Legislative Analysis

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DOMESTIC VIOLENCE PROTECTIONS

House Bill 4476 reported from committee as H-1
Sponsor: Rep. Harvey Santana

House Bill 4477 reported as H-1
Sponsor: Rep. Klint Kesto

House Bill 4478 reported w/o amendment
Sponsor: Rep. Robert L. Kosowski

House Bill 4479 reported as H-2
Sponsor: Rep. Amanda Price

House Bill 4480 reported w/o amendment
Sponsor: Rep. Kurt Heise

House Bill 4481 reported w/o amendment
Sponsor: Rep. Lisa Posthumus Lyons

Committee: Criminal Justice
Complete to 7-14-15

BRIEF SUMMARY:

House Bill 4476 would prohibit court-ordered mediation of a contested issue in a domestic relations action if a personal protection order (PPO) for domestic violence, stalking, or another order had been issued against one of the parties, or one or both parties were involved in a child abuse or neglect proceeding, unless the protected party requested mediation; require the mediator to screen for a history of domestic violence; and require the mediator to screen during the mediation process for coercion or violence that would make the process unsafe for any participant.

House Bill 4477 revises the service of process in actions being appealed to the state Supreme Court or Court of Appeals if a court order had been issued that prohibits the disclosure of the address of the party being served (MCL 600.227 and 600.316).

House Bill 4478 would allow a PPO for domestic violence to prohibit the subject of the order from harming or taking an animal for which the petitioner has an ownership interest.

House Bill 4479 would treat an assault or assault and battery directed against a pregnant woman in the same manner as domestic violence for purposes of enhanced penalties for repeat offenses.

House Bill 4480 would specify that for purposes of determining the best interests of a child in a custody dispute, that actions taken by one parent to protect the child or herself or himself from the abusive parent could not be considered negatively by the court when looking at the willingness and ability of that parent to facilitate and encourage a close parent-child relationship with the abusive parent.

House Bill 4481 would, in general, prohibit custody or parenting time of a child conceived by sexual assault to be granted to a biological parent convicted of that assault under another state or federal law, if similar to Michigan's, or who was found in a fact-finding hearing to have committed nonconsensual acts involving penetration. Further, the bill would not absolve the convicted parent of child support responsibilities, would provide an affirmative defense for a parent in a custody or parenting time action brought by an offending parent, and defines "offending parent."

DETAILED SUMMARY:

House Bill 4476 adds a new section to the Revised Judicature Act (MCL 600.1035, proposed). In certain situations, a court would be prohibited from ordering mediation of a contested issue in a domestic relations action if either of the following apply:

- A personal protection order (PPO) has been issued under Sections 2950 (domestic violence) or 2950a (stalking) or another order has been entered protecting one party and restraining the other. However, the court could order mediation if the protected party requests mediation.
- One or both of the parties is involved in a child abuse or neglect proceeding. However, the court could order mediation if a parent protected by an order in the proceeding requests mediation.

In a domestic relations mediation, the mediator would be required to make reasonable inquiry as to whether either party has a history of coercive or violent relationship with the other party; this would include the use of the domestic violence screening protocol for mediation provided by the State Court Administrative Office as directed by the state Supreme Court.

Further, a mediator must make reasonable efforts throughout the domestic violence relations mediation process to screen for the presence of coercion or violence that would make mediation physically or emotionally unsafe for any participant, or that would impede the achievement of a voluntary and safe resolution of issues.

"Domestic relations action" would mean any of the following:

- An action for divorce, separate maintenance, annulment or affirmation of marriage, paternity, family support under the Family Support Act, the custody of minors under the Child Custody Act, or grandparenting time under Section 7b of the Child Custody Act.
- A proceeding ancillary or subsequent to an action listed above and that relates to the custody of a minor, parenting time with a minor, or the support of a minor, spouse, or former spouse.

House Bill 4477, which would take effect 90 days after enactment, amends the Revised Judicature Act to revise the service of process in actions that are appealed to the state Supreme Court or Court of Appeals when a court order has been issued that prohibits the

disclosure of the address of the party being served (MCL 600.227 and 600.316). Typically, one party to an action will serve process or papers directly on the other party.

