

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0152-04
Bill No.: Perfected SS for SCS for SJR 2
Subject: Courts; General Assembly; Governor and Lieutenant Governor; Public Officers
Type: Original
Date: March 13, 2019

Bill Summary: This proposal requires the Senate, beginning January 1, 2021, to try all impeachments and modifies what constitutes grounds for impeachment.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	\$0 or (More than \$7,800,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	\$0 or (More than \$7,800,000)	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

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

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

* Transfer out and transfer in net to zero.

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. If a special election is called to submit a Joint Resolution to a vote of the people, §115.063.2, RSMo, requires the state to pay the costs. The cost of the special election has been estimated to be \$7.8 million based on the cost of the 2016 Presidential Preference Primary.

The SOS is required 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. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

In FY19, over \$5.8 million was spent to publish the full text of the measures for the August and November elections. The SOS estimates \$65,000 per page for the costs of publications based on the actual cost incurred for the one referendum that was on the August 2018 ballot.

The SOS will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, we reserve the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

Oversight has reflected in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2020. This reflects the decision made by the Joint Committee on Legislative Research, that the cost of the elections should be shown in the fiscal note. The next scheduled statewide

ASSUMPTION (continued)

primary election is in August 2020 and the next scheduled general election is in November 2020 (both in FY 2021). It is assumed the subject within this proposal could be on one of these ballots; however, it could also be on a special election called for by the Governor. Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2020.

Officials from the **Missouri Senate (SEN)** assume the proposal as written would anticipate a negative fiscal impact to carry out the impeachment process. A special session would be called and the costs associated with a special session include: 2019 session per diem (\$119.20 per day) x 34 Senators, session staff (Sergeant-At Arms, Doorkeepers, Reverend, and support staff) at \$2,298.86 per day, and mileage (8,982 miles @ \$0.37 per mile) totaling \$3,323.34. Mileage is based on January 2019 mileage with 34 Senators. Per diem is paid daily when in full-session only. Mileage figures are based on the payment of one (1) round-trip per week (statutory) and thus is the same for one (1) day or five (5) days if in the same legislative week without break. In summary, the first day of a special session would cost \$9,626 and each consecutive day would cost \$6,352.

Oversight notes that the Missouri Senate could potentially have a cost ranging from \$9,626-\$384,394 ($\$9,626 + (\$6,352 \times 59 \text{ days})$) if a special session were called for the purpose of an impeachment. This range is based on the SEN estimate of \$9,626 the first day of a special session and \$6,352 per each day after and that special session cannot exceed 60 days. Oversight notes that the costs associated with an impeachment will only incur if there is an impeachment that occurs during a special session. Oversight has reflected this potential cost on the legislation that makes the necessary statutory changes (SB 9) and will not reflect them on this Joint Resolution.

Officials from the **Office of State Courts Administrator** and **Attorney General's Office** both assume the proposal will have no fiscal impact on their organization.

In response to similar legislation SB 566 (4792-01) from 2018, officials from the **Missouri Lieutenant Governor** assumed the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the **Office of the Governor** and **Missouri House of Representatives** each assume the proposal will have no fiscal impact on their organization.

ASSUMPTION (continued)

Oversight notes that the Office of State Courts Administrator, Office of the Governor, Missouri House of Representatives, and Attorney General’s Office have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (More than \$7,800,000)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	\$0 or (More than <u>\$7,800,000</u>)	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
LOCAL POLITICAL SUBDIVISIONS			
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$7,800,000	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than \$7,800,000)	\$0	\$0
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<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

This proposed constitutional amendment, if approved by the voters, would require that, beginning January 1, 2021, all impeachments be tried by the Senate, rather than before the Missouri Supreme Court. When the Governor or Lieutenant Governor is being tried, the Chief Justice of the Missouri Supreme Court shall preside. No judge shall be convicted without a two-thirds vote of all Senators elected and no statewide elected official shall be convicted without a three