

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 3007-07  
BILL NO.: HCS for SS for SCS for SB 678 & 742  
SUBJECT: Courts; Civil Procedure  
TYPE: Original  
DATE: May 1, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue*	(\$190,738)	(\$228,885)	(\$228,885)
Workers' Comp. Administrative	(\$0 to \$329,952)	(\$0 to \$400,073)	(\$0 to \$409,495)
County Foreign Insurance	\$0	\$0	\$0
Drug Court Resource	\$0	\$0	\$0
Tort Victims' Compensation	(\$253,822 to Unknown)	(\$261,990 to Unknown)	(\$273,204 to Unknown)
Legal Services for Low-Income People	Unknown	Unknown	Unknown
<b>Total Estimated Net Effect on <u>All</u> State Funds*</b>	<b>(\$444,560 to Unknown)</b>	<b>(\$490,875 to Unknown)</b>	<b>(\$502,089 to Unknown)</b>
* Excludes unknown loss of income due to recovery of premium taxes			
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	(Unknown)	(Unknown)	(Unknown)

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 16 pages.

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would make numerous changes in the law including: court-ordered fingerprinting of criminal defendants; juvenile information sharing; increase parental liability for acts of children to \$20,000; make changes in trial de novo; provide for mechanics' lien bonds; authorize electronic transfer of information on orders of protection to MULES; expand adult abuse provisions; cover retired judges previously excluded from retirement provisions; provide for a Drug Court Coordinating Commission; revise provisions for judicial review of commissioners' actions; restrict the number of small claims cases that can be filed; provide for court en banc review of expenditures from registry accounts; authorize Greene County to change the basis of juror compensation; make changes in the Tort Victims' Compensation Fund, and authorize funding of legal services; revise provisions for court costs in change of venue cases; change the death penalty statute to revise provisions on mentally retarded; and provide for closing some records in criminal proceedings.

Several of the provisions will have some minimal costs associated with them but specific estimates are not feasible, such as increased sound recording costs for making the record that will be needed for cases not subject to trial de novo. We would not expect the aggregate costs to the judiciary to reach \$100,000 in any year.

*Orders of Protection - MULES*

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MHP)** assume the proposal would have a significant impact on the rules relating to orders of protection that are entered into the MULES system. This information is currently entered by the chief law enforcement officer responsible for maintaining the MULES system. However, the proposal would allow orders of protection to be entered using a direct automated data transfer from the court's automated system. MHP assumes CTS could require their agency to comply with the provisions outlined in the proposal. Therefore, MHP would have to review the training and audit processes within the MULES program with MHP's Communications Division and appropriate

**ASSUMPTION** (continued)

MULES committee members. The process of validation of entries, clearing, modifying and deleting would have to be considered and addressed.

As a result of the change in procedure as outlined above, MHP assumes that any costs associated with this legislation will be provided through federal grant money that is currently available for such purposes. Accordingly, MHP assumes no additional costs will result from the proposal.

*Juvenile Information*

Officials from the **Department of Health, Department of Public Safety - Missouri Highway Patrol** assume that this proposal will not fiscally affect their agencies.

Officials from the **Department of Social Services - Division of Youth Services (DYS)** stated expenses related to membership on the Juvenile Information Governance Commission are immaterial. The DYS stated that at this time, a uniform tracking system for electronic exchange of information is not in place. Therefore, depending upon the information determined to be shared between agencies, there may be an increase in paper retrieval. Confidentiality issues remain to be resolved.

Officials from the **Department of Social Services - Division of Family Services** stated there will be no state fiscal impact beyond the normal travel and time necessary to participate in the regular meetings of the "Juvenile Governance Commission". This would not require additional funding.

Officials from the **Department of Mental Health (DMH)** stated their department is already sharing information under the requirements of this proposal with all agencies and entities listed, except the Department of Elementary and Secondary Education (DESE). No significant costs should arise from including the DESE in the current group which shares information. The DMH assumes the Commission established will not add any tasks or expense which cannot be absorbed by the DMH or which will not be reimbursed to the DMH. The DMH further assumes that their department will continue to provide hard copies of information requested, as is the current practice.

