

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4862-01  
Bill No.: SB 1194  
Subject: Attorneys; Courts; Circuit Clerk; Fees; Judges  
Type: Original  
Date: March 1, 2002

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(\$98,600)	(\$101,393)	(\$103,732)
Basic Civil Legal Services	\$0	\$0	\$0
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(\$98,600)</b>	<b>(\$101,393)</b>	<b>(\$103,732)</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
<b>Local Government</b>	<b>\$7,228,000</b>	<b>\$7,228,000</b>	<b>\$7,228,000</b>

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

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**FISCAL ANALYSIS**

**ASSUMPTION**

In response to an identical proposal from the current session (HB 1621), officials from the **State Treasurer's Office** assumed the proposed legislation would have no fiscal impact on their agency.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would establish the "Basic Civil Legal Services Fund" and authorize additional filing fees in civil and criminal cases to be credited to the fund. Moneys collected for this fund are to be paid by the court clerk to the Office of State Courts Administrator; the Missouri Supreme Court is to determine and oversee the administration of this fund. Based upon a caseload analysis for FY 2001, this legislation would generate approximately \$7,228,000 in any given year.

CTS assume they would need one professional staff (1 FTE Accounting Specialist at \$47,100 per year, plus fringe benefits, equipment and expense) and one clerical staff (1 FTE Account Coordinator at \$27,444 per year, plus fringe benefits, equipment and expense) to collect, administer, and distribute the moneys for this fund. CTS estimates the cost of these positions, including necessary equipment and expense costs and fringe benefits, to be \$101,912 in FY 03, \$107,282 in FY 04, and \$109,969 in FY 05.

The Supreme Court would create a committee to set the standards for the allocation of the funds and for monitoring the expenses. CTS estimates committee expenses to be \$3,000 per year. There will also be travel expenses for the staff person to audit the records. CTS estimates these travel expenses to be \$5,000 per year.

CTS estimates the total amount needed to comply with the requirements of the legislation to be \$109,912 in FY 03; \$115,282 in FY 04, and \$117,969 in FY 05. Based on the language of the proposal, CTS assumes these costs will be from the General Revenue Fund.

**Oversight** has adjusted the salaries to more closely reflect actual starting salaries.

In response to an identical proposal from the current session (HB 1621), officials from the **Franklin County Circuit Clerk's Office** assumed, based on \$20.00 for each civil, criminal, and domestic case filing, the proposal would generate approximately \$30,000 per year. This is based on a conservative estimate of 1,500 civil, criminal, and domestic filings per calendar year.

In response to an identical proposal from the current session (HB 1621), officials from the **Callaway County Circuit Clerk's Office** assumed the additional filing fee will result in some additional interest being paid to their checking account. They have approximately 300 associate

cases and 150 circuit cases filed per month.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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**GENERAL REVENUE FUND**

Costs – Office of State Courts  
 Administrator (CTS)

Personal Services (2 FTE)	(\$55,371)	(\$68,106)	(\$69,808)
Fringe Benefits	(\$19,939)	(\$24,525)	(\$25,138)
Equipment and Expense	<u>(\$23,310)</u>	<u>(\$8,762)</u>	<u>(\$8,786)</u>
Total Costs – CTS	<u>(\$98,620)</u>	<u>(\$101,393)</u>	<u>(\$103,732)</u>

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$98,600)</u></b>	<b><u>(\$101,393)</u></b>	<b><u>(\$103,732)</u></b>
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**BASIC CIVIL LEGAL SERVICES  
FUND**

Income – CTS

Court filing fees	\$7,228,000	\$7,228,000	\$7,228,000
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Costs – CTS

Distribution to legal services organizations	<u>(\$7,228,000)</u>	<u>(\$7,228,000)</u>	<u>(\$7,228,000)</u>
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<b>ESTIMATED NET EFFECT ON BASIC CIVIL LEGAL SERVICES FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
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Income – Legal services organizations	<u>\$7,228,000</u>	<u>\$7,228,000</u>	<u>\$7,228,000</u>
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<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENT</b>	<b><u>\$7,228,000</u></b>	<b><u>\$7,228,000</u></b>	<b><u>\$7,228,000</u></b>
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FISCAL IMPACT - Small Business

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

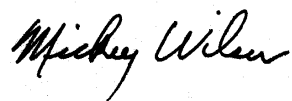
### DESCRIPTION

The proposed legislation would create the Basic Civil Legal Services Fund. The fund would increase the public money available for civil legal services for low-income persons. To fund the program, a \$20 fee would be assessed upon the filing of every civil or criminal proceeding in circuit court and in any appellate court, and a \$10 fee would be assessed upon filings in associate circuit court. The Missouri Supreme Court or its designee would administer the fund.

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

### SOURCES OF INFORMATION

Office of State Courts Administrator  
State Treasurer's Office  
Franklin County Circuit Clerk's Office  
Callaway County Circuit Clerk's Office



Mickey Wilson, CPA  
Acting Director

March 1, 2002