

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1946-01  
Bill No.: HB 688  
Subject: Attorneys; Courts; General Assembly; Judges  
Type: Original  
Date: March 8, 2005

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2006	FY 2007	FY 2008
Conservation	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 5 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<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>			
<b>FUND AFFECTED</b>	<b>FY 2006</b>	<b>FY 2007</b>	<b>FY 2008</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, Department of Transportation, Missouri House of Representatives, and the Missouri Senate** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Conservation (MDC)** assume the proposed legislation could have a fiscal impact on MDC funds. The exact amount of impact is unknown.

Officials from the **Department of Labor and Industrial Relations (DOLIR)** assume under the proposal, member of the general assembly who are a party to an unemployment insurance case would be granted a continuance upon filing a notice with a clerk of the court. This nondiscretionary granting of a continuance presents conformity issues as it relates to the timely payment of benefits when due and the simply, speedy and inexpensive provisions related to adjudication of unemployment insurance claims and their hearing.

ASSUMPTION (continued)

If Missouri's law is determined to be out of conformity with Federal law, the consequence could be a loss of certification for FUTA credits. A loss of certification would cause: 1) contributing Missouri employers to lose as much as \$990 million annually in FUTA credits and 2) the Division of Employment Security (DES) to lose approximately \$40 million annually in administrative funds.

**Oversight** assumes the loss of federal funds from the U.S. Department of Labor is speculative. Therefore, Oversight has shown no fiscal impact.

**Officials from the Office of the Attorney General did not respond to Oversight's request for fiscal impact.**

<u>FISCAL IMPACT - State Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
<b>CONSERVATION FUND</b>			
<u>Costs – Department of Conservation</u> Continuances in legal proceedings	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON CONSERVATION FUND</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2006 (10 Mo.)	FY 2007	FY 2008
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

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 change the laws regarding the continuance of a judicial proceeding when an attorney is a member of the General Assembly. Beginning December 15 of each year through June 15 of the following year, there would be a stay of all administrative and court proceedings in which the member is an attorney for any party, a necessary witness, or a party to a civil suit. A stay order would be automatically invoked when a notice has been filed with the court clerk. The order would also apply to a member having to serve as a juror; however, it would not apply in any circuit court proceeding in which a member is a criminal defendant. A member would be allowed to file a written notice instead of an affidavit to the court when seeking a continuance during a veto session, special session, or when holding out-of-session committee hearings.

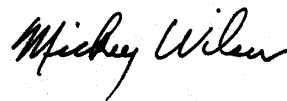
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Administration  
– Administrative Hearing Commission  
Office of State Courts Administrator  
Department of Transportation  
Department of Labor and Industrial Relations  
Department of Conservation  
Missouri House of Representatives  
Missouri Senate

NOT RESPONDING

**Office of the Attorney General**



L.R. No. 1946-01  
Bill No. HB 688  
Page 5 of 5  
March 8, 2005

Mickey Wilson, CPA  
Director  
March 8, 2005

BLG:LR:OD (12/02)