The DMH stated the long-range implications would depend upon what the Commission may require. If a new computer system is required by the Commission, it could result in a fiscal impact. Additional costs for software, networking, and related items may be incurred. These costs could be \$100,000 or more.

**ASSUMPTION** (continued)

Officials from the **Office of Administration - Office of Information Technology (OIT)** stated the proposal would not fiscally impact their division. The OIT stated that if departments have a secure (computer) architecture currently in place, costs for this proposal would be minimal. However, if a department's business needs have not required a secure network architecture, costs may be substantial to build and maintain this type of an infrastructure.

Officials from the **Department of Elementary and Secondary Education (DESE)** stated that they could not provide a cost estimate at this time. The costs would depend upon the following:

- establishing a secure channel to transfer information,
- after determination of guidelines such as the type of data and frequency by the Commission, a needs assessment would need to be performed to determine the costs, and
- other costs determined by the requirements of the Commission.

The DESE provided the same response for the local school districts.

**Oversight** cannot predict what the Juvenile Information Governance Commission will require the individual state agencies and the individual school districts to provide in terms of information, personnel or equipment resources. Oversight notes the fiscal impact will be subject to the recommendations of the Juvenile Information Governance Commission. There will be no costs to state or local governments for the Commission itself. The fiscal impact would be based on the recommendations of the Commission, which are unknown at this time but would be subject to appropriations before the costs are incurred.

*Administrative Law Judges - DWC*

Officials from the **Department of Labor and Industrial Relations (DOL)** assume the proposed legislation would allow the Governor to appoint three additional administrative law judges for the Division of Workers' Compensation prior to July 1, 2003. DOL assumed a range of \$0 to \$83,000 per year since the proposal is enabling legislation and the funding for the costs related to the additional administrative law judges would be subject to appropriation.

**Oversight** assumes the Governor could appoint up to three additional administrative law judges in the fiscal years covered by our fiscal note. As a result, we have ranged the costs for each fiscal year to include the possibility that zero to three administrative law judges could be appointed in any given fiscal year. The maximum total cost for the three additional administrative law judges would be approximately \$400,000 per year. This amount includes the salary, fringe benefits, and expense and equipment for an administrative law judge.

**ASSUMPTION** (continued)

*Donated Fire Equipment*

The **Department of Public Safety** and the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

*Insurance*

Officials from the **Department of Insurance (INS)** assume the proposed legislation would have no fiscal impact on their operations. The proposal extends the sunset clause for the statute that precludes using estimation of claims to force reinsurers to pay the receiver of an insolvent insurer before the claims actually mature. Estimation of claims is employed as a means of allowing a receivership to close efficiently rather than remain open merely for the purpose of waiting to receive reinsurance proceeds. If receiverships may not use claims estimations to compel payment from reinsurers, the effect may be to defer the receipt of certain premium tax revenues. Losses from insolvent insurance companies are funded by the state guaranty associations. The guaranty associations must assess other, solvent insurers in order to fund the losses from insolvent insurance companies. Insurance companies are allowed a tax credit against their premium tax liability for assessments paid to the guaranty associations. Delay in the collection of reinsurance proceeds could cause more losses to be funded by the guaranty associations, which will then wait for the reimbursement, by the receiver from eventual collection of reinsurance. This delay would in turn cause a temporary increase in credits against premium tax, which would later be returned to the treasury when the reinsurance collections are credited to the guaranty association. The end result would be a deferral of state revenue. **INS** states the average time period for an insurance receivership is approximately six years.

**Oversight** assumes that in the first three years there would be an increase in credits against premium tax for the fiscal note period and therefore, a loss of funds to the General Revenue Fund and the County Foreign Insurance Fund. **Oversight** also assumes that there would be an increase in revenues to these funds in the last three years of the insurance receivership.

