

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4042-01  
Bill No.: SB 653  
Subject: Disabilities; Employees-Employers; Housing; Public Buildings  
Type: Original  
Date: January 11, 2016

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Bill Summary: This proposal bars discrimination based on sexual orientation or gender identity.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2017	FY 2018	FY 2019
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 11 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2017</b>	<b>FY 2018</b>	<b>FY 2019</b>
<b>Local Government</b>	<b>\$0 to (Greater than \$12,500)</b>	<b>\$0 to (Greater than \$12,500)</b>	<b>\$0 to (Greater than \$12,500)</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Department of Labor and Industrial Relations** assumes this proposal could have an unknown negative fiscal impact on their organization. The Missouri Commission on Human Rights (MCHR) could absorb the increase in complaints with existing resources. However, if the number of additional cases was significant or additional legislation was enacted which increased other types of MCHR complaints, the impact could be substantial enough that the MCHR could not absorb the additional work without additional resources and would request such through the appropriations process.

Officials at the **Office of Administration - General Services** assume this proposal would have a an unknown negative impact on their organization.

Section §213.010 – This proposed legislation would create additional categories of claims that could potentially be asserted against the state or other entities covered by the Legal Expense Fund. If such claims were successfully pursued, they could result in additional costs to the Legal Expense Fund. However, the amount of the potential costs resulting from this proposal cannot be reasonably estimated as this language creates new legal standards, subject to judicial interpretation, and there is no readily available information that could assist in forming a rational basis for estimating costs. In addition, the number of potential claims, the severity of those claims, and the ultimate costs associated with any settlement or judgment resulting from those claims cannot be forecasted with any degree of assurance to their accuracy.

The state self-assumes its own liability under the State Legal Expense Fund Section 105.711 RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of Attorney General. Payment is made by the Commission of Administration with the approval of the Attorney General.

**Oversight** assumes any impact to the State Legal Expense Fund would be minimal and could be absorbed with existing resources. If unanticipated costs are incurred or if multiple proposals are implemented which increase the Division's workload, resources could be requested through the appropriations process.

ASSUMPTION (continued)

Officials at the **Warren County R-III** school district assume this proposal would have a negative fiscal impact on their organization. Specifically, if complying with this legislation meant new construction of facilities specific to individuals with differing sexual orientation or gender identity. Not having researched plans to reconstruct our buildings, it would be safe to assume tens of thousands of dollars would be needed to create new bathrooms, locker rooms, etc. in all of our facilities.

Officials at the **Cassville R-IV** school district assumes this proposal would have a negative fiscal impact on their organization which is estimated at \$12,500.

Officials at the **Parkway** and **Sarcoixie R-II** school districts each assume this proposal could have a negative fiscal impact on their organization; specifically if it necessitates changes to facilities (restrooms) and locker rooms.

Officials at the **Office of Attorney General (AGO)** assumes an this proposal would have an unknown impact on their organization. If passed, this proposal will enable new cases of alleged discrimination based on sexual orientation or gender identity to come before the Human Rights Commission. As a result, the AGO anticipates additional work in representing the Commission. At this time, it is unknown how many new claims will be filed by individuals alleging discrimination based on sexual orientation. AGO assumes that the number of claims in the first few years will be less than 10 and that the AGO can absorb the costs of representing the Commission in its review of these claims. However, if there is a significant increase in claims over time, the AGO may seek additional appropriations to adequately represent the Human Rights Commission in handling these claims.

Officials at the **Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

ASSUMPTION (continued)

**Oversight** assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Department of Elementary and Secondary Education, Missouri House of Representatives, State Highway Employees Retirement System, Department of Economic Development, Department of Agriculture, State Public Defender's Office, Legislative Research, State Treasurer, Office of State Courts Administrator, State Auditor's Office, Missouri State Employees' Retirement System, Joint Committee on Public Employee Retirement, Missouri Ethics Commission, Lottery Commission, Lieutenant Governor's Office, Office of Prosecution Services, Missouri Senate, Administration Hearing Commission, Department of Public Safety - Gaming Commission, Department of Public Safety - Capitol Police, Department of Public Safety - State Emergency Management Agency, Missouri National Guard, Department of Public Safety - Highway Patrol, Missouri Veterans Commission, Department of Public Safety - Alcohol and Tobacco Control, Department of Public Safety - Fire Safety Division, Office of Administration - Personnel, Office of Administration - Budget and Planning, Department of Conservation, Department of Corrections, Department of Health and Senior Services, Department of Higher Education, Department of Insurance, Financial Institutions and Professional Registration, Department of Mental Health, Department of Natural Resources, Department of Social Services - Human Resource Center, Department of Social Services - Legal Services, Department of Revenue - Division of Motor Vehicle, Department of Revenue - Division of Driver License, Department of Transportation - Government Relations, Governor's Office, and Missouri Consolidate Health Care Plan** each assume this proposal would not have a fiscal impact on their respective organizations.

