

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 2762-01  
BILL NO.: SB 655  
SUBJECT: State Attorney General  
TYPE: Original  
DATE: January 11, 2000

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
None			
<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>			
FUND AFFECTED	FY 2001	FY 2002	FY 2003
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 4 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

Officials from the **Office of the Attorney General (AGO)** assume the proposed legislation could result in an unknown fiscal impact on their agency, as the AGO would be required to conduct an additional preliminary review before formally representing a state agency, state official, political subdivision or other party to ensure that the representation would not cause a conflict with zealously defending the constitutionality of the statutes . However, the AGO assumes any costs would be minimal and could be absorbed with existing resources.

Officials from the **Office of the Secretary of State (SOS)** assume the proposal could result in an unknown fiscal impact on certain agencies, as the Office of the Attorney General (AGO) could determine that they are unable to represent an agency or employee of an agency due to a conflict with defending the constitutionality of a statute. SOS assumes the AGO could require their agency to use staff counsel or to employ outside legal counsel, possibly resulting in a significant fiscal impact on their agency.

**Oversight** assumes this proposal would not have a significant fiscal impact on the **Office of the Secretary of State**, as the **Office of the Attorney General** currently represents the SOS in proceedings involving the state's interests. This proposal would only require the SOS to use staff counsel or to employ outside legal counsel in cases where the AGO could not zealously defend the constitutionality of statutes while representing state agencies.

Officials from the following agencies assume the proposed legislation would have no fiscal impact on their agencies: **Office of State Courts Administrator, Missouri Department of Transportation, Office of Administration, Department of Natural Resources, Department of Elementary and Secondary Education, Department of Mental Health, Department of Public Safety, Department of Health, Department of Revenue, Department of Corrections, Department of Labor and Industrial Relations, Coordinating Board for Higher Education, Department of Social Services, Department of Economic Development, and Department of Agriculture.**

<u>FISCAL IMPACT - State Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

<u>FISCAL IMPACT - Local Government</u>	FY 2001 (10 Mo.)	FY 2002	FY 2003
	\$0	\$0	\$0

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation would obligate the attorney general to “zealously” defend the constitutionality of statutes, and restrict representation of other state agencies, state officials, political subdivisions, or other parties that may challenge the constitutionality of statutes.

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 Attorney General  
Office of the Secretary of State  
Office of State Courts Administrator  
Missouri Department of Transportation  
Office of Administration  
Department of Natural Resources  
Department of Elementary and Secondary Education  
Department of Mental Health  
Department of Public Safety  
Department of Health  
Department of Revenue  
Department of Corrections  
Department of Labor and Industrial Relations  
Coordinating Board for Higher Education

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SOURCES OF INFORMATION (continued)

Department of Social Services  
Department of Economic Development  
Department of Agriculture

A handwritten signature in black ink, appearing to read "Jeanne Jarrett". The signature is stylized with a large initial "J" and a cursive "e" at the end.

Jeanne Jarrett, CPA  
Director  
January 11, 2000