

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0937-05  
Bill No.: SB 475  
Subject: General Assembly; Liability; Civil Procedure; Attorney General, State  
Type: Original  
Date: March 16, 2015

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Bill Summary: This proposal grants the President Pro Tem and the Speaker standing to intervene in cases challenging the constitutionality of state law.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Legal Expense Fund	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</b>	<b>\$0 or (Unknown)</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 2016</b>	<b>FY 2017</b>	<b>FY 2018</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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2016</b>	<b>FY 2017</b>	<b>FY 2018</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

**Oversight** was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

Officials from the **Office of the Lieutenant Governor** and the **Office of the State Auditor** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** assumes attorneys' fees, court cost and related legal expenses the General Assembly may incur as a result of intervention in a judicial proceeding will be paid from the state Legal Expense Fund. Oversight will range the fiscal impact of this proposal from \$0 (the General Assembly does not intervene in any judicial proceedings) to an unknown cost to the Legal Expense Fund.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>LEGAL EXPENSE FUND</b>			
<u>Cost - Legal expenses</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>	<u>\$0 to</u> <u>(Unknown)</u>
<b>ESTIMATED NET EFFECT TO THE LEGAL EXPENSE FUND</b>	<b><u>\$0 to</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 to</u></b> <b><u>(Unknown)</u></b>	<b><u>\$0 to</u></b> <b><u>(Unknown)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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.

### FISCAL DESCRIPTION

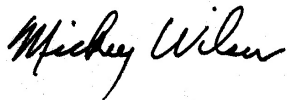
This act provides that the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly have standing to intervene on behalf of the General Assembly in cases where the constitutionality of the Missouri Constitution, any state statute, rule, regulation, program or policy is being challenged. Additionally, if the Attorney General declines to defend a challenged provision of state law or does defend in a manner determined to be inadequate by the General Assembly, then the General Assembly shall have standing to defend the challenged provision alongside the Attorney General or in his or her stead upon an agreement between the Speaker and the President Pro Tempore.

The respective committees of the House and Senate responsible for administration and accounts shall jointly approve the hiring of legal counsel to represent the General Assembly. Any reasonable attorneys' fees, court costs, and related legal expenses incurred because of the intervention shall be paid for by the State Legal Expense Fund, as well as any judgment rendered against the General Assembly.

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 Lieutenant Governor  
Office of the State Auditor



Mickey Wilson, CPA  
Director  
March 16, 2015

Ross Strope  
Assistant Director  
March 16, 2015