Instead, under the bill, if a court order has been entered in an action appealed to the state Supreme Court or Court of Appeals (COA) that prohibits the disclosure of the address of a party to the action or that prohibits a party from contacting another party, the party who is serving process or papers would instead deliver sufficient extra copies to the clerk of the Supreme Court or COA with a request that the clerk, a sheriff, deputy sheriff, police officer, or an appointed court officer serve the process or papers on the protected party. Process or papers received under this provision would be served by the clerk, sheriff, deputy sheriff, police officer, or court officer at the confidential address provided to the court under Michigan court rules by the protected party. If no confidential address had been provided, service would be made at the last known address of the protected party as provided by the COA or trial court.

House Bill 4478 amends Section 2950 of the Revised Judicature Act, which establishes the procedure for personal protection orders in situations involving domestic violence (MCL 600.2950). An individual may petition the family division of circuit court to enter a personal protection order (PPO) to restrain or enjoin a spouse, a former spouse, an individual with whom he or she has had a child in common, an individual with whom he or she has or has had a dating relationship, or an individual residing or having resided in the same household as the petitioner from doing one or more of several listed actions, such as entering unto the premises.

To the current list of actions, the bill would add any of the following with respect to an animal in which the petitioner has an ownership interest:

- Injuring, killing, torturing, neglecting, or threatening to injure, kill, torture, or neglect the animal.
- Removing the animal from the petitioner's possession.
- Retaining or obtaining possession of the animal.

A petitioner would have an "ownership interest" in an animal if the petitioner has a right of property in the animal or keeps or harbors the animal, the animal is in the petitioner's care, and/or the petitioner permits the animal to remain on or about premises occupied by the petitioner. "Neglect" would mean the term as defined in Section 50 of the Michigan Penal Code (MCL 750.50). The bill would also make numerous changes of a technical or editorial nature.

House Bill 4479 would amend the Michigan Penal Code (MCL 750.81). The bill, which would take effect 90 days after enactment, would create a new crime of assault and battery against a pregnant woman. Under the bill, a person who assaults or batters a pregnant woman and who knows that the woman is pregnant would be guilty of a misdemeanor for a first offense, punishable in the same manner as for simple assault or domestic violence—imprisonment for not more than 93 days and/or a fine not to exceed $500. Subsequent offenses would carry the same penalties that currently only apply for repeat domestic

violence offenses. Thus, a second offense would be a misdemeanor punishable by imprisonment for not more than one year and/or a fine of not more than $1,000. A third or subsequent offense would be a felony punishable by imprisonment for up to five years and/or a fine of not more than $5,000.

[The Michigan Penal Code currently makes it a felony to intentionally assault and/or batter a pregnant individual if the person intended to cause a miscarriage or stillbirth, or death or great bodily harm to the embryo or fetus, or acted in wanton or willful disregard of the likelihood that the natural tendency of the person's conduct is to cause a miscarriage or stillbirth or death or great bodily harm to the embryo or fetus *and* the person's conduct resulted in a miscarriage or stillbirth by that individual or death to the embryo or fetus (MCL 750.90a).

The code also makes it a crime to intentionally assault and/or batter a pregnant individual if the conduct results in a miscarriage or stillbirth (15-year felony), great bodily harm to the embryo or fetus (10-year felony), serious or aggravated physical injury to the embryo or fetus (1-year misdemeanor), or physical injury to the embryo or fetus (93-day misdemeanor), MCL 750.90b.]

House Bill 4480 amends the Child Custody Act (MCL 722.23). In actions involving a dispute of a minor child's custody, the court establishes the rights and duties as to the child's custody, support, and parenting time. In making these decisions, the court relies on the best interests of the child. The term "best interests of the child" is defined to mean the sum total of several factors specified in the act that are to be considered, evaluated, and determined by the court.

One of the listed factors is the willingness and ability of each of the parties to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent or the child and the parents. The bill would add that a court could not consider negatively for the purposes of this factor any action taken by a parent to protect a child or that parent from the child's abusive parent.

House Bill 4481 amends the Child Custody Act (MCL 722.25 and 722.27a). Generally speaking, in disputes involving a child who is conceived as the result of an act for which one of the child's biological parents is convicted under Michigan's criminal sexual conduct statutes, the parent who was convicted cannot be awarded custody or parenting time. The bill would extend the bar to custody or parenting time so that it would apply also to a biological parent who was convicted of a substantially similar statute of another state or the federal government, *or* who was found by clear and convincing evidence in a fact-finding hearing to have committed acts of nonconsensual sexual penetration. As is the case currently, these provisions would not apply if, after the date of the conviction, the biological parents cohabit and establish a mutual custodial environment for the child.