*Judicial Retirement*

Officials of the **Joint Committee on Public Employee Retirement** have reviewed this proposal and have determined that it represents a “substantial proposed change” in future plan benefits as defined in section 105.660(5), RSMo. Therefore, an actuarial cost statement must be provided prior to final action on this legislation by either legislative body or committee thereof.

Officials of the **Office of Administration** assume any fiscal impact would be determined by the

**ASSUMPTION** (continued)

Missouri State Employees' Retirement System.

Officials of the **Missouri State Employees' Retirement System (MOSERS)** assume the proposal would allow a retired judge to receive additional cost-of-living adjustments (COLAs) based upon the difference between the judge's current benefit amount and the amount the judge would have received had the retired judge been eligible to accrue COLAs from the earliest date of retirement eligibility. An actuarial analysis indicates the proposal would require an increase in the state's contribution rate for the judicial retirement plan from 55.30% to 55.97% of covered payroll. Based on the valuation payroll of \$34,162,013 as of June 30, 1999, the increase in the total annual contribution would be approximately \$228,885. There are no retroactive payments included in this cost.

*Drug Courts Coordinating Commission*

Officials from the **Office of the Attorney General**, the **Office of State Courts Administrator**, the **Office of Administration**, the **Department of Corrections**, the **Department of Social Services**, and the **Department of Mental Health** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Department of Public Safety (DPS)** assume the proposal would create a Drug Court Commission to oversee all drug courts in the state of Missouri. The Commission would consist of eight members, one to be selected by the director of the Department of Public Safety. DPS assumes the expenses incurred by the commissioner appointed by DPS (i.e., mileage, meals, and hotel) would cost their agency approximately \$4,800 annually.

**Oversight** assumes that all of the members of the Drug Court Commission would be selected by state agencies which have offices geographically located in Jefferson City, Missouri, and the proposal does not require meetings to be held outside of Jefferson City. Therefore, Oversight assumes that any mileage, meal, and hotel expenses would be minimal and could be absorbed with existing resources.

Officials from the **Office of the State Treasurer** did not respond to our request for fiscal impact statement. **Oversight** assumes that any costs associated with the creation of the Drug Court Resources Fund would be minimal and could be absorbed with existing resources.

*Jury Compensation*

Officials from the **Office of the Greene County Circuit Clerk** assume the proposed legislation

**ASSUMPTION** (continued)

would have no fiscal impact on their office. The additional compensation paid to jurors for the third and subsequent consecutive days would be offset by not having to pay jurors the \$6 per day for the first two days of service. Also, the volume of payments would substantially decrease.

*Tort Victims' Compensation Fund*

Officials from the **Department of Labor and Industrial Relations - Division of Workers' Compensation (DOL)** assume the proposed legislation establishes responsibility in the Division of Workers' Compensation to administer and adjudicate claims of uncompensated tort victims against the Tort Victims' Compensation Fund.

The DOL will establish and maintain a Tort Victims' Compensation Unit to receive, process and make awards for uncompensated tort victims. The DOL will also establish and maintain a procedure to adjudicate these claims.

The impact of this program is very difficult to assess. In FY 98, the Office of the State Courts Administrator reported that 20,282 tort cases were disposed of. Over the last three fiscal years the average number of tort cases disposed of is 19,264 cases. This includes settlements, dismissals, defendants' verdicts, plaintiffs' verdicts, and default judgments. It is impossible to determine how many cases will result in a verdict for the plaintiff that are uncollectible. This type of data is not collected. It is also impossible to determine how many uninsured motorist claims will be filed as tort cases because of accessibility to these funds. Attempts to obtain this type of information were made with the Missouri Association of Trial Attorneys and the Missouri Department of Insurance.

