

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0169-02
Bill No.: SB 268
Subject: Civil Procedure; Civil Rights; Courts
Type: Original
Date: March 14, 2003

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on Other 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 2004	FY 2005	FY 2006
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration – Administrative Hearing Commission, – Commissioner’s Office, Department of Labor and Industrial Relations, City of Kansas City, and the City of Springfield** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of Attorney General (AGO)** assume the costs can be absorbed because the AGO does not anticipate any actions arising under the provisions of the proposal.

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

Officials from the **Department of Conservation (MDC)** assume the proposed legislation would have an unknown fiscal impact on MDC funds. The proposal raises new legal challenges and defenses for administrative proceedings.

ASSUMPTION (continued)

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 to the Highway 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, 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 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2004 (10 Mo.)	FY 2005	FY 2006
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small Businesses could experience a fiscal impact as a result of this proposal.

DESCRIPTION

The proposed legislation would grant early consideration of any action seeking money damages against a person for conduct or speech made in connection with a public hearing or meeting. All pending discovery would be suspended pending a final decision on the motion. The proposal would also mandate that if the rights of this section are used as an affirmative defense and the court grants a motion to dismiss on those grounds, reasonable attorney fees and costs incurred by the moving party would be awarded. If the court finds the motion to dismiss is frivolous, the court would award costs and attorney fees to the prevailing party. If a party would raise the motion under the provisions of this act, the party would have the right to an expedited appeal.

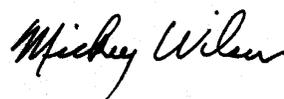
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of Attorney General
Office of State Courts Administrator
Office of Administration
 – Administrative Hearing Commission
 – Commissioner's Office
Department of Transportation
Department of Labor and Industrial Relations
Department of Conservation
City of Kansas City
City of Springfield

NOT RESPONDING

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



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Director
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