

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0937-09
Bill No.: Perfected SS#2 for SB 475
Subject: General Assembly; Liability; Civil Procedure; Attorney General, State
Type: Original
Date: April 17, 2015

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

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

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

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Treasurer**, 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.

Officials from the **Attorney General's Office (AGO)** assume the proposal states that funds in the state legal expense fund may be expended to pay the reasonable attorneys' fees, court costs, and related legal expenses incurred by members of the general assembly. The AGO assumes that any potential costs of the AGO arising from this proposal can be absorbed with existing resources. It is unknown the extent of the impact of this proposal on the state legal expense fund due to the uncertainty of litigation and the amount of fees, costs, expenses and judgments that may be incurred in the event of litigation.

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 State Legal Expense Fund (0692).

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

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

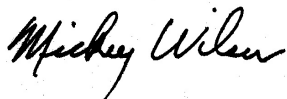
This act provides that the Speaker of the House of Representatives and the President Pro Tempore of the Senate shall jointly have standing to intervene on behalf of the General Assembly in cases where the constitutionality of the Missouri Constitution, any state statute, rule, regulation, program or 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

Attorney General's Office
Office of the State Auditor
Office of the Lieutenant Governor
Office of the State Auditor



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Director
April 17, 2015

Ross Strobe
Assistant Director
April 17, 2015