Funding for this program on an ongoing basis is questionable. The statute provides for 50% of punitive damages awards in final judgments to be paid to the DOL into the Tort Victims' Compensation Fund. Currently, there are moneys over seven million dollars (\$7,000,000) in the Fund. This funding came from two unusual cases in Kansas City where the plaintiffs and defendants absolutely refused to settle the claim. This information is from the Attorney General's office. In most cases, the plaintiff and defendant settle any punitive damages, even after a jury award. This usually happens while the case is on appeal. Because the case is settled, there would be no final judgment and no payment to the Fund.

Since almost all cases involving tort claims involve claimant attorneys, it is assumed the potential for claims in cases of unsatisfied plaintiffs' judgements will be very high. For the purpose of this fiscal note, the DOL assumes 10% of all cases disposed of will result in claims against the fund. Based on information previously cited, this is an average of 1,926 claims filed

**ASSUMPTION** (continued)

per year (19,264 x 10%). This average is very close to the number of claims filed with the DOL Crime Victims' Compensation program each year. In FY 96 a total of 1,652 claims were disposed of, in FY 97 a total of 2,206 claims were disposed of, in FY 98 a total of 1,688 claims were disposed of by the Crime Victims' Compensation program.

DOL assumes the parameters of the Tort Victims' Compensation program in verifying medical, funeral and legal bills, verifying court action and other requirements to establish the validity of a claim under this proposal are also very similar to the manner in which crime victim's compensation claims are handled. For that reason, DOL assumed staffing needs similar to the Crime Victims' Compensation program would be needed to handle the claims process. This program must also have one legal counsel to ensure compliance with the statutory provisions and the myriad of legal issues involved in tort claims to ensure proper funding.

**Oversight** assumes 35% of all payments received by the Tort Victims' Compensation Fund will be transferred to the Legal Services for Low-Income People Fund created by this proposal.

*Domestic Violence Shelters*

**Oversight** assumes counties that do not currently have an order or ordinance in effect to fund a domestic violence shelter could adopt such an order or ordinance and generate additional revenue.

*Sentencing for Mentally Retarded*

Officials of the **Office of Administration, Department of Public Safety - Missouri State Highway Patrol, Office of the State Public Defender, and the Office of State Courts Administrator** assume this proposal would have no fiscal impact to their agencies.

Officials of the **Department of Mental Health (DMH)** assume this proposal would create no additional duties for their department, so no fiscal impact is anticipated. The DMH currently provides psychological evaluations on all defendants in murder trials.

Officials from the **Department of Corrections (DOC)** stated that any fiscal impact which resulted due to passage of this proposal would occur after the 10.6 years that death-row inmates currently serve on average before execution, and is, therefore beyond the scope of this fiscal note.

Officials of the **Office of Prosecution Services** assume this proposal would not have a significant impact to prosecutors.



**ASSUMPTION** (continued)

Officials from the **Office of the Attorney General** assume the costs of the proposal could be absorbed with existing resources.

*Administrative Hearing Commission*

Officials from the **Office of Administration - Administrative Hearing Commission** stated the filing fee authorized by the proposed legislation would be determined after a review of cases filed and the costs related to filing these cases, taking into consideration any comments received during the rule making process. They were unable to predict the number of cases of this type that will be filed.

<u>FISCAL IMPACT - State Government</u>	FY 2001	FY 2002	FY 2003
	(10 Mo.)		

**GENERAL REVENUE FUND**

*INSURANCE*

<u>Loss of Income</u> - Department of Insurance			
Recovery of premium taxes	(Unknown)	(Unknown)	(Unknown)

*JUDICIAL RETIREMENT*

<u>Cost</u> - Office of State Courts			
Administrator			
Contributions to MOSERS	(\$190,738)	(\$228,885)	(\$228,885)

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND*</b>	<u>(\$190,738)</u>	<u>(\$228,885)</u>	<u>(\$228,885)</u>
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\* Excludes unknown loss of income due to recovery of premium taxes

