

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0887-07  
Bill No.: HCS #2 for SB 165  
Subject: Civil Procedure; Courts; Public Service Commission  
Type: Original  
Date: April 25, 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
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 4 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 with the **Department of Economic Development – Public Service Commission, Department of Economic Development – Office of Public Counsel, Office of State Courts Administrator and State Treasurer’s Office** assume the proposed legislation would have no fiscal impact on their agencies.

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

This legislation changes the appeal of a Public Service Commission orders. The notice of appeal must be filed with the Commission, rather than a circuit court. The Commission shall forward the notice of appeal to the appropriate appellate court and notify all parties to the case. The Commission shall forward the record of the case to the appellate court and no new evidence may be introduced. Nothing shall prohibit a court from issuing remedial writs and equitable relief. The filing of the notice of appeal shall not automatically stay the commission's order. The appealing party may ask the appellate court to appoint a special master to determine whether the order must be stayed. Prior to a hearing, the party requesting the stay must post an amount necessary to pay the costs of the special master with the appellate court. The parties shall have three days notice before the hearing. In order to stay or suspend the order, the special master must specifically find that great or irreparable damage would result to the petitioner and specify the nature of the damage. The findings and recommendations of the special master shall become the decision of the appellate court if adopted by the court. The order of the commission cannot be stayed or suspended until a supersedeas bond has been filed with the special master and approved by the appellate court.

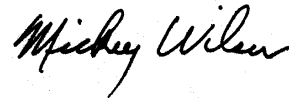
Where appeal is taken to the appellate court, the case shall be heard in an expedited manner. This legislation repeals provisions of current law that establishes a process for appealing a Commission decision, except for a provision that the general laws relating to appeals shall apply unless in conflict with specific provisions relating to appeals of commission orders.

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

L.R. No. 0887-07  
Bill No. HCS #2 for SB 165  
Page 4 of 4  
April 25, 2005

SOURCES OF INFORMATION

Department of Economic Development  
Public Service Commission  
Office of Public Counsel  
Office of State Courts Administrator  
State Treasurer's Office



Mickey Wilson, CPA  
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April 25, 2005