In addition, the bill specifies that an offending parent would not be entitled to custody of the child without the consent of that child's other parent or guardian. "Offending parent" would mean a parent who has been convicted of criminal sexual conduct as described in

the act or who has been found by clear and convincing evidence in a fact-finding hearing to have committed acts of nonconsensual sexual penetration.

If an offending parent initiated a custody or parenting time action, the parent (mother) could assert an affirmative defense that the child had been conceived as a result of a sexual assault. As written, the bill would apply this provision in both a proceeding brought by a biological father who had been convicted of sexual assault and also to one found to have committed acts of nonconsensual sexual penetration in a fact-finding hearing described above.

Further, a denial of custody would not relieve an offending parent of any support or maintenance obligation to the child. Although, the other parent or the guardian of the child would be able to decline support or maintenance from the offending parent.

(Note: Where the bill appears to allow a court to order custody for an offending parent if the child's other parent or guardian consents, there is not a similar provision pertaining to parenting time. Therefore, it appears a parent or guardian could consent to the offending parent having custody but not parenting time. Further, the bill appears to be lifting the current ban prohibiting a court from ordering custody or parenting time when the parent was convicted of rape.)

FISCAL IMPACT:

HB 4476 – The bill would have no fiscal impact on state or local units of government.

HB 4477 – The bill could have a minimal fiscal impact on the state and on local units of government for delivering sufficient extra copies of the process or papers to the courts and depending on the method chosen for serving the papers or process, if the state or local government were delivering a copy to a protected party.

HB 4478 – To the extent that the bill, by allowing a PPO to prohibit certain acts against a family pet or other animal owned by the petitioner, results in a greater number of criminal contempt cases, it would increase costs related to county jails and/or local probation supervision. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

Regarding fiscal implications for the Department of Health and Human Services, to the extent that the bill's provisions result in additional violations by individuals under the age of 17 that result in juvenile delinquency criminal contempt cases, any increased costs for additional juvenile delinquency incarceration or probationary expenses would be paid in equal amounts by the county where the individual resides, from that county's Child Care Fund, and by the state.

HB 4479 – To the extent that the bill results in a greater number of convictions, it would increase costs on state and local correctional systems. New felony convictions would result in increased costs related to state prisons, county jails, and/or state probation supervision. New misdemeanor convictions would increase costs related to county jails and/or local misdemeanor probation supervision. The average cost of prison incarceration in a state facility is roughly $34,800 per prisoner per year, a figure that includes various fixed administrative and operational costs. The costs of local incarceration in a county jail and local misdemeanor probation supervision vary by jurisdiction. State costs for parole and felony probation supervision average about $3,800 per supervised offender per year. Any increase in penal fine revenues would increase funding for local libraries, which are the constitutionally-designated recipients of those revenues.

HB 4480 – The bill would have no fiscal impact on state or local units of government.

HB 4481 – To the extent that the bill results in a greater number of hearings and determinations on child custody and child support, it would increase costs for the judiciary and local court funding units. The fiscal impact would depend on the increase in caseloads and related administrative costs.

BRIEF DISCUSSION ON THE BILLS:

HB 4476: Mediation can be an effective process in resolving issues in domestic relations cases, such as divorces, custody, or parenting time. Currently, under Michigan court rules, judges may order mediation if both parties agree to mediation, if one party moves to enter mediation, or on the court's own initiative (even without consent of the parties). If one or both parties are the subject of a personal protection order or involved in a child abuse or neglect proceeding, however, a court cannot order mediation unless it first conducts a hearing to determine if mediation is appropriate. In addition, court mediators are required to follow an established protocol that includes screening for domestic violence.

The bill aims at strengthening the above protections by placing language in statute requiring a mediator to screen–throughout the entire mediation proceeding–for conduct on the part of the parties that is coercive or violent or that would make mediation physically or emotionally unsafe for any participant. This is important because in situations where violence or abuse has been alleged, but not substantiated, it can be difficult to accurately assess the appropriateness of mediation in the beginning. This is especially true when parties are not using attorneys, as some batterers/abusers use the mediation process to discover certain facts in order to manipulate the other party. Ongoing screening suggests the court would modify the mediation proceedings to utilize options that would mitigate one party's ability to unduly influence the other.