*ADMINISTRATIVE LAW JUDGES*

**WORKERS' COMPENSATION  
ADMINISTRATIVE FUND**

<u>Cost</u> - Div. of Workers' Compensation			
Personal Service	(\$0 to \$209,250)	(\$0 to \$257,378)	(\$0 to \$263,812)
Fringe Benefits	(\$0 to \$86,797)	(\$0 to \$106,760)	(\$0 to \$109,429)
Expense and Equipment	<u>(\$0 to \$33,905)</u>	<u>(\$0 to \$35,935)</u>	<u>(\$0 to \$36,254)</u>

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<b>ESTIMATED NET EFFECT ON WORKERS' COMPENSATION ADMINISTRATIVE FUND</b>	<u>(\$0 to \$329,952)</u>	<u>(\$0 to \$400,073)</u>	<u>(\$0 to \$409,495)</u>

*INSURANCE*  
**COUNTY FOREIGN INSURANCE  
 FUND**

<u>Savings</u> - Department of Insurance Distributions to local political subdivisions	Unknown	Unknown	Unknown
<u>Loss of income</u> - Department of Insurance Premium taxes	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<b>ESTIMATED NET EFFECT ON COUNTY FOREIGN INSURANCE FUND</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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*DRUG COURTS COORDINATING  
 COMMISSION*  
**DRUG COURT RESOURCES FUND**

<u>Income</u> - Appropriations, gifts, bequests, etc.	Unknown	Unknown	Unknown
<u>Cost</u> - Drug Courts Coordinating Commission operations	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

<b>ESTIMATED NET EFFECT ON DRUG COURT RESOURCES FUND</b>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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*TORT VICTIMS' COMPENSATION*  
**TORT VICTIMS' COMPENSATION  
 FUND**

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<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<u>Transfer</u> - Punitive damage awards - 35% of all payments received to Legal Services for Low-Income People Fund	(Unknown)	(Unknown)	(Unknown)
<u>Costs</u> - Labor and Industrial Relations			
Personal Service	(\$153,488)	(\$192,151)	(\$200,483)
Fringe Benefits	(\$47,198)	(\$59,086)	(\$61,648)
Expense and Equipment	<u>(\$53,136)</u>	<u>(\$10,753)</u>	<u>(\$11,073)</u>
Total Costs - DOL	<u>(\$253,822)</u>	<u>(\$261,990)</u>	<u>(\$273,204)</u>

<b>ESTIMATED NET EFFECT ON TORT VICTIMS' COMPENSATION FUND</b>	<u>(\$253,822 to Unknown)</u>	<u>(\$261,990 to Unknown)</u>	<u>(\$273,204 to Unknown)</u>
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**LEGAL SERVICES FOR  
LOW-INCOME PEOPLE FUND**

<u>Revenue</u> - Punitive damage awards - 35% of all payments received by the Tort Victims' Compensation Fund	Unknown	Unknown	Unknown
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<b>ESTIMATED NET EFFECT ON ALL STATE FUNDS*</b>	<u>(\$444,560 to \$774,512)</u>	<u>(\$490,875 to \$890,948)</u>	<u>(\$502,089 to \$911,584)</u>
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\* - Excludes unknown loss of income due to recovery of premium taxes

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
<u>Loss of Income</u> - Distributions from County Foreign Insurance Fund	(Unknown)	(Unknown)	(Unknown)
<u>Revenue</u> - Domestic Violence Shelter Fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

KAF:LR:OD:005 (9-94)

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation makes several changes to court procedures.

43.503 - Deletes the requirement that a prosecuting attorney must file a motion to obtain the fingerprinting of a convicted defendant prior to sentencing or commitment.

56.085 - Associate circuit judges are given the authority to issue subpoenas in criminal matters.

67.133 - Corrects current language regarding surcharges on certain crimes. Non-felony violations are charged a \$10 fee.

104.312 - Allows the parties in a divorce action to agree to a date to be used to divide a state employee's pension.

193.185 - Requires persons who perform marriage ceremonies to certify the marriage within 60 days after the marriage.

