

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0345-01
Bill No.: HB 163
Subject: Courts; Liability; State Departments
Type: Original
Date: February 9, 2007

Bill Summary: The proposal changes the laws regarding strategic litigation against public participation (SLAPP).

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
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 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Information Technology Services Division, – Administrative Hearing Commission, Department of Labor and Industrial Relations, Department of Conservation, Missouri House of Representatives, Missouri Senate** and the **City of Kansas City** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of the Attorney General (AGO)** assume costs can be absorbed because AGO anticipates few instances where litigation would be filed under this proposal. However, if the AGO is asked to intervene and chooses to intervene in multiple cases as authorized by this proposal, AGO may seek appropriations necessary to litigate such cases.

Officials from the **Department of Transportation (MoDOT)** assume Missouri courts generally follow the “American Rule” in which all parties are responsible for their own costs. This legislation proposes to implement the “English Rule,” which provides that the prevailing party be reimbursed for attorneys fees and costs. MoDOT is unable to estimate the number of cases that may fall under this provision. MoDOT assumes an unknown cost less than \$100,000 to the Road Fund.

Oversight assumes state agencies could experience increased costs or be reimbursed for attorneys fees and court costs, depending on whether or not they are the prevailing party. If state agencies experience increased costs, the funding could be addressed through the appropriations process.

Officials from the City of St. Louis, City of Springfield, Jackson County, St. Charles County, and Greene County did not respond to Oversight’s request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Local Government

FY 2008
(10 Mo.)

FY 2009

FY 2010

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

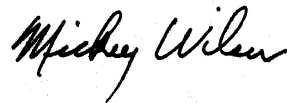
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of the Attorney General
Office of Administration
 – Information Technology Services Division
 – Administrative Hearing Commission
Office of State Courts Administrator
Department of Transportation
Department of Labor and Industrial Relations
Department of Conservation
Missouri House of Representatives
Missouri Senate
City of Kansas City

NOT RESPONDING

**City of St. Louis
City of Springfield
Jackson County
St. Charles County
Greene County**

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 9, 2007