

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3901-02
Bill No.: SB 1060
Subject: Courts; Fees; Civil Procedure; Attorneys
Type: Original
Date: February 2, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
General Revenue	(\$37,951)	(\$41,971)	(\$43,021)
Total Estimated Net Effect on General Revenue Fund	(\$37,951)	(\$41,971)	(\$43,021)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
State School Moneys	\$0	\$0	\$0
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 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$2,591,879	\$3,110,255	\$3,110,255

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the new court fees shall be deposited into the state school moneys fund and distributed to the local school districts. DESE defers to Office of State Courts Administrator regarding the amount of new court fees to be collected.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would impose a series of fees on various court actions. The proceeds of the fees would be deposited into the State School Moneys Fund.

CTS assumes, in many instances, it is impossible to provide an exact dollar amount anticipated from a given fee. The estimate provided assumes a collection rate of 100%, which is rarely the case. In some cases, the collection rate is 80%. The following table shows CTS estimate of the income from the various fees:

ASSUMPTION (continued)

Court Fees

Item	Amount	Jackson #'s	Est Statewide	Est Total
Intervenor-Circuit Civil*	\$ 80.00	103	500	\$ 40,000.00
Intervenor-Associate Circuit Civil*	\$ 30.00	0	80	\$ 2,400.00
Third-Party Plaintiff filing a cross claim or counter claim-Circuit Civil	\$ 10.00	9	500	\$ 5,000.00
Third-Party Plaintiff filing a cross claim or counter claim-Associate Circuit Civil	\$ 10.00	17	80	\$ 800.00
Jury Fee**	\$ 50.00		827	\$ 41,350.00
Foreign Judgment***	\$ 80.00		901	\$ 72,080.00
Transcribing a Judgment	\$ 30.00	6,745	20,000	\$ 600,000.00
Motion for Change of Venue	\$ 25.00		1,945	\$ 48,625.00
Issuance of writ of execution	\$ 15.00	3,000	10,000	\$ 150,000.00
Issuance of writ of garnishment	\$ 15.00	18,500	60,000	\$ 900,000.00
Records Search Fee ****	\$ 5.00		250,000	\$1,250,000.00

TOTAL \$3,110,255.00

* Intervenor includes domestic relations. Intervenor and third party cases are almost non-existent in associate circuit court.

** Jury fees are to be assessed at the time “the jury is demanded.” CTS does not know the number of “demands,” but 1,777 juries were impaneled. These included 827 civil cases, and 950 criminal cases. For purposes of this calculation, CTS has only used the number of civil cases. The courts do not charge jury fees to a defendant in a criminal case unless costs are assessed to the defendant, and this is done only when the defendant is found guilty or pleads guilty. They are not charged if a defendant is found not guilty, or the charge is dismissed.

*** Foreign judgments—this would increase the foreign judgment filing fee to \$160, twice that of a normal civil case.

**** CTS has no data for this. All criminal checks go to the Missouri State Highway Patrol records center, (\$43.500-43.545, RSMo) but abstract companies pull judgments, so CTS has included in their estimate an amount that might be paid by abstract companies. Additionally, clerks pull the files for individuals or companies using the public indexes for genealogical searches. Again, CTS has no data for this, so they have not included that estimate in their total.

ASSUMPTION (continued)

Officials from the **State Treasurer's Office (STO)** assume the proposal would require the STO to deposit funds into the State School Moneys Fund. The STO would require 1 FTE Accounting Analyst I (at \$28,044 per year). STO estimates the total cost of the proposal to be \$37,951 in FY 05; \$41,971 in FY 06; and \$43,021 in FY 07.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
GENERAL REVENUE FUND			
<u>Costs</u> – State Treasurer's Office (STO)			
Personal Service (1 FTE)	(\$23,954)	(\$29,464)	(\$30,200)
Fringe Benefits	(\$9,917)	(\$12,198)	(\$12,503)
Equipment and Expense	<u>(\$4,080)</u>	<u>(\$309)</u>	<u>(\$318)</u>
<u>Total Costs</u> – STO	<u>(\$37,951)</u>	<u>(\$41,971)</u>	<u>(\$43,021)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$37,951)</u>	<u>(\$41,971)</u>	<u>(\$43,021)</u>
STATE SCHOOL MONEYS FUND			
<u>Income</u> – Court Fees	\$2,591,879	\$3,110,255	\$3,110,255
<u>Costs</u> – Distribution to school districts	<u>(\$2,591,879)</u>	<u>(\$3,110,255)</u>	<u>(\$3,110,255)</u>
ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
SCHOOL DISTRICTS			
<u>Income</u> – Distribution from State School Moneys Fund	<u>\$2,591,879</u>	<u>\$3,110,255</u>	<u>\$3,110,255</u>
ESTIMATED NET EFFECT ON SCHOOL DISTRICTS	<u>\$2,591,879</u>	<u>\$3,110,255</u>	<u>\$3,110,255</u>

FISCAL IMPACT - Small Business

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

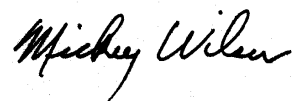
DESCRIPTION

The proposed legislation would create a number of new court filing fees and use the money raised from the fees to provide additional moneys to the school foundation formula. The proposal would include fees for intervenors, third-party plaintiffs filing cross-claims or counterclaims, jury demands, foreign judgment filings, transcribing of a judgement, motions for change of venue, issuance of writs of attachment, execution or garnishment, and records search fee if requested by a person who is not a party named in the action for which the search is being requested.

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 State Courts Administrator
Department of Elementary and Secondary Education
Office of State Treasurer



L.R. No. 3901-02
Bill No. SB 1060
Page 6 of 6
February 2, 2004

Mickey Wilson, CPA
Director
February 2, 2004

BLG:LR:OD (12/02)