

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0895-01
Bill No.: Perfected HJR 11
Subject: Constitutional Amendments: Public Buildings; Religion
Type: # Corrected
Date: May 11, 2009
Corrected to reflect corrected fiscal impact

Bill Summary: This proposed legislation proposes a constitutional amendment guaranteeing the right to pray and requiring public schools to display the text of the Bill of Rights of the United States Constitution.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
# General Revenue	# \$0 or (Unknown - Expected to exceed \$100,000)	# \$0 or (Unknown - Expected to exceed \$100,000)	# \$0 or (Unknown - Expected to exceed \$100,000)
# Total Estimated Net Effect on General Revenue Fund	# \$0 or (Unknown - Expected to exceed \$100,000)	# \$0 or (Unknown - Expected to exceed \$100,000)	# \$0 or (Unknown - Expected to exceed \$100,000)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
# General Revenue	# 0 or Unknown	# 0 or Unknown	# 0 or Unknown
# Total Estimated Net Effect on FTE	# 0 or Unknown	# 0 or Unknown	# 0 or Unknown

☐ 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 2010	FY 2011	FY 2012
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the following agencies indicated this proposal would have no fiscal impact on their respective agencies or divisions: **Department of Revenue; Department of Higher Education; Office of State Public Defender; Missouri Senate; Department of Agriculture; Missouri Ethics Commission; Department of Health and Senior Services; Office of State Auditor; MoDOT and Patrol Employees' Retirement Plan; Missouri House of Representatives; Missouri Consolidated Health Care Plan; Office of Lieutenant Governor; Office of Administration - Division of Budget and Planning and Administrative Hearing Commission; Department of Mental Health; Department of Transportation; Missouri Tax Commission; Department of Economic Development; Public Service Commission; Department of Conservation; Department of Social Services; Department of Labor and Industrial Relations; Office of State Treasurer; Department of Insurance, Financial Institutions and Professional Registration; Department of Elementary and Secondary Education; and Department of Public Safety - Office of the Director, Division of Fire Safety, Missouri State Highway Patrol, Missouri Veterans Commission, and Missouri Gaming Commission.**

Officials from the **Office of State Courts Administrator** state this proposal will have no fiscal impact on the Courts.

Officials from the **Office of Secretary of State - Elections Division** state many joint resolutions are considered by the General Assembly that would require the SOS to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) of the Missouri Constitution and Section 116.230 - 116.290, RSMo. The SOS's office is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.6 million historically appropriated in even numbered fiscal years and \$100,000 appropriated in odd numbered fiscal years to meet these requirements. The appropriation has historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 09, at the November election, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$1.35 million to publish (an average of \$270,000 per issue). Therefore, the SOS assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. However, because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of its publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of its appropriation.

ASSUMPTION (continued)

If a special election is called for this purpose rather than being voted on at a general election, the cost of the special election has been estimated to be \$1.2 million based on the cost of the past two such elections.

Oversight assumes the amendment would be put on the ballot of the next general election.

Officials from the **Department of Corrections (DOC)** state that DOC provides religious accommodations for its offenders. Currently, inmates' religious activities can be legally restricted if done for a compelling governmental interest, which would include the institution's need to maintain order and safety. As written, this proposal does not exempt offenders nor does it allow for any restrictions to apply to inmates.

The significant impact this would have is to allow the current chapels to be open 24 hours a day, 7 days per week which will require at least 100 additional Corrections Officer I FTE positions at facilities department-wide to provide security oversight for each chapel. Passage of this proposal would likely require more chapels (and necessary officers) as different groups could not all schedule the same chapel at the same time

In summary, the potential fiscal impact which may result from passage of this proposed legislation is unknown but considered to be significant and exceeding \$100,000 for the DOC per each year.

Oversight assumes the proposed constitutional amendment would be put on the next general election ballot in November, 2010 and there will be no costs to Department of Corrections unless the amendment is approved by a vote of the people.