Officials at the following cities: **Kansas City** and **Columbia** each assume this proposal would not have a fiscal impact on their respective organizations.

Officials at the following counties: **Callaway** and **Mississippi** each assume this proposal would not have a fiscal impact on their respective organizations.

Officials at the **St. Louis County Board of Election Commission** assume this proposal would not have a fiscal impact on their respective organization.

ASSUMPTION (continued)

Officials at the following colleges: **Jefferson College, Metropolitan Community College, Missouri State, St. Louis Community College, University of Central Missouri, State Technical College of Missouri**, and **University of Missouri** each assume this proposal would not have a fiscal impact on their respective organizations.

Officials at the **Hawthorn School** assume this proposal would not have a fiscal impact on their respective organization.

Officials at the following school districts: **Bloomfield R-14, Brentwood, Cassville R-4, East Newton R-6, Eldon R-I, Grain Valley, Kansas City, Kearney R-1, Kennett #39, Macon County R-4, Mehville, New Haven, Riverview Gardens, Seymour R-2, Shell Knob #78, Smithville R-2, St. Charles, St. Elizabeth R-4, Webster Groves, West Plains R-VII**, and the **Wright City R-2** each assume this proposal would not have a fiscal impact on their respective organizations.

Officials at the following cities: Ashland, Belton, Bernie, Bonne Terre, Boonville, California, Cape Girardeau, Clayton, Dardenne Prairie, Des Peres, Excelsior Springs, Florissant, Frontenac, Fulton, Gladstone, Grandview, Harrisonville, Independence, Jefferson City, Joplin, Kearney, Knob Noster, Ladue, Lake Ozark, Lee Summit, Liberty, Louisiana, Maryland Heights, Maryville, Mexico, Monett, Neosho, O'Fallon, Pacific, Peculiar, Pineville, Popular Bluff, Raytown, Republic, Richmond, Rolla, Sedalia, Springfield, St. Charles, St. Joseph, St. Louis, St. Robert, Sugar Creek, Sullivan, Warrensburg, Warrenton, Webb City, Weldon Spring and West Plains did not respond to **Oversight's** request for fiscal impact.

Officials at the following counties: Andrew, Atchison, Audrain, Barry, Bollinger, Boone, Buchanan, Camden, Cape Girardeau, Carroll, Cass, Christian, Clay, Cole, Cooper, DeKalb, Dent, Franklin, Greene, Holt, Jackson, Jefferson, Johnson, Knox, Laclede, Lawrence, Lincoln, Maries, Marion, McDonald, Miller, Moniteau, Monroe, Montgomery, New Madrid, Nodaway, Ozark, Perry, Pettis, Phelps, Platte, Pulaski, Scott, Shelby, St. Charles, St. Louis, St. Francois, Taney, Warren, Wayne and Worth did not respond to **Oversight's** request for fiscal impact.

Officials at the following boards of election commissioners: Kansas City Board of Election Commission, St. Louis City Board of Election Commission, Clay County Board of Election Commission, Jackson County Board of Election Commission, and Platte County Board of Election Commission and did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

Officials at the following colleges: Crowder, East Central Community College, Harris-Stowe, Lincoln University, Moberly Area Community College, Missouri Southern State University, Missouri Western State University, Northwest Missouri State University, Southeast Missouri State University, State Fair Community College, St. Charles Community College, Three Rivers Community College, and the Truman State University did not respond to **Oversight's** request for fiscal impact.

Officials at the following charter schools: Carondelet Leadership Academy, Eagle College Prep, Frontier Schools, and the KIPP Endeavor Academy of Kansas City did not respond to **Oversight's** request for fiscal impact

