

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0937-03
Bill No.: SJR 12
Subject: Constitutional Amendments; Education, Elementary and Secondary Education, Education, Higher; General Assembly; Political Subdivisions; Public Buildings; Public Buildings; Public Records, Public Meetings; State Employees; Religion
Type: Original
Date: February 27, 2009

Bill Summary: Proposes a constitutional amendment reaffirming a citizen's right to free expression of religion.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	(Unknown exceeding \$100,000)	(Unknown exceeding \$100,000)	(Unknown exceeding \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Unknown exceeding \$100,000)	(Unknown exceeding \$100,000)	(Unknown exceeding \$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 7 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
Total Estimated Net Effect on FTE	0	0	0

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 **Office of Attorney General, Department of Agriculture, Department of Elementary and Secondary Education, Office of Administration (COA) - Administrative Hearing Commission, COA - Division of Budget and Planning, Office of State Courts Administrator, Department of Economic Development, Department of Higher Education, Department of Insurance, Financial Institutions and Professional Registration, Department of Mental Health, Department of Health and Senior Services, Department of Labor and Industrial Relations, Department of Natural Resources, Department of Public Safety (DPS) - Division of Fire Safety, DPS - Director's Office, DPS - Division of Alcohol and Tobacco Control, DPS - Capitol Police, DPS - Missouri Gaming Commission, DPS - Missouri State Highway Patrol, DPS - Missouri State Water Patrol, DPS - Veterans' Commission, DPS - State Emergency Management Agency, Office of the Governor, Missouri Department of Conservation, Missouri Department of Transportation, MoDOT and Patrol Employees' Retirement System, Joint Committee on Public Employee Retirement, Department of Revenue, Missouri Consolidated Health Care Plan, Joint Committee on Administrative Rules, Missouri Ethics Commission, Missouri House of Representatives, Missouri Senate, Office of State Public Defender, Office of Prosecution Services, Office of State Auditor, Office of State Treasurer, State Tax Commission, Cass County, St. Louis County, City of Centralia, City of Kansas City, City of West Plains, Boone County Sheriff's Department, Springfield Police Department, Kansas City Metropolitan Community College, Linn State Technical College, Lincoln University, Missouri State University, Missouri Southern State University, University of Central Missouri, Missouri Western University, St. Louis Community College, Truman State University, University of Missouri, and Special School District of St. Louis County** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Department of Social Services** abides by all state and federal laws relating to employment practices and already has a policy in place that allows for religious accommodations to be made. Therefore, no additional cost is anticipated.

Officials from the **SOS - 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

ASSUMPTION (continued)

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.

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 will be put on the ballot of the next general election.

Officials from the **Department of Corrections (DOC)** state the DOC provides religious accommodations for its offenders. The significant impact of this proposal is that it would require the DOC to have the current chapels 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. Failure to meet demands will generate significant inmate litigation and compromise safety at the institutions, as well as public safety in general.

The potential fiscal impact which may result from passage of this proposal is unknown but considered to be significant, exceeding \$100,000 annually, for the DOC.

FISCAL IMPACT - State Government

FY 2010
(10 Mo.)

FY 2011

FY 2012

HW-C:LR:OD

GENERAL REVENUE FUND

Costs - DOC

Increase in chapels and DOC corrections officer personnel

<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>
--	--	--

**ESTIMATED NET EFFECT ON
GENERAL REVENUE FUND**

<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>
--	--	--

FISCAL IMPACT - Local Government

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

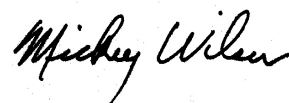
Upon voter approval, this constitutional amendment reaffirms a citizen's right to free expression of religion. The amendment specifies that individuals have the right to individual or group prayer in all private or public areas, as long as such prayer does not disturb the peace, disrupt a public meeting or assembly, or impede public access. Religious expression and prayer on government property is particularly allowed, so long as the expression or prayer abides within the same parameters placed upon any other free speech under similar circumstances.

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
Department of Agriculture
Office of Administration -
 Administrative Hearing Commission
 Division of Budget and Planning
Office of State Courts Administrator
Department of Economic Development
Department of Elementary and Secondary Education
Department of Higher Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Labor and Industrial Relations
Department of Mental Health
Department of Corrections
Department of Health and Senior Services
Missouri Department of Transportation
Department of Social Services
Department of Natural Resources
Department of Public Safety -
 Director's Office
 Division of Fire Safety
 Division of Alcohol and Tobacco Control
 Division of Capitol Police
 Missouri Gaming Commission
 Missouri State Highway Patrol
 Missouri State Water Patrol
 Missouri Veterans' Commission
 State Emergency Management Agency
Joint Committee on Public Employee Retirement
Department of Revenue
Missouri Consolidated Health Care Plan
Office of the Governor
Missouri Department of Conservation
Missouri Ethics Commission
Missouri House of Representatives
Missouri Senate
Joint Committee on Administrative Rules
MoDOT and Patrol Employees' Retirement System
Office of Prosecution Services
SOURCES OF INFORMATION (continued)

Office of Secretary of State -
Elections Division
Office of State Public Defender
Office of State Auditor
Office of State Treasurer
State Tax Commission
Cass County
St. Louis County
City of Centralia
City of Kansas City
City of West Plains
Boone County Sheriff's Department
Springfield Police Department
Kansas City Metropolitan Community College
Lincoln University
Linn State Technical College
Missouri State University
Missouri Southern State University
Missouri Western University
St. Louis Community College
Truman State University
University of Central Missouri
University of Missouri
Special School District of St. Louis County



Mickey Wilson, CPA
Director
February 27, 2009