

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4709-01  
Bill No.: Perfected SB 695  
Subject: Boards, Commissions, Committees, and Councils; Elementary and Secondary Education; Teachers  
Type: Original  
Date: February 28, 2018

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Bill Summary: This proposal requires the Governor to appoint a teacher representative to the State Board of Education.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	(\$9,083)	(\$9,356)	(\$9,637)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(\$9,083)</b>	<b>(\$9,356)</b>	<b>(\$9,637)</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
<b>Total Estimated Net Effect on Other State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</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 2019</b>	<b>FY 2020</b>	<b>FY 2021</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**FISCAL ANALYSIS**

**ASSUMPTION**

Officials at the **Department of Elementary and Secondary Education (DESE)** note the state board of education consists of eight members. This proposal would result in a nine-member state board of education.

The following chart shows total expenditures for the eight members of the board.

	FY 2013	FY 2014	FY 2015	FY 2016	FY 2017
Board Expenditures	\$76,936	\$70,173	\$73,952	\$70,302	\$71,976
# of Board Members	8	8	8	8	8
Expenditure Per Member	\$9,617	\$8,772	\$9,244	\$8,788	\$8,997

Five year average total \$45,417  
 Number of years 5  
 Average per year \$9,083

An average of five years yields an expenditure per board member of \$9,083. If the department assumes increased expenses of 3% per year the impact to the department would be \$9,083 in FY 2019, \$9,356 in FY 2020 and \$9,637 in FY 2021.

Officials from the **Office of the Governor** assume section 161.026 requires the Governor to appoint a teacher representative to the State Board of Education. There should be no added cost to the Governor's Office as a result of this measure. However, if additional duties are placed on the office related to appointments in other TAFP legislation, there may be the need for additional staff resources in future years.

Officials from the **Missouri Senate** assume the proposal will have no fiscal impact on their organizations.

**Senate Amendment 1**

Officials from the **Office of the State Courts Administrator, Office of the State Treasurer, Missouri Senate and Department of Insurance, Financial Institutions and Professional Registration** assume the proposal will have no fiscal impact on their organization.

ASSUMPTION (continued)

Officials from the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

In response to a similar proposal from this year, SB 794, officials from the **Office of the Governor** assumed the proposal will have no fiscal impact on their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
<b>GENERAL REVENUE FUND</b>			
<u>Cost - DESE - board member expenses</u>	<u>(\$9,083)</u>	<u>(\$9,356)</u>	<u>(\$9,637)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>(\$9,083)</u></b>	<b><u>(\$9,356)</u></b>	<b><u>(\$9,637)</u></b>
<u>FISCAL IMPACT - Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal specifies that a teacher representative shall be appointed to the state board of education.

This act requires the Governor to inform the Missouri Senate, in writing, of any appointments to state boards or commissions made while the Senate is not in session. No appointee shall be sworn in until such notification has been made. After appointment and notification, the Governor is prohibited from withdrawing or rescinding the appointment unless such action is authorized by the Senate and except in the case of charges of malfeasance, misfeasance, or nonfeasance in office.

FISCAL DESCRIPTION (continued)

In order to withdraw or rescind an appointment, when the Senate reconvenes, the Governor may request an appointment be sent back without prejudice. However, if the Senate rejects the request or does not approve the request and the time frame by which the Senate was to consider the original appointment expires without the Senate giving its advice and consent, the appointee shall be deemed rejected and prohibited from being reappointed.

The Governor shall be prohibited from reappointing an appointee that was appointed prior to the effective date of this act if the appointee was appointed when the Senate was not in session and resigned his or her position prior to receiving the advice and consent of the Senate.

No person whose appointment requires the advice and consent of the Senate shall have the authority to act prior to receiving the advice and consent of the Senate if such person is reappointed to a position by the Governor while the Senate is not in session and such person's prior appointment to such position on the administrative board or commission failed, for any reason, to receive the advice and consent of the Senate.

At all meetings of any state board or commission, only members that have received the advice and consent of the Senate shall be counted for purposes of determining the existence of a quorum. No official actions may be taken unless a majority of the board or commission, all of whom shall have received the advice and consent of the Senate, votes therefor.

This act also modifies provisions relating to the State Board of Education. At no time shall more than two members of the Board be classified as "independent".

Additionally, the act requires that each Board member shall be sworn in during open session of the Board, and the oath of office shall be administered by the President or Vice President of the Board. In order to establish a quorum, five members that have received the advice and consent of the Senate shall be present. No official actions may be taken unless a majority of the Board, all of whom have received the advice and consent of the Senate, vote therefor.

The act repeals a provision authorizing the Governor to make a temporary appointment to the Board if a vacancy arises while the General Assembly is not in session.

If at any time a quorum of the Board has not received the advice and consent of the Senate, the State Treasurer shall distribute all necessary appropriations to school districts pursuant to state and federal law.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

Department of Elementary and Secondary Education  
Missouri Senate  
Office of the Governor  
Office of the Attorney General  
Office of the State Treasurer  
Department of Insurance, Financial Institutions and Professional Registration  
Office of the State Courts Administrator

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope". The signature is stylized with a large initial "R" and "S".

Acting Director  
February 28, 2018