 456.1105, 456.1110, 456.1115, 456.1120, 456.1125, 456.1130, 456.1135

In response to similar legislation this year, SB 576, officials at the **Office of the Attorney General (AGO)** assumed that any potential 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 cases.

In response to similar legislation this year, SB 576, officials at the **Department of Insurance, Financial Institutions and Professional Registration, the Department of Social Services, the Department of Health and Senior Services** and the **Office of the State Courts Administrator** each assumed no fiscal impact to their respective agencies from this proposal.

§§404.717, 456.3-304, 456.4B-411, 456.7-706, 469.467, 473.050

In response to similar legislation this year, HCS for SS for SCS for SB 698, officials at the **Department of Insurance, Financial Institutions and Professional Registration** assumed no fiscal impact from this proposal.

In response to similar legislation this year, HCS for SS for SCS for SB 698, officials at the **Office of the Secretary of State** assumed no fiscal impact from this proposal.

In response to similar legislation this year, HCS for SS for SCS for SB 698, officials at **St. Louis County, the Platte County Board of Election** and the **St. Louis County Board of Election Commission** each assumed no fiscal impact to their respective entities from this proposal.

In response to similar legislation this year, HCS for SS for SCS for SB 698, officials at the **Jackson County Board of Election Commission, the Callaway County Commission** and **Lincoln County** each assumed no fiscal impact to their respective entities from this proposal.

ASSUMPTION (continued)

§475.125

In response to similar legislation this year, HCS for SS for SCS for SB 698, officials at **Department of Social Services**, the **Office of the State Courts Administrator** and the **Department of Health and Senior Services** each assumed no fiscal impact to their respective agencies from this proposal.

§513.430

In response to a previous version, officials at the **Department of Corrections (DOC)** stated this proposal deals with personal property and this change would add in the following exemption of personal property: (12) Firearms, firearm accessories, and ammunition, not to exceed one thousand five hundred dollars in value in the aggregate. This would not have an impact on the DOC.

§§515.500, 515.505, 515.510, 515.515, 515.520, 515.525, 515.530, 515.535, 515.540, 515.545, 515.550, 515.555, 515.560, 515.565, 515.570, 515.575, 515.580, 515.585, 515.590, 515.595, 515.600, 515.605, 515.610, 515.615, 515.620, 515.625, 515.630, 515.635, 515.640, 515.645, 515.650, 515.655, 515.660, 515.665

In response to similar legislation this year, CCS for HCS for SCS for SB 578, officials at the **Office of the Secretary of State**, the **Office of the State Courts Administrator**, the **Office of the State Treasurer**, the **Department of Revenue**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Agriculture** and the **State Tax Commission** each assumed no fiscal impact to their respective agencies from this proposal.

In response to similar legislation this year, CCS for HCS for SCS for SB 578, officials at **St. Louis County** and the **Callaway County Commission** each assumed no fiscal impact to their respective entities from this proposal.

In response to similar legislation this year, CCS for HCS for SCS for SB 578, officials at the **Boone County Sheriff's Department** assumed no fiscal impact from this proposal.

§516.105

In response to similar legislation this year, HB 1619, officials from the **Office of Attorney General** assumed any potential costs arising from this proposal can be absorbed with existing resources.

ASSUMPTION (continued)

In response to similar legislation this year, HB 1619, officials from the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Mental Health** and the **Office of State Courts Administrator** each assumed the proposal would not fiscally impact their respective agencies.

§650.058

**Oversight** assumes this part of the proposal may result in a higher number of individuals who receive restitution from the state for being wrongly convicted and imprisoned. Due to time constraints and without a response from the Department of Corrections, Oversight will assume a potential unknown increased state expense from this proposal.

Bill as a whole

In response to a previous version, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of appropriating or attempting to appropriate property that is owned by or in the custody of a financial institution and the property is taken or attempted to be taken physically from an individual person to deprive the owner or custodian of the property would be a new class B felony nor can existing staff provide effective representation for any indigent clients faced with the new expanded definition of criminal trespass.

While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide effective representation.

In response to a previous version, officials at the **Joint Committee on Administrative Rules** assumed the legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

In response to a previous version, officials at the **Office of the Attorney General (AGO)** assumed that any potential 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 cases.

Officials at the **Department of Economic Development**, the **Office of Administration's Division of Accounting**, the **Joint Committee on Administrative Rules**, the **Office of the State Courts Administrator**, the **Department of Agriculture**, the **Office of the Governor**, the **Department of Mental Health**, the **Department of Revenue**, the **Office of the State Treasurer** and the **State Tax Commission** each assume no fiscal impact to their respective agencies from this proposal.

ASSUMPTION (continued)

In response to a previous version, officials at the **Department of Health and Senior Services**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Social Services**, the **Missouri Department of Transportation**, the **Department of Public Safety's Missouri Highway Patrol** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
<b>GENERAL REVENUE</b>			
<u>Costs</u> - DOC - potential increase in restitution paid to those wrongly convicted and imprisoned (Section 650.058)	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$0 or <u>(Unknown)</u></b>	<b>\$ or <u>(Unknown)</u></b>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

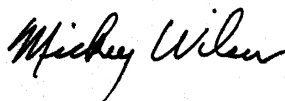
§650.058

This part of the proposal may result in a higher number of individuals who receive restitution from the state for being wrongly convicted and imprisoned.

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

SOURCES OF INFORMATION

Department of Public Safety  
    Missouri Highway Patrol  
Office of Prosecution Services  
Office of the State Public Defender  
Office of the State Courts Administrator  
Department of Corrections  
Department of Revenue  
Department of Insurance, Financial Institutions and Professional Registration  
Office of the Secretary of State  
Department of Agriculture  
Department of Mental Health  
Department of Health and Senior Services  
Joint Committee on Administrative Rules  
Department of Social Services  
Office of the Attorney General  
Missouri Department of Transportation  
Office of the State Treasurer  
State Tax Commission  
Office of the Governor  
St. Louis County  
Platte County Board of Election Commission  
St. Louis County Board of Election Commission  
Jackson County Board of Election Commission  
Callaway County Commission  
Lincoln County  
Boone County Sheriff's Department  
Department of Economic Development  
Office of Administration  
    Division of Accounting



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May 11, 2016

Ross Strobe  
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