Officials at the following school districts: Arcadia Valley R-2, Aurora R-8, Avilla R-13, Bakersfield, Belton, Benton County R-2, Bismark R-5, Blue Springs, Bolivar R-I, Bowling Green R-1, Branson, Bronaugh R-7, Campbell R-2, Carrollton R-7, Caruthersville, Central R-III, Chilhowee R-4, Chillicothe R-II, Clarkton C-4, Cole R-I, Columbia, Concordia R-2, Crawford County R-1, Crocker R-II, Delta C-7, East Carter R-2, Everton R-III, Fair Grove, Fair Play, Fayette R-3, Forsyth R-3, Fox C-6, Fredericktown R-I, Fulton, Hancock Place, Hannibal, Harrisonburg R-8, Harrisonville, Hillsboro R-3, Hollister R-5, Humansville R-4, Hurley R-1, Independence, Jefferson City, King City R-1, Kingston 42, Kirbyville R-VI, Kirksville, Laclede County R-1, Laredo R-7, Lee Summit, Leeton R-10, Lewis County C-1, Lindbergh, Lonedell R-14, Macon County R-1, Malta Bend, Mexico, Middle Grove C-1, Midway R-1, Milan C-2, Moberly, Monroe City R-I, Morgan County R-2, Nixa, North St. Francois Co. R-1, Northeast Nodaway R-5, Odessa R-VII, Oregon-Howell R-III, Orrick R-11, Osage County R-II, Osborn R-O, Pattonville, Pettis County R-12, Pierce City, Plato R-5, Princeton R-5, Raymore-Peculiar R-III, Raytown, Reeds Springs R-IV, Renick R-5, Richland R-1, Salisbury R-4, Scotland County R-I, Sedalia, Shelby County R-4, Sikeston, Silex, Slater, Special School District of St. Louis County, Spickard R-II, Springfield, St Joseph, St Louis, Sullivan, Tipton R-6, Valley R-6, Verona R-7, Warrensburg R-6, and the Westview C-6 did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2017 (10 Mo.)	FY 2018	FY 2019
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**SCHOOL DISTRICTS**

Costs - School Districts

Construction/Renovation to Facilities (Restroom and Locker Rooms)	<u>\$0 to (Greater than \$12,500)</u>	<u>\$0 to (Greater than \$12,500)</u>	<u>\$0 to (Greater than \$12,500)</u>
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<b>TOTAL NET EFFECT ON SCHOOL DISTRICTS</b>	<b><u>\$0 to (Greater than \$12,500)</u></b>	<b><u>\$0 to (Greater than \$12,500)</u></b>	<b><u>\$0 to (Greater than \$12,500)</u></b>
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FISCAL IMPACT - Small Business

A direct negative fiscal impact to small businesses would be expected as a result of this proposal by making necessary changes to facilities (restroom) to be in compliance with this legislation.

FISCAL DESCRIPTION

This act prohibits discrimination based upon a person's sexual orientation or gender identity. Such discrimination includes unlawful housing practices, denial of loans or other financial assistance, denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and denial of the right to use public accommodations.

This act defines "sexual orientation" as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression. The term "gender identity" is defined as the gender-related identity, appearance, or mannerisms, or other gender-related characteristics of an individual, with or without regard to the individual's designed sex at birth.

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

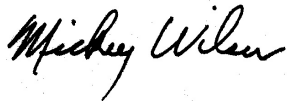
Department of Labor and Industrial Relations  
Office of Administration - General Services  
Department of Elementary and Secondary Education  
Missouri House of Representatives  
State Highway Employees Retirement System  
Department of Economic Development  
Department of Agriculture  
State Public Defender's Office  
Legislative Research, State Treasurer  
Office of State Courts Administrator  
State Auditor's Office  
Missouri State Employees' Retirement System  
Joint Committee on Public Employee Retirement  
Missouri Ethics Commission  
Lottery Commission  
Lieutenant Governor's Office  
Office of Prosecution Services  
Missouri Senate  
Administration Hearing Commission  
Department of Public Safety - Gaming Commission  
Department of Public Safety - Capitol Police  
Department of Public Safety - State Emergency Management Agency  
Missouri National Guard  
Department of Public Safety - Highway Patrol  
Missouri Veterans Commission  
Department of Public Safety - Alcohol and Tobacco Control  
Department of Public Safety - Fire Safety Division  
Office of Administration - Personnel  
Office of Administration - Budget and Planning  
Department of Conservation  
Department of Corrections  
Department of Health and Senior Services  
Department of Higher Education

SOURCES OF INFORMATION (continued)

Department of Insurance  
Financial Institutions and Professional Registration  
Department of Mental Health  
Department of Natural Resources  
Department of Social Services - Human Resource Center  
Department of Social Services - Legal Services  
Department of Revenue - Division of Motor Vehicle  
Department of Revenue - Division of Driver License  
Department of Transportation - Government Relations  
Governor's Office  
Missouri Consolidate Health Care Plan  
City of Kansas City  
City of Columbia  
Callaway County  
Mississippi County  
St. Louis County Board of Election Commission  
Hawthorn School  
Jefferson College  
Metropolitan Community College  
Missouri State  
St. Louis Community College  
University of Central Missouri  
State Technical College of Missouri  
University of Missouri  
Bloomfield R-14  
Brentwood, Cassville R-4  
East Newton R-6  
Eldon R-I  
Grain Valley  
Kansas City  
Kearney R-1  
Macon County R-4  
Mehville  
New Haven  
Parkway

SOURCES OF INFORMATION (continued)

St. Elizabeth R-4  
Sarcoxie R-2  
Seymour R-2  
Shell Knob #78  
Smithville R-2  
St. Charles  
Warren County R-3  
Webster Groves  
West Plains R-VII  
Wright City R-2



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