

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3797-03
Bill No.: HCS for SCS for SB 916
Subject: Political Subdivisions: Domestic Relations
Type: Original
Date: May 14, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	\$560,417 to (Unknown)	\$515,675 to (Unknown)	\$508,645 to (Unknown)
Total Estimated Net Effect on <u>All</u> State Funds	\$560,417 to (Unknown)	\$515,675 to (Unknown)	\$508,645 to (Unknown)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Sections 488.005 and 488.445: Surcharge on Marriage License-Domestic Violence Fund

Officials of the **Office of State Courts Administrator** assume that most counties wanting to impose this fee would have done so by now, and any fiscal impact would be minimal.

Oversight assumes that local governments that wanted to impose this fee would have done so, therefore, for the purposes of this fiscal note Oversight assumes no fiscal impact to state or local government from Sections 488.005 and 488.445.

Sections 488.250 and 488.2253: Court Reporter Fees

Current responses and in response to Fiscal Note no. 4713-04 (identical legislation) the following statements were submitted:

State Court Administrator officials stated that this proposal would increase statutory fees paid to Court Reporters for transcript preparation, and Court costs paid by litigants for Court Reporter services. Court Reporters are statutory state employees who are paid fees in addition to their statutory salary. These increase in costs would be paid by the State Public Defender. While most transcript costs are paid by private litigants, there are some costs borne by the Judiciary, State Public Defender, and state agencies who are parties to appeals. The current budget for Court Reporter fees paid by the Judiciary is approximately \$100,000. Under this proposal, those costs would increase considerably, depending on the mix of original pages and copies. Public Defender and Attorney General may estimate other state costs.

Officials stated that the statutory court cost charged litigants in cases where the record is preserved using a court reporter would increase. This is income to the State's General Revenue Fund. Some of the costs will be borne by the state through the criminal costs bills paid by the Office of Administration. There were about 90,000 cases in FY 2001 to which the costs could apply. If fully collected, these costs would generate upwards of \$900,000 in new revenue. Indigent cases, acquittals, dismissals, etc. will reduce receipts considerably, but it would be safe to say the revenue would increase anywhere from \$600,000 to \$750,000.

Officials stated that Court Reporter fees for transcripts based on the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. We are unable to predict what that increase or decrease might be, but would not expect it to be great.

ASSUMPTION (continued)

Officials from the **Office of Attorney General** assume the proposal increases the cost for

transcripts of court proceedings by approximately 45% (ordinarily 3 copies are ordered – original, 50% increase; copy, 43% increase for 2 copies). This would result in additional cost in pursuing appeals on behalf of the state. Because the number and length of transcripts to be requested is unknown, the cost of the proposal is unknown in each fiscal year.

The legislation also gives court reporters a COLA for transcripts based on the Implicit Price Deflator for Personal Consumption Expenditures as published by the Bureau of Economic Analysis of the United States Department of Commerce. CTS is unable to predict what that increase or decrease might be, but do not expect it to be great.

In response to a similar proposal (HB 2014) officials from the **Office of State Public Defender (SPD)** stated that in FY 1999, the Office of State Courts Administrator core transferred \$405,000 to the State Public Defender and the State Public Defender assumed the responsibility for paying court reporters for trial transcripts for indigent persons seeking an appeal or post conviction relief motion. The SPD's estimated expenditures for the current fiscal year (FY 2001) is \$8,750 per week or \$455,000. The proposed increase per this proposal is 50% for each original page typed. Therefore, this proposed legislation will cost the State Public Defender an additional \$227,500.

Oversight assumes the proposal would increase the costs to the SPD by 50%. Therefore, Oversight assumes the SPD's cost to the General Revenue Fund would be \$189,583 for 10 months of FY 03; \$234,325 for FY 04; and \$241,355 for FY 05.

Officials of the **Department of Social Services-Division of Family Services** assumes no fiscal impact.

Officials of the **Department of Insurance** assume no fiscal impact.

Official of the **Department of Public Safety** assume no fiscal impact.

Officials of the **Jefferson County Commission** assume no fiscal impact.

Officials of the **Office of Administration** stated that this proposal should not result in additional cost or savings to the Division of Budget and Planning. Officials assume the proposal would increase state revenue.

FISCAL IMPACT - State Government

FY 2003
(10 Mo.)

FY 2004

FY 2005

GENERAL REVENUE FUND

WB:LR:OD (12/01)

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
Income – Courts (§488.2253) Increased court fees	\$600,000 to \$750,000	\$600,000 to \$750,000	\$600,000 to \$750,000
Costs – Office of Attorney General Increased transcript costs (§488.2250)	(Unknown)	(Unknown)	(Unknown)
Costs – Office of State Public Defender Increased transcript costs (§488.2250)	(\$189,583)	(\$234,325)	(\$241,355)
Costs - to Other State Agencies Increased transcript costs (488.2250)*	(Unknown)	(Unknown)	(Unknown)
<u>ESTIMATED NET EFFECT TO GENERAL REVENUE FUND</u>	<u>\$560,417 to (Unknown)</u>	<u>\$515,675 to (Unknown)</u>	<u>\$508,645 to (Unknown)</u>

***Oversight would expect costs to other state agencies to exceed \$100,000 annually.**

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

Small businesses involved in court litigation could expect to pay an increase in transcript fees and court costs.

DESCRIPTION

This act removes the sunset clause from Section 488.445, RSMo, and allows counties to pass ordinances to impose fees on the issue of marriage licenses and surcharges upon civil cases. Currently, this statute requires ordinances to be passed before January 1, 2001.

DESCRIPTION (continued)

The fees collected would be deposited in a special fund to provide financial assistance to domestic violence shelters.

The substitute also increases court transcription fees from \$1.50 to \$2.25 per page. The cost per page will increase with inflation each year, starting in January 2004. In addition, the substitute increases court costs for contested civil cases in circuit court from \$15 to \$25.

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 Attorney General
Office of State Public Defender
Department of Insurance
Office of State Courts Administrator
Department of Social Services- Division of Family Services
Department of Public Safety
Jefferson County



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