In another matter, the bill as introduced would have prohibited a court from ordering mediation if a PPO for domestic violence had been issued against one or both of the parties, regardless of whether the protected party wanted to enter mediation. Fear and intimidation are often used by batterers to manipulate their targets, and the bill's prohibition on mediation for cases in which a PPO had been issued appeared to add protections to the

battered party. However, the prohibition could have forced a battered party to unwillingly testify against the batterer in open court, even if that party preferred and felt capable of using the less adversarial mediation process. The H-1 Substitute instead would allow mediation if the protected party requested it. Including this exception to an otherwise out-right ban acknowledges that mediation can be successful even in acrimonious situations when the parties are separated into different rooms or even different buildings.

Moreover, the Substitute would prohibit mediation from being ordered if either or both of the parents were involved in a child abuse or neglect proceeding; however, if the protected parent requested mediation, the court could still order mediation. The bill does not appear to conflict with the court rule requiring a hearing to determine appropriateness of mediation in cases involving domestic violence or child abuse or neglect.

HB 4477: Sometimes, a person who is a party in a court case needs to be protected from one of the other parties. For example, in a divorce involving domestic violence or abuse against the children, the battered party or parent having custody may need to move to a secret location and not disclose the address for their own or the child's safety. However, court proceedings require certain documents to be delivered from one party to the other by service of process. If one party is in hiding, service of process may inadvertently disclose the location and put the person or persons in physical or emotional jeopardy. The bill addresses this concern by revising how service of process is performed. If a court has ordered the address of a protected party from being disclosed, documents sent to that party by the other would instead be delivered to the court. From there, a clerk or officer of the court, or a law enforcement officer, would serve the documents on the other party. Such a system, although adding an extra step, would add important protections not just in domestic relations cases but in any case in which disclosure of a party's whereabouts could endanger that party's safety.

Opponents say that the bill discriminates against licensed professional private investigators, who serve most of the process in the state, according to a representative of their professional association. These professionals, though not public servants, are required by law to keep details of their investigations confidential. Thus, it would be appropriate to hire them to deliver the service from the court to the protected individual. However, the bill as currently worded only allows a court to use court personnel or local law enforcement, who, opponents say, are not held to the same level of confidentiality as the private investigators.

4478: The bill adds *not harming or removing an animal* to the list of actions or conduct that a person who is the subject of a personal protection order (PPO) can be ordered not to do by the court. Animal and domestic violence advocates say that research shows a relationship between abusing animals and abusing humans. Further, studies show a significant number of women delayed leaving an abusive situation for fear that the family pet would be harmed or killed (18-48 percent). Seventy-one percent of women surveyed in women's shelters said their pet had been harmed, killed, or was threatened with harm. Since many shelters do not accommodate pets, and due to the strong emotional connection

between humans and their pets, this keeps many people and/or their children in danger of physical or emotional harm.

The bill addresses the issue by including on a domestic violence PPO form that an individual can be restrained or enjoined (1) from actual or threatened abuse towards an animal in which that the petitioner has an ownership interest, (2) from removing the animal from the petitioner's possession, or (3) from keeping or obtaining possession of the animal. The bill would apply to any animal, from the family cat or dog to livestock such as a horse. Enactment of the bill will strengthen protections for those suffering from actual or threatened abuse, and may encourage more shelters or community organizations to provide accommodations for house pets and larger animals when someone must leave an abusive or dangerous situation.

A concern was expressed, however, that by including so many specific instances in the list of actions for which a person can be prohibited in a PPO, that the last box, which currently is for "any other specific act or conduct that imposes upon or interferes with personal liberty or that causes a reasonable apprehension of violence," may be viewed as being only for extraordinary protections and thus the bill would inadvertently limit its applicability to more common situations but ones that may indeed need to trigger protections.

