

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0633-14
Bill No.: HCS for SS# 4 for SB 224
Subject: Civil Procedure; Courts
Type: Original
Date: May 13, 2019

Bill Summary: This proposal modifies various Supreme Court Rules relating to discovery.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 to (Unknown, Could Exceed \$574,620)	\$0 to (Unknown, Could Exceed \$574,620)	\$0 to (Unknown, Could Exceed \$574,620)
#Total Estimated Net Effect on General Revenue	\$0 to (Unknown, Could Exceed \$574,620)	\$0 to (Unknown, Could Exceed \$574,620)	\$0 to (Unknown, Could Exceed \$574,620)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> 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 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	Up to 15 FTE	Up to 15 FTE	Up to 15 FTE
Total Estimated Net Effect on FTE	Up to 15 FTE	Up to 15 FTE	Up to 15 FTE

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (SPD)** assume the following:

With Section 25.02 removed from this version, the focus changes to investigator time. Because this bill allows the prosecutor to withhold (redact) contact information on key witnesses, this will significantly increase the amount of investigation that is required in a large number of criminal cases. In addition, while not all cases require depositions, certain complex criminal litigation requires a substantial number of depositions; because the bill limits the number of depositions that may be taken without a court order, it will also increase the amount of investigatory work that must be performed in a significant number of cases.

Job Title	Job Class	Annual	# Required	Total
Investigator	C00300	\$31,608	15	\$474,120
Travel @ \$250/Month	140	\$3,000	15	\$45,000
Office @\$50/Month	190	\$600	15	\$9,000
Rent @ \$1900/Year	680	\$1,900	15	\$28,500
Phone & Net @ \$1200/Year	340	\$1,200	15	\$18,000
				\$574,620

Oversight inquired the SPD regarding their response. In the previous version of the proposal, discovery was included and SPD responded needing 48 attorneys because both the legal and investigative aspect was needed. Because section 25.02 is removed from this version of the proposal, only the investigative portion will be needed, which can be done by investigators as mentioned in SPD’s response above. Therefore, Oversight will reflect a \$0 to unknown cost that could exceed SPD’s cost to the General Revenue Fund for additional investigators needed by SPD.

ASSUMPTION (continued)

In response to a previous version, officials at the **Missouri Department of Transportation (MoDOT)** assumed this bill would have a \$0 to unknown negative fiscal impact on MoDOT from additional costs incurred for reporting requirements by expert witnesses.

Oversight notes this proposal removes the language agencies attributed costs in previous fiscal notes, and assumes that without that language, expected direct costs would reflect a zero impact.

Officials at the **Office of the Attorney General**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Corrections**, the **Department of Revenue** and the **Office of Prosecution Services** each assume no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Office of the State Courts Administrator** and the **Office of Administration** each assumed no fiscal impact to their respective agencies from this proposal.

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

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
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GENERAL REVENUE FUND

<u>Costs</u> - SPD - potential increase in investigation and deposition costs - based on potentially time equivalent to 15 investigators	\$0 to (Unknown, Could Exceed \$574,620)	\$0 to (Unknown, Could Exceed \$574,620)	\$0 to (Unknown, Could Exceed \$574,620)
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ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$0 to (Unknown, Could Exceed \$574,620)</u>	<u>\$0 to (Unknown, Could Exceed \$574,620)</u>	<u>\$0 to (Unknown, Could Exceed \$574,620)</u>
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Estimated net FTE change to the General Revenue Fund	Up to 15 FTE	Up to 15 FTE	Up to 15 FTE
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<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses involved in litigation and small law businesses could be impacted by this proposal.

FISCAL DESCRIPTION

This act modifies numerous Supreme Court rules relating to discovery.

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

Missouri Department of Transportation
Office of the State Public Defender
Office of the State Courts Administrator
Office of Administration
Department of Insurance, Financial Institutions and Professional Registration
Department of Corrections
Office of Prosecution Services
Office of the Attorney General
Department of Conservation
Department of Revenue



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May 13, 2019

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May 13, 2019