

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1690S.01I  
Bill No.: SB 503  
Subject: Administrative Law; Cities, Towns, and Villages; Civil Procedure; Civil Rights;  
Counties; County Government; Courts; Evidence; General Assembly; Liability;  
Political Subdivisions; Public Records, Public Meetings; State Departments;  
Uniform Laws  
Type: Original  
Date: March 11, 2025

---

Bill Summary: This proposal establishes the uniform public expression protection act,  
which provides procedures for dismissal of causes of action based on public  
expression in public proceedings or on matters of public concern.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\*Oversight assumes potential unknown costs incurred by OSCA will not meet the \$250,000 threshold.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
<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.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 2026</b>	<b>FY 2027</b>	<b>FY 2028</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 \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2026</b>	<b>FY 2027</b>	<b>FY 2028</b>
<b>Local Government*</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

\*Oversight assumes \$0 to (Unknown) litigation costs for local governments.

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§537.529 – Uniform public expression protection act**

Officials from the **City of Kansas City** state the proposed legislation has a negative fiscal impact of an indeterminate amount because it increases the City's exposure to liability, but did not provide detailed information.

Officials from the **Concordia R-II School District** states the fiscal impact of this proposal would be approximately \$7,000 in increased legal fees per action.

**Oversight** has no information to the contrary and will present a \$0 to (Unknown) cost to local governments.

Officials from the **Office of the State Courts Administrator (OSCA)** state SB 503 may have some fiscal impact, but there is no way to quantify that amount currently. Any significant changes will be reflected in future budget requests.

**Oversight** notes OSCA assumes this proposal may have some impact on their organization although it can't be quantified at this time. As OSCA is unable to provide additional information regarding the potential impact, Oversight assumes the proposed legislation will have a \$0 to (Unknown) cost to the General Revenue Fund. For fiscal note purposes, Oversight also assumes the impact will be under \$250,000 annually. If this assumption is incorrect, this would alter the fiscal impact as presented in this fiscal note. If additional information is received, Oversight will review it to determine if an updated fiscal note should be prepared and seek approval to publish a new fiscal note.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs.

Officials from the **Missouri Department of Agriculture** defer to the **Office of Administration (OA)** for a response on the potential fiscal impact of this proposal on their organization.

Officials from the **Office of Administration - Administrative Hearing Commission and Budget and Planning**, the **Department of Commerce and Insurance**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education and Workforce Development**, the **Department of Health and Senior Services**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety (DPS)**, Divisions of:

**Alcohol and Tobacco Control, Capitol Police, Fire Safety, Director’s Office, Missouri Gaming Commission, Missouri Highway Patrol, Missouri Veterans Commission, and the State Emergency Management Agency, the Department of Social Services, the Office of the Governor, the Missouri Department of Conservation, the Missouri Ethics Commission, the Missouri Department of Transportation, the Missouri National Guard, the MoDOT & Patrol Employees’ Retirement System, the Office of Administration, the Petroleum Storage Tank Insurance Fund, the Office of the Secretary of State, the Office of the State Public Defender, the University of Missouri System, the Jackson County Election Board, the Kansas City Election Board, the Platte County Board of Elections, the St. Louis City Board of Elections, the St. Louis County Board, the Phelps County Sheriff, the Branson Police Department, the Kansas City Police Department, the St. Louis County Police Department, Northwest Missouri State University, the University of Central Missouri, the Office of the Lieutenant Governor, the Office of the State Auditor, the Missouri House of Representatives, the Joint Committee on Administrative Rules, the Joint Committee on Education, the Joint Committee on Public Employee Retirement, Legislative Research, the Oversight Division, the Missouri Senate, the Missouri Lottery, the Missouri Consolidated Health Care Plan, the Missouri Office of Prosecution Services, the Missouri State Employee's Retirement System and the State Tax Commission** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other cities, local election authorities, various county officials, sheriffs’ and police departments, fire protection districts, ambulance and EMS, schools, hospitals, and colleges and universities were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>GENERAL REVENUE FUND</b>			
<u>Costs</u> – OSCA (\$537.529) – potential increase in court costs	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
<b>LOCAL GOVERNMENTS - ALL</b>			
<u>Costs – Local Governments – increase in litigation costs (§537.529) p. 3</u>	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>ESTIMATED NET EFFECT ON ALL LOCAL GOVERNMENTS</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</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 establishes the "Uniform Public Expression Protection Act". Currently, any action against a person for conduct or speech undertaken or made in connection with a public hearing or meeting in a quasi-judicial proceeding before a tribunal or decision-making body of the state or a political subdivision thereof is subject to a special motion to dismiss, a motion for judgment on the pleadings, or motion for summary judgment and any such motion shall be considered by the court on a priority or expedited basis. This act repeals this provision and creates procedures for dismissal of causes of action asserted in a civil action based on a person's: (1) Communication in a legislative, executive, judicial, administrative, or other governmental proceeding; (2) Communication on an issue under consideration or review in a legislative, executive, judicial, administrative, or other governmental proceeding; or (3) Exercise of the right of freedom of speech or of the press, the right to assemble or petition, or the right of association, guaranteed by the United States Constitution or the Missouri Constitution, on a matter of public concern.