Officials from the following local political subdivisions assumed no fiscal impact to their respective entities: **Little Blue Valley Sewer District; Cass County; Springfield Police Department; Taney County Ambulance District; City of Cape Girardeau; City of Centralia; Clinton County; St Louis County; City of Joplin; City of West Plains; Creve Coeur Fire District; Boone County Sheriff's Department; and City of Kansas City.**

Officials from the following colleges and universities assumed no fiscal impact on their respective institutions: **Missouri State University; Lincoln University; St Louis Community College; Metropolitan Community College of Kansas City; Missouri Western University; University of Central Missouri; University of Missouri; Truman State University; and Missouri Southern State University.**

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume the proposal would require all free public schools receiving state appropriations to display, in a conspicuous and legible manner, the text of the Bill of Rights of the Constitution of the United States. School districts could chose to display the Bill of Rights in a costly manner; however, DESE does not anticipate significant costs to school districts.

Officials from the **Special School District of St Louis County** do not anticipate any material costs to implement this proposal.

Officials from the **Sikeston** and **Francis Howell** School Districts assume there could be costs associated with the implementation of this proposal, but did not give an estimate of fiscal impact.

Oversight assumes the provisions of this proposal could be implemented with minimal cost to school districts.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
# Cost - Department of Corrections - Increased personal services and chapel space	# \$0 or (Unknown - Expected to exceed \$100,000)	# \$0 or (Unknown - Expected to exceed \$100,000)	# \$0 or (Unknown - Expected to exceed \$100,000)
# ESTIMATED NET EFFECT ON GENERAL REVENUE	<u># \$0 or</u> <u>(Unknown -</u> <u>Expected to</u> <u>exceed</u> <u>\$100,000)</u>	<u># \$0 or</u> <u>(Unknown -</u> <u>Expected to</u> <u>exceed</u> <u>\$100,000)</u>	<u># \$0 or</u> <u>(Unknown -</u> <u>Expected to</u> <u>exceed</u> <u>\$100,000)</u>
# Estimated Net Effect on FTE for General Revenue	# 0 or Unknown	# 0 or Unknown	# 0 or Unknown

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Upon voter approval, this proposed constitutional amendment ensures that the right of Missouri citizens to express their religious beliefs shall not be infringed and that school children have the right to pray and acknowledge God voluntarily in their schools. All public schools shall display the Bill of Rights of the United States Constitution.

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

Department of Revenue
Department of Higher Education
Office of State Public Defender
Missouri Senate Department of Agriculture
Missouri Ethics Commission
Department of Health and Senior Services
Office of State Auditor
MoDOT and Patrol Employees' Retirement Plan
Missouri House of Representatives
Missouri Consolidated Health Care Plan
Office of Lieutenant Governor
Office of Administration
 Division of Budget and Planning
 Administrative Hearing Commission
Department of Mental Health
Department of Transportation
Missouri Tax Commission
Department of Economic Development
Public Service Commission

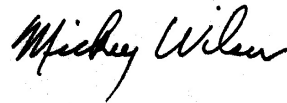
SOURCES OF INFORMATION (continued)

Department of Conservation
Department of Social Services
Department of Labor and Industrial Relations
Office of State Treasurer
Department of Insurance, Financial Institutions and Professional Registration
Department of Elementary and Secondary Education
Department of Public Safety
 Office of the Director
 Division of Fire Safety
 Missouri State Highway Patrol
 Missouri Veterans Commission
 Missouri Gaming Commission
Department of Corrections
Office of State Courts Administrator
Office of Secretary of State
 Elections Division
Local Political Subdivisions
 Little Blue Valley Sewer District
 Cass County
 Springfield Police Department
 Taney County Ambulance District
 City of Cape Girardeau
 City of Centralia
 Clinton County
 St Louis County
 City of Joplin
 City of West Plains
 Creve Coeur Fire District
 Boone County Sheriff's Department
 City of Kansas City
School Districts
 Sikeston
 Francis Howell
 Special School District of St Louis County

SOURCES OF INFORMATION (continued)

Colleges and Universities

Missouri State University
Lincoln University
St Louis Community College
Metropolitan Community College of Kansas City
Missouri Western University
University of Central Missouri
University of Missouri; Truman State University
Missouri Southern State University

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

Mickey Wilson, CPA
Director
May 11, 2009