

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1946-03
Bill No.: SCS for HB 688
Subject: Attorneys; Courts; General Assembly; Judges
Type: Original
Date: April 12, 2005

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| Conservation | \$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 4 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2006 | FY 2007 | FY 2008 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, – Division of Budget and Planning, Department of Transportation, Department of Labor and Industrial Relations, Department of Conservation, 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 **Office of the Attorney General** assume they can absorb any costs relating to this proposal within existing resources. AGO assumes the provisions of this proposal would not impair the ability of the GO to pursue legal actions that are stayed during the time period that the attorney for the other party is serving as a legislator during the regular session of the general assembly.

| <u>FISCAL IMPACT - State Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |
| <u>FISCAL IMPACT - Local Government</u> | FY 2006 (10 Mo.) | FY 2007 | FY 2008 |
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

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

DESCRIPTION

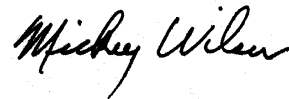
The proposed legislation would provide that a court would grant a stay of all administrative and court proceedings in which a member of the general assembly is an attorney for any party, a necessary witness, or a party to a civil action during the period from January 1st to June 1st or whenever the general assembly is in session. Such stay would also apply to any order requiring a member of the general assembly to serve as a juror. The stay would not apply to a court proceeding where the member of the general assembly is a criminal defendant, if the member waives the stay, to any unemployment compensation cases, or to any proceeding seeking injunctive relief. The court of appeals would have original jurisdiction over any application for termination or modification of a stay.

For continuances under current law when the general assembly is in veto session or special session, the proposal would require a court to grant a continuance if the party files written notice within 20 days of the session, rather than the filing of an affidavit. No proceedings could occur until the adjournment of the general assembly session for three, rather than the current 20, days. For out-of-session committee hearings, no proceedings could occur for one day, rather than the current 10 days, before or after the hearing.

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 the Attorney General
Office of Administration
 – Administrative Hearing Commission
 – Division of Budget and Planning
Office of State Courts Administrator
Department of Transportation
Department of Labor and Industrial Relations
Department of Conservation
Missouri House of Representatives
Missouri Senate



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April 12, 2005