196.790 - Eliminates trials de novo for violations of Missouri's imitation butter laws.

210.865, 210.870 - Requires the Department of Elementary and Secondary Education to share information concerning juveniles with the State Courts Administrator and the departments of Social Services, Mental Health, and Health. The proposal also establishes the Juvenile Information Governance Commission to recommend standards for the sharing of information about juveniles between executive agencies and circuit courts.

211.029 - Repeals provisions relating to appeals from findings of juvenile court commissioners to allow such procedures to be governed by Section 478.037.

211.185 - Increases from \$4,000 to \$20,000 the maximum amount that a parent and child may be ordered to pay as restitution for a child's criminal act.

286.010 - Allows the Governor to appoint 3 additional administrative law judges to serve in the Division of Workers' Compensation prior to July 1, 2003.

303.041 - Allows the Director of Revenue to take enforcement action for violations of administrative supervision.

320.091 - Allows immunity for any donated fire equipment provided: 1) the State Fire Marshal approves the equipment; 2) any donated motor vehicle passes inspection; 3) the receiving agency demonstrates the equipment works properly; and 4) donor agencies inform receiving agencies of any defects.

351.025, 354.065 - Extends to August 31, 2001, the expiration date of certain provisions related to not-for-profit health services corporations.

375.1220 - The proposal would extend the sunset clause to December 31, 2004 on a provision of law that would: (1) allow a creditor's claim to be fixed using the liquidator's estimate of the insurer's liabilities; (2) clarify that a receiver could not require payment from a reinsurer based upon estimated incurred-but-not-reported losses; and (3) allow the liquidator to negotiate a

DESCRIPTION (continued)

settlement of all liabilities resulting from reinsurance contracts.

426.220, 426.230 - Eliminates trials de novo from judgments finding a transfer of property violated creditors' rights.

429.145, 429.270 - Allows the release of a mechanic's lien on real estate by depositing 125% of the amount of the lien with the circuit court.

429.360 - Eliminates trials de novo in suits to enforce mechanics' liens.

452.556 - Allows courts to include parenting plan handbook when filing or during service of process in divorce cases.

455.040 - Allows courts to enter information regarding any adult order of protection in the Missouri Uniform Law Enforcement System or a comparable system.

455.050 - Expands ability to issue restraining orders to include restrictions on entering premises to those "occupied" by the petitioner.

455.205 - Extends from 2000 to 2001 the time limitation that local governments may establish fees on marriage licenses and civil cases.

476.690 - Allows a judge who retired prior to August 28, 1995 to receive additional cost-of-living adjustments (COLAs) based upon the difference between the judge's current benefit amount and the amount the judge would have received had the retired judge been eligible to accrue COLAs from the earliest date of retirement eligibility.

478.009 - Establishes a Drug Courts Coordinating Commission to evaluate resources available for assessment and treatment and for the operation of drug courts. The Commission would also secure funds and services desirable to facilitate drug court operation and allocate resources among the various drug courts operating within the state. The Commission would be comprised of one member selected by the Department of Corrections, the Department of Social Services, the Department of Mental Health, the Department of Public Safety, and the State Courts Administrator, as well as three members selected by the Supreme Court. The Supreme Court would also designate the chairman of the Commission. A Drug Court Resources Fund would be established in the state treasury, to be administered by the Commission.

478.037 - Provides procedures for review of decisions by commissioners and specifies that a court order adopting the commissioner's finding remains effective when objections are filed unless a stay is ordered by the court.

482.330 - Small court claims are currently limited to eight per person per year. The proposal keeps the current limit, but new enforcement is simplified. Any more than eight will be dismissed without prejudice.

483.310 - Allows funds deposited in court registry accounts to be used for the clerk's office if the expenditures are approved by a majority of the judges of the court. Records of the expenditures are required to be disclosed to the public and the county's governing body.

483.500 - Requires fees to be paid to the circuit clerk of the county which issued the original decision in cases appealed to the Court of Appeals or the Supreme Court of Missouri.

