

**LEGISLATIVE FISCAL OFFICE**  
**Fiscal Note**



Fiscal Note On: **SB 143** SLS 14RS 293

Bill Text Version: **ENROLLED**

Opp. Chamb. Action:

Proposed Amd.:

Sub. Bill For.:

<b>Date:</b> June 5, 2014	12:27 PM	<b>Author:</b> KOSTELKA
<b>Dept./Agy.:</b> Legislature		<b>Analyst:</b> Travis McIlwain
<b>Subject:</b> JLCB certification		

CIVIL PROCEDURE

EN SEE FISC NOTE GF EX See Note

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Provides relative to civil injunctions and restraining orders. (8/1/14)

Present law provides that no court shall have jurisdiction to issue any temporary restraining order, preliminary injunction, or permanent injunction against any state department, board or agency to compel the expenditure of state funds when the director of such department, board, agency or the governor certifies that the expenditure of such funds would have the effect of creating a deficit or be in violation of the requirements placed upon the expenditure of such funds by the legislature. Proposed law retains current law subject to the certification being reviewed and approved by the JLCB. This bill provides that at any time of filing of petition for a preliminary or permanent injunction, the court may waive the requirement of approval if the affidavit by the JLCB and deem the affidavit as approved if it determines from the filed pleadings that the petition for injunction is frivolous or without merit. Proposed law provides that if a certification is presented to, but not approved by, the JLCB, the agency shall have the burden of showing by a preponderance of the evidence that the injunction sought would both compel the expenditure of state funds and have the direct effect of creating a deficit within the agency. Proposed law limits the requirement for approval of affidavit only applies where the expenditure of funds is greater than \$10 M. Proposed law provides that an adverse party may traverse the facts alleged in the affidavits and may present evidence to controvert the affidavits. Effective August 1,

<b>EXPENDITURES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	SEE BELOW	SEE BELOW	SEE BELOW	SEE BELOW	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>					<b>\$0</b>

<b>REVENUES</b>	<b>2014-15</b>	<b>2015-16</b>	<b>2016-17</b>	<b>2017-18</b>	<b>2018-19</b>	<b>5 -YEAR TOTAL</b>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Ded./Other	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Federal Funds	\$0	\$0	\$0	\$0	\$0	<b>\$0</b>
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<b>\$0</b>
<b>Annual Total</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**EXPENDITURE EXPLANATION**

The proposed legislation may result in an indeterminable increase in workload for the committee staff of the JLCB/litigation subcommittee of the JLCB. However, the extent of the additional workload will depend on the number of certification reviews that will actually take place as a result of this bill. This legislation limits such reviews to those items that exceed \$10 million. Thus, the workload increase will likely be minimal.

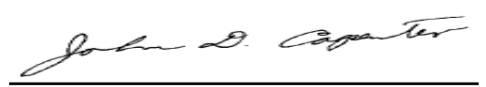
These certification reviews are anticipated to be considered during the committee's regular schedule. However, to the extent the number of reviews needed is such that the JLCB cannot complete during its regular scheduled meetings, additional meetings may be required. The legislative member per diem rate is \$153 and the mileage reimbursement is \$0.56/mile.

To the extent the Legislative (JLCB) and Executive branches disagree on the information presented in the certification, there would likely be a traversal, which would result in indeterminable court costs. The Legislative Fiscal Office is unable to ascertain how many JLCB presented certifications would result in a traversal.

**REVENUE EXPLANATION**

There is no anticipated direct material effect on governmental revenues as a result of this measure.

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|---|----------------------------|--------------|--|
| <u>Senate</u>   | <u>Dual Referral Rules</u> | <u>House</u> | <input type="checkbox"/> 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}                    |
| <input type="checkbox"/> 13.5.1 >= \$100,000 Annual Fiscal Cost {S&H}       |                            |              | <input type="checkbox"/> 6.8(F)(2) >= \$500,000 State Rev. Reduc. {H & S}                  |
| <input type="checkbox"/> 13.5.2 >= \$500,000 Annual Tax or Fee Change {S&H} |                            |              | <input type="checkbox"/> 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S} |

  
**John D. Carpenter**  
**Legislative Fiscal Officer**