This act shall not apply to a cause of action asserted: (1) Against a governmental unit, as described in the act, or an employee or agent of a governmental unit acting in an official capacity; (2) By a governmental unit or an employee or agent of a governmental unit acting in an official capacity to enforce a law to protect against an imminent threat to public health or safety; or (3) Against a person primarily engaged in the business of selling or leasing goods or services if the cause of action arises out of a communication related to the sale or lease of such goods or services.

No later than 60 days after a party is served with a complaint, cross-claim, counterclaim, third-party claim, or other pleading that asserts a cause of action covered by this act, or at a later time upon a showing of good cause, a party may file a special motion to dismiss. The court shall hear and rule on such motion no later than 60 days after the filing of the motion, unless the court

orders a later hearing to allow for limited discovery or upon good cause. However, this act provides that the court shall hear and rule on the motion for dismissal no later than 60 days after the order allowing for discovery.

This act provides that all other proceedings between the moving party and the responding party in the action, including discovery and any pending hearings or motions, shall be stayed upon the filing of the special motion to dismiss. Additionally, this act provides that the court may stay, upon motion by the moving party, a hearing or motion involving another party or discovery by another party if a ruling on such hearing or motion or discovery relates to a legal or factual issue.

Any stay pursuant to this act shall remain in effect until the entry of an order ruling on the special motion to dismiss and the expiration of the time to appeal the order. A moving party may appeal an order denying the special motion to dismiss in whole or in part within 21 days of such order. If a party appeals an order ruling on a special motion to dismiss, this act provides that all proceedings between all parties shall be stayed until the conclusion of the appeal.

The court may allow discovery if a party shows that specific information is necessary to establish whether a party has satisfied or failed to satisfy the requirements of this act and such information is not reasonably available without discovery. Additionally, a motion for costs and expenses, voluntary dismissal, or a motion to sever shall not be stayed. During a stay, the court upon good cause may hear and rule on any motions unrelated to the special motion to dismiss and any motions seeking a special or preliminary injunction to protect against an imminent threat to public health or safety.

In ruling on a special motion to dismiss, this act provides that the court shall consider the parties' pleadings, the motion, any replies and responses to the motion, and any evidence that could be considered in a ruling on a motion for summary judgment. The court shall dismiss the cause of action with prejudice if: (1) The moving party has established that the cause of action is covered by this act; (2) The responding party has failed to establish that this act does not apply to the cause of action; and (3) Either the responding party failed to establish a prima facie case as to each essential element of the cause of action, or the moving party has established that the responding party failed to state a cause of action upon which relief can be granted or that there is no genuine issue as to any material fact and that the party is entitled to judgment as a matter of law.

A voluntary dismissal without prejudice of a cause of action that is subject to a special motion to dismiss pursuant to this act shall not affect the moving party's right to obtain a ruling on the motion and seek costs, reasonable attorneys' fees, and reasonable litigation expenses. Additionally, if the moving party prevails on the motion, this act provides that such costs, fees, and expenses shall be awarded to the moving party. A voluntary dismissal with prejudice of a cause of action that is subject to a special motion to dismiss establishes that the moving party prevailed on the motion. The responding party shall be entitled to such costs, fees, and expenses if the responding party prevails on the motion and the court finds that the motion was frivolous or filed solely with the intent to delay the proceeding.

Finally, this act applies to causes of action filed or asserted on or after August 28, 2025.

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 Administration –

Administrative Hearing Commission

Budget and Planning

Department of Commerce and Insurance

Department of Economic Development

Department of Elementary and Secondary Education

Department of Higher Education and Workforce Development

Department of Health and Senior Services

Department of Mental Health

Department of Natural Resources

Department of Corrections

Department of Labor and Industrial Relations

Department of Revenue

Department of Public Safety –

Division of Alcohol and Tobacco Control

Capitol Police

Fire Safety

Director's Office

Missouri Gaming Commission

Missouri Highway Patrol

Missouri Veterans Commission

State Emergency Management Agency

Department of Social Services

Office of the Governor

Missouri Department of Agriculture

Missouri Department of Conservation

Missouri Ethics Commission

Missouri Department of Transportation

Missouri National Guard

MoDOT & Patrol Employees' Retirement System

Office of Administration

Office of the Secretary of State

Office of the State Public Defender

University of Missouri System

City of Kansas City

Jackson County Election Board

Kansas City Election Board  
Platte County Board of Elections  
St. Louis City Board of Elections  
St. Louis County Board of Elections  
Phelps County Sheriff  
Branson Police Department  
Kansas City Police Department  
St. Louis County Police Department  
Concordia R-II School District  
Northwest Missouri State University  
University of Central Missouri  
Office of the Lieutenant Governor  
Office of the State Auditor  
Missouri House of Representatives  
Joint Committee on Administrative Rules  
Joint Committee on Education  
Joint Committee on Public Employee Retirement  
Legislative Research  
Oversight Division  
Missouri Senate  
Missouri Lottery  
Missouri Consolidated Health Care Plan  
Missouri Office of Prosecution Services  
Missouri State Employee's Retirement System  
Office of the State Courts Administrator  
State Tax Commission



Julie Morff  
Director  
March 11, 2025



Jessica Harris  
Assistant Director  
March 11, 2025