

# FISCAL NOTE

(Return original and 14 copies)

Bill/Resolution No.: \_\_\_\_\_ Amendment to: SB 2254  
 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:** If Senate Bill 2254 becomes law as amended, there is a possibility the bill's constitutionality will be challenged in a lawsuit. The amendment reduces the likelihood of a challenge because the amendment would not apply to common abortion procedures. However, the amendment will create novel and controversial law and, thus, be at a greater risk of a challenge than most laws.

It is impossible to determine the exact cost of a lawsuit defending SB 2254 as amended. Costs would partly depend on the approach taken by the party bringing the lawsuit and how it is best determined to defend the bill. A lawsuit challenging SB 2254 as amended is more likely to raise legal, not factual, issues. Thus, it is unlikely there would be substantial factual discovery or the need of many experts. This greatly reduces the cost of defending the lawsuit. If SB 2254 is found unconstitutional, it is likely that the state will be required to pay the plaintiff's attorney's fees and costs. Although the amendments reduce the likelihood of a challenger prevailing in a lawsuit, it does not remove it. However, as previously stated, the costs and fees to bring the lawsuit would likely be reduced by the amendments. This Office estimates the costs of the lawsuit would be in the range of \$50,000 to \$300,000.

2. State fiscal effect in dollar amounts:

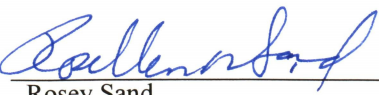
	1997-99 Biennium		1999-2001 Biennium		2001-03 Biennium	
	General Fund	Other Funds	General Fund	Other Funds	General Fund	Other Funds
Revenues						
Expenditures			Unknown	Unknown	Unknown	Unknown

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:   
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