House Bill 4479: The bill would create a separate crime category for assaulting or battering a woman who the perpetrator knows is pregnant. Michigan law does criminalize intentional attacks on pregnant women, but these are triggered only when actual harm is done to the embryo or fetus. If the fetus or embryo is not harmed, the incident is treated as a simple assault (unless the perpetrator and victim had a domestic relationship). Regardless of whether or not the embryo or fetus is harmed, many feel that a person who deliberately assaults or batters a pregnant woman should be subject to stricter penalties, especially for repeat offenses. Under the bill, a first offense would be punishable in similar manner to a simple assault or first domestic violence offense. Repeat offenses would be treated like subsequent domestic violence offenses which carry increased penalties; e.g., a third or subsequent offense would be a felony. As worded, the bill does not give a fetus protected class status, and therefore does not constitute a threat to the health and well-being of women of child-bearing age.

However, it could be argued that Michigan law already provides appropriate prohibitions for assault and assault and battery, with harsher penalties for assaultive crimes against any person, pregnant or not, that involve weapons or incidents causing injuries or death,. When an assault or battery incident results in harm to the fetus or embryo, there are already enhanced penalties in place. And pregnant women assaulted or battered by a current or past domestic partner already are protected by the current enhanced penalties. Attaching those same enhanced penalties in place for domestic violence crimes to an assault and battery of any pregnant woman raises some questions.

For example, because domestic violence is a crime of repetition with threats of harm and beatings used to manipulate and control a victim, it is appropriate to provide enhanced penalties for repeat offenses even if the victim is not physically harmed. But the bill as

written applies the enhanced penalties for repeat offenses against a pregnant woman even to incidents involving strangers or acquaintances. Throwing a cell phone at someone during an argument, a shove, grabbing someone's arm, or even a slap in the face – even when no physical injury occurs – can result in a conviction for assault or battery. These incidents could be years or decades apart and not be a pattern of abuse typical of domestic violence. Yet, a third offense under the bill would result in a five-year felony even with no injuries to the mother or fetus or embryo, whereas an assault in which the fetus or embryo is physically injured is a 93-day misdemeanor under current law. Thus, the appropriateness of expanding the application of the enhanced penalties for repeat assault or battery against any pregnant woman when no injury occurs must be examined carefully with a view as to what the measure would actually accomplish.

Further, testimony offered raised the argument that if the purpose of the bill was to increase protection against a vulnerable population, that there are other populations deserving of extra protections against assault or assault and battery, as well. Some listed examples include assaults against the elderly or a person with a diagnosed mental illness or a developmentally disabled person.

HB 4480: Currently, in custody decisions, the court must consider whether a parent was willing and able to facilitate and encourage a close and continuing parent-child relationship between the child and the other parent. But, when there is abuse or there are threats of abuse in the home towards a parent or one or more children by the other parent, the first parent may have to make the difficult decision to leave the home with the children. A parent who fears for his or her own safety or the safety or well-being of the children may refuse to allow contact by that other parent or refuse to abide by parenting time orders. Some parents may even stay in an abusive home longer out of fears that attempts to protect the children or themselves may be held against them later in custody actions. The bill would address this concern by specifying that the actions taken by one parent to protect himself or herself or the children from the child's abusive parent would not be considered negatively when the court makes a determination of what is in the best interests of the children. Supporters feel that for parents experiencing domestic abuse, one barrier keeping them from seeking safety will be removed.

HB 4481: The bill addresses the very sensitive issue regarding custody and parenting time when the child in question was conceived by rape but the sexual assault did not result in a conviction. Currently, if a child was conceived by an act for which one of the biological parents was convicted of a criminal sexual conduct offense, Michigan law prohibits custody or parenting time to be awarded to that biological parent. The bill does a couple of things. First, it will amend the provision to also apply to convictions under the law of another state or the federal government, if similar.

Secondly, if there had not been a rape conviction, but the biological father was found in a fact-finding hearing–by clear and convincing evidence–to have committed acts of nonconsensual sexual penetration that resulted in the child's conception, the court could not order custody or parenting time. However, the offending parent could be entitled to custody with the consent of the other parent.

The bill is considered necessary because not all rapes result in conviction of the perpetrator. First of all, not all rapes are prosecuted. It is up to a prosecutor, not the victim, whether or not to try a case. Secondly, if DNA evidence had been destroyed or lost, there may not be enough evidence to convict the perpetrator. Or a jury may have decided in favor of the defense because of the high "beyond a reasonable doubt" threshold. Moreover, some victims may choose not to report the rape or pursue prosecution for reasons of their own, only to discover months later that they are pregnant. In some cases, perpetrators have threatened to fight the women they impregnated for custody if they pursued prosecution, promising not to see the child if they drop the case but later filing for custody or parenting time anyway.

