

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1974-01
Bill No.: HB 966
Subject: Attorney General; State Environmental Protection; Natural Resources Dept.
Type: Original
Date: March 13, 2007

Bill Summary: Allows the Department of Natural Resources to issue cease and desist orders if a person violates certain provisions of law.

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			

☐ 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 State Courts Administrator** assume no fiscal impact to their agency.

Officials from the **Department of Natural Resources** assume this proposal would allow the Department of Natural Resources to issue a cease and desist order if the department director determined that a person was violating certain laws that constituted a clear and present threat to the life or health of those in the area.

If the person continued the violation after the cease and desist order was issued, the department director would cause a suit to be filed by the Attorney General or other counsel in the name of the state for a temporary restraining order, temporary injunction, or permanent injunction and a penalty of up to \$10,000 per day for each day or part thereof the violation occurred and continues to occur.

The department would not anticipate a direct fiscal impact from this proposal.

Officials from the **Attorney General's Office** assume this proposal would fundamentally alter the operations of DNR. Cost to AGO would depend upon the level of cease and desist activity by DNR, but could be significant. Even in those cases in which DNR would hire outside counsel at its own expense, AGO assumes it would have some involvement in defending the state against suits for damages. Based upon the assumption that DNR would exercise its authority under this section at least several times per year, and possibly several times per month throughout the state, AGO assumes it would need between one and three attorneys (AAG II) to adequately represent the state's interests.

Oversight assumes the impact of this proposal will depend on the magnitude of cease and desist activity during a period of time. Oversight assumes there would be minimal fiscal impact to the Attorney General's Office and that any initial cost or impact would be \$0.

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

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

FISCAL DESCRIPTION

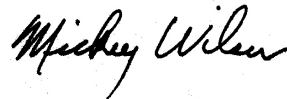
The proposed legislation appears to have no fiscal impact.

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

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SOURCES OF INFORMATION

Attorney General's Office
Office of State Courts Administrator
Department of Natural Resources

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

Mickey Wilson, CPA
Director
March 13, 2007