

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0100-03
Bill No.: HCS for SB 41
Subject: Civil Procedure; Liability; Property - Real and Personal
Type: Original
Date: April 25, 2013

Bill Summary: This proposal changes the laws regarding certain private nuisance actions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on FTE	0	0	0

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§ 537.291 - Private Nuisance Actions:

In response to a previous version of this proposal, officials at the **Department of Natural Resources (DNR)** assumed this proposal would specifically prohibit private nuisance actions based upon an air emission or water or solid waste discharge, other than the placement of nuclear waste, if the emission or discharge was expressly authorized by a statute, regulation, certain licenses or permits, or a court order and the emission or discharge does not violate a term of the statute, regulation, license, permit, or order.

DNR assumed a person would be allowed to file suit based on these types of actions, if the emission or discharge produces a result that was unknown or not reasonably foreseeable at the time it was authorized or if the permit holder purposely failed to disclose relevant facts in obtaining the permit or order.

DNR assumed the proposal would not fiscally impact their agency.

In response to a previous version of this proposal, officials from the **Office of the Attorney General, Department of Agriculture** and the **Office of the State Courts Administrator** each assumed the proposal would not fiscally impact their respective agencies.

Oversight assumes there is no fiscal impact from this proposed legislation on state or local government funds.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses that emit air or discharge water or solid waste as expressly authorized would seemingly be provided a level of protection as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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

Department of Agriculture
Department of Natural Resources
Office of the State Courts Administrator
Attorney General's Office



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Acting Director
April 25, 2013