

FISCAL NOTE

(Return original and 14 copies)

Resolution No.: SB 2254 Amendment to: _____

Requested by Legislative Council Date of Request: 3-24-99

1. Please estimate the fiscal impact (in dollar amounts) of the above measure for state general or special funds, counties, cities, and school districts. Please provide breakdowns, if appropriate, showing salaries and wages, operating expenses, equipment, or other details to assist in the budget process. In a word processing format, add lines or space as needed or attach a supplemental sheet to adequately address the fiscal impact of the measure.

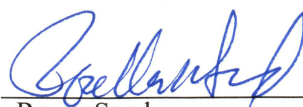
Narrative: This fiscal note is being provided without consideration of the amendments passed by the House Human Services Committee. In its current state, if Senate Bill 2254 becomes law, there is a good possibility there will be a lawsuit challenging the constitutionality of the bill. It is impossible to determine the exact cost of a lawsuit defending SB 2254. Costs would partly depend on the approach taken by the party bringing the lawsuit, how it is best determined to defend SB 2254, and the development of case law in other jurisdictions (i.e. whether the complaint raises factual or legal issues, amount and type of discovery required, whether experts are required, parties' willingness to stipulate, level to which the case is appealed, etc.). Furthermore, if the statute is found unconstitutional, it is likely that the state will be required to pay the plaintiff's attorney's fees and costs. Again, the amount of plaintiff's attorney's fees and costs will depend in part on how the suit is tried. This Office estimates the costs of the lawsuit would be in the range of \$200,000 to \$700,000.

2. **State** fiscal effect in dollar amounts:

	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			Unknown	Unknown	Unknown	Unknown

3. What, if any, is the effect of this measure on the budget for your agency or department:
 - a. For rest of 1997-99 biennium: _____
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
 - b. For the 1999-2001 biennium: Unknown
(Indicate the portion of this amount included in the 1999-2001 executive budget:)
 - c. For the 2001-03 biennium: Unknown
4. **County, city, and school district** fiscal effect in dollar amounts:

1997-99 Biennium			1999-2001 Biennium			2001-03 Biennium		
Counties	Cities	School Districts	Counties	Cities	School Districts	Counties	Cities	School Districts

Signed: 
 Typed Name: Rosey Sand
 Department: Office of Attorney General
 Phone Number: 328-2210
 Date Prepared: 3-24-99