The bill will create a pathway for women in these situations to present what evidence they have to the court. Only if the evidence is sufficient to reach the clear and convincing threshold–generally meaning at least 75 percent conclusive–would the bill's provisions be triggered. This is the same level of proof in many civil actions and second only to "beyond a reasonable doubt." This level of proof should also protect innocent parents from having custody or parenting time denied just because the other parent alleges the sex was not consensual.

Enactment of the bill will protect women whose attackers use custody or parenting time actions to manipulate or further victimize them. Knowing that they will not be successful in a court action, yet may be ordered to pay child support, may deter them from pursuing seeking custody or parenting time. In addition, the bill would allow a woman or the child's guardian to cut off all contact by declining child support and maintenance from the offending parent.

It is important to note that the bill does not terminate the offending parent's parental rights, only custody and parenting time, both of which can be revisited by the courts at a future time.

In response, the bill's language does not appear to accomplish the intent stated in committee testimony. For instance, it appeared the intent was to provide a remedy to women who were being harassed by the men who had sexually assaulted them, but who had not been convicted of that assault, for custody or parenting time.

But, in adding language to do that, the bill appears to also open the door for the men who had been convicted of sexual assault to petition for custody of, and parenting time with, the child that was conceived. Further, whereas a parent or guardian of the child in question may consent to custody under the bill, there is no similar provision regarding consenting to parenting time. Moreover, only a parent–not a guardian–could assert the affirmative defense to a custody or parenting time action. It is not clear if these provisions as written are an oversight or intentional.

POSITIONS:

A representative of the Michigan Coalition to End Domestic and Sexual Violence (MCEDSV) testified in support of HB 4476-4477 and 4480-4481, indicated no position on

HB 4478, and opposition to HB 4479 on 5-19-15 and indicated support for HB 4480 and 4481 on 6-9-15.

A representative of Jackson Right to Life testified in support of HB 4481. (5-19-15)

A representative of Right to Life of Michigan testified in support of HB 4481 and indicated support for HB 4479. (5-19-15)

A representative of the National Link Coalition and Sheltering Animals and Family Together testified and submitted testimony in support of HB 4478. (5-19-15)

A representative of the Animal Law Section/State Bar of Michigan and Attorneys for Animals testified and submitted testimony in support of HB 4478. (5-19-15)

A representative of the Michigan Humane Society testified and submitted testimony in support of HB 4478. (5-19-15)

A representative of the Mikita Kruse Law Center testified in support of HB 4478. (5-19-15)

The Michigan Catholic Conference indicated support for the bills. (5-19-15)

The National Association of Social Workers-Michigan indicated support for the bills. (5-19-15)

The State Bar of Michigan indicated support for HB 4476 (H-1). (6-9-15)

The Michigan Political Action Committee for Animals submitted testimony in support of HB 4478. (5-19-15)

The Animal Legal Defense Fund submitted testimony in support of HB 4478. (5-19-15)

The Student Animal Legal Defense Fund at Cooley Law School submitted testimony in support of HB 4478.

The American Society for the Prevention of Cruelty to Animals submitted testimony in support of HB 4478. (5-19-15)

The Family Law Section/State Bar of Michigan indicated support for HB 4476-4478 and 4480, but opposes HB 4481 as written. (6-9-15)

A representative of the State Court Administrative Office (SCAO) testified the office is neutral on HB 4476 and 4477. (6-9-15)

A representative of Michigan National Organization for Women testified the organization is neutral on HB 4479 (H-2) on 6-9-15 and indicated support for HB 4476-4477 and 4480-4481 on 5-19-15.

A representative of the Michigan Process Service Alliance testified in opposition to HB 4477. (5-19-15)

The Michigan Council of Professional Investigators opposes HB 4477. (6-9-15)

Legislative Analyst: Susan Stutzky
Fiscal Analyst: Robin Risko

■ This analysis was prepared by nonpartisan House Fiscal Agency staff for use by House members in their deliberations, and does not constitute an official statement of legislative intent.