

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5127-01
Bill No.: HB 1487
Subject: Courts; Civil Procedure
Type: Original
Date: January 8, 2018

Bill Summary: This proposal modifies provisions relating to the cost of a court reporter to prepare transcripts.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)
Total Estimated Net Effect on General Revenue*	(Could exceed \$100,000)	(Could exceed \$100,000)	(Could exceed \$100,000)

*Depending on fee change (if any)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
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 2019	FY 2020	FY 2021
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Local Government*	(Unknown)	(Unknown)	(Unknown)

*Depending on fee change (if any)

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the State Public Defender (MSPD)** assume this proposal relates to fees paid to court reporters. The current law, §488.2250, sets the rate for appeal transcripts or proceedings in any circuit court. This would be \$3.50 per page, except for in forma pauperis appeal transcripts which are \$2.60 per page. The proposed change would set the rate only for appeal transcripts or no change in rate.

Court reporters would not be regulated in what they charge for transcripts of hearings, daily transcripts of trials, etc. The proposal would allow court reporters to charge whatever the market will bear except for appeal transcripts. Presumably, costs would go up to MSPD and other litigants. There would be a significant fiscal impact as MSPD frequently orders court transcripts for purposes other than appeal. For trial preparation, MSPD frequently orders transcripts of proceedings such as:

- preliminary hearings
- suppression hearings
- 491 hearings on admissibility of hearsay statements of alleged child sex victims
- trial transcripts when a first trial ended in a hung jury
- transcripts of a co-defendant's trial, etc

As the amount a court reporter will charge for these items will no longer be set by statute, and it is unknown what the court reporter will charge, it is impossible to place a firm fixed cost on this proposed legislation. Historically speaking, this proposal could cost MSPD more than \$100,000. The increase in costs of this proposal would limit the MSPD's ability to meet its other core responsibilities.

Officials at the **City of Kansas City** assume this proposal may have a small negative fiscal impact on the City in an indeterminate amount due to an increase in the fees our City pays for transcripts.

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

Officials at the **Office of the State Courts Administrator** assume there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

ASSUMPTION (continued)

Officials at the **Office of Prosecution Services** assume no fiscal impact from this proposal.

Officials at **St. Louis County** and the **City of Columbia** each assume no fiscal impact to their respective entities from this proposal.

Oversight notes FY 2013, Truly Agreed To and Finally Passed CCS for HCS for SB 100, was the last time the court fee rate was changed for transcripts from court reporters. Officials from OSCA stated the rate changed from \$2.00 per page to \$3.50 per page and \$2.60 for indigents. OSCA responded with a fiscal impact of less than \$100,000. Because this proposal does not set the rate in statute for hearings, daily transcripts of trial, etc., the fiscal impact could be significant for both state and local political subdivisions. Therefore, Oversight will reflect a negative fiscal impact that could exceed \$100,000 for MSPD and a negative unknown fiscal impact to local political subdivisions.

Officials from the following **counties**: Andrew, Atchison, Audrain, Barry, Benton, Bollinger, Boone, Buchanan, Callaway, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Clinton, Cole, Cooper, Davies, Dekalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Platte, Pulaski, Scott, St. Charles, St. Francois, Taney, Wayne, and Worth did not respond to **Oversight's** request for fiscal impact.

Officials from the following **cities**: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Excelsior Springs, Florissant, Frontenac, Fulton, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark City, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
GENERAL REVENUE			
<u>Costs</u> - MSPD - Potential increase in court reporter fees	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE* Depending on fee change (if any)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)	(Could exceed <u>\$100,000</u>)

<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
LOCAL POLITICAL SUBDIVISIONS			
<u>Cost</u> - increase in court reporter fees from municipal courts	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS* *Depending on fee change (if any)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>

FISCAL IMPACT - Small Business

There could be a direct fiscal impact to small businesses as a result of this proposal.

FISCAL DESCRIPTION

This bill repeals provisions of law that specify that court reporters shall receive \$3.50 per page in proceedings in any circuit court. Currently, there are certain circumstances, specified in the bill, under which court reporters are to be reimbursed \$2.60 per page, paid by the state through a voucher, and for all other transcripts of testimony or proceedings, the party requesting the transcripts is to reimburse the court reporter \$3.50 per page. This bill repeals the provision that the court reporter be reimbursed \$3.50 per page.

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 State Public Defender
City of Kansas City
Office of the Attorney General
Office of the State Courts Administrator
Office of Prosecution Services
St. Louis County
City of Columbia

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope", with a stylized flourish at the end.

Acting Director
January 8, 2018