

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. NO.: 3039-02
BILL NO.: SB 713
SUBJECT: Courts; Civil Procedure
TYPE: Original
DATE: January 18, 2000

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
General Revenue	(Under \$100,000)	(Under \$100,000)	(Under \$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	(Under \$100,000)	(Under \$100,000)	(Under \$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would eliminate civil trial de novo cases, except for small claims, and require that any appeal be on the record. CTS reports there were approximately 54,404 cases where there was a potential for a trial de novo appeal in FY99. Under this proposal, these cases would all have to be heard on the record (sound recorded) so that any appeal would be on the record. CTS is unsure how many, but a substantial portion of these cases are currently sound recorded. Additionally, there were 3,375 municipal certifications and trial de novo cases. Overall, CTS assumes there will be a need to sound record more cases to preserve the record. However, there will be a reduction in the trial de novo cases. The increase in the number of formal appeals to the Court of Appeals would probably be slight. On balance, CTS assumes there would be some increase in cost, but it is not likely that the higher cost would reach \$100,000 in any one year.

Officials from the **Office of the Greene County Circuit Clerk** assume the proposal would require their office to purchase one additional recorder and electronic device for recording. Additionally, Greene County assumes their office would need an additional \$16,000 annually to cover salary and benefit costs related to the recording of court proceedings. Greene County assumes the proposal would cause more appeals to be filed because Court of Appeals fees are lesser than trial de novo fees.

Based on conversations with CTS, **Oversight** assumes that most local courts currently either have sound recording devices in all court rooms or have access to sound recording devices at no cost. This proposal would require associate courts to sound record more cases; however, the local cost should be limited to the actual cost of the additional tapes and would not require additional FTE. Overall, Oversight assumes the local costs would be minimal and could be absorbed with existing resources.

Officials from the **Office of the Attorney General** and the **Office of the Jackson County Circuit Clerk** assume the proposal would have no fiscal impact on their agencies.

Officials from the offices of the **St. Louis County Circuit Clerk**, the **St. Louis City Circuit Clerk**, the **Boone County Circuit Clerk**, and the **Cole County Circuit Clerk** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
GENERAL REVENUE FUND			
<u>Costs</u> – State Courts Administrator	(Less than \$100,000)	(Less than (\$100,000)	(Less than \$100,000)
<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

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 eliminate civil trial de novo cases (except for small claims cases) and require that any appeal be on the record.

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

This proposal would not affect Total State Revenue.

SOURCES OF INFORMATION

Office of State Courts Administrator
Office of the Attorney General
Office of the Greene County Circuit Clerk
Office of the Jackson County Circuit Clerk

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SOURCES OF INFORMATION (continued)

NOT RESPONDING: St. Louis County Circuit Clerk, St. Louis City Circuit Clerk, Boone County Circuit Clerk, and Cole County Circuit Clerk.



Jeanne Jarrett, CPA
Director
January 18, 2000