DESCRIPTION (continued)

494.455 - Requires jurors in Greene County to be compensated at a rate of \$50 per day for the third consecutive day of service and each day after the third day.

512.180 - Deletes the provision allowing trials de novo in associate court cases tried without a jury and involving claims of damages of \$5,000 or less.

534.070, 534.350, 534.360, 534.380, 535.030, 535.110 - Allows clerks to issue subpoenas in forcible entry and unlawful detainer actions and eliminates trials de novo from unlawful detainer and landlord-tenant cases.

537.675 - 537.694 - The proposed legislation creates the Legal Services for Low-Income People Fund which may receive up to 35% of all payments to the Tort Victims' Compensation Fund. The treasurer is authorized to distribute money from the Legal Services for Low-Income People Fund to legal services organizations in Missouri that receive federal Legal Services Corporation funding. Funds must be allocated according to the most recent official census data relating to the location of Missouri residents living at or below the poverty level.

In addition, the proposal authorizes the Division of Workers' Compensation to make awards to uncompensated victims from 65% of payments to the Tort Victims' Compensation Fund. Prevailing plaintiffs in civil tort cases who are unable to collect or enforce judgments are considered uncompensated tort victims under the proposal's provisions. Awards may not be greater than the amount determined by the jury for any plaintiff found to be contributorily or comparatively negligent. No award from the fund may exceed \$300,000. The proposal specifies procedures for filing claims and appealing determinations. If there are insufficient funds for the division to pay all claims, the claims must be paid on a pro rata basis.

The proposal also modifies procedures for the Attorney General to collect 50% of all punitive damage awards after attorney fees and expenses are paid. Cases resolved by arbitration, mediation, or compromise settlement as well as attorneys' fees and expenses are not subject to the collection procedures.

550.120 - Expands cost allocation in change of venue to include civil cases

565.030 - Adds additional procedures allowing the court and the trier of fact, in first degree murder cases, to determine if the defendant is mentally retarded. If the defendant is determined to be mentally retarded, the death penalty may not be imposed. These procedures apply to offenses committed on or after August 28, 2000.

610.105 - Expands what shall be considered closed records under the Sunshine Law. Current law allows public access only to the disposition portion when a defendant is not prosecuted or found not guilty, and the arrest and case records are closed records. This section would include the disposition portion as a closed record when a defendant is not prosecuted or found not guilty.

621.055 - Requires the Department of Social Services to issue a notice of appeal rights with all

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DESCRIPTION (continued)

decisions that are appealable to the Administrative Hearing Commission.

621.155, 621.165, 621.175, 621.185, 621.189 - Deletes provisions relating to the Administrative Hearing Commission's authority to determine the constitutionality of administrative rules.

621.198 - Allows the Administrative Hearing Commission to set by rule a filing fee for original actions brought by non-state parties.

Sections 1 and B - Provides for the election of a chief administrative law judge by the administrative law judges in an executive branch office and allows the legal advisor to participate in the selection when the administrative law judges are unable to select the chief judge. The section becomes effective on January 1, 2001.

Sections 2 and B - Specifies that the substitute's provisions eliminating trials de novo become effective on January 1, 2001, and apply to cases filed on or after January 1, 2001.

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 the Attorney General  
Office of the State Courts Administrator  
Office of the State Treasurer  
Department of Labor and Industrial Relations  
Department of Public Safety - Missouri State Highway Patrol  
Office of Administration  
Department of Corrections  
Office of Prosecution Services  
Department of Social Services  
Department of Elementary and Secondary Education

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SOURCES OF INFORMATION(continued)

Department of Health  
Department of Insurance  
Department of Mental Health  
Missouri State Employees' Retirement System  
Joint Committee on Public Employee Retirement  
Office of the Circuit Clerk of Greene County  
Office of the State Public Defender



Jeanne Jarrett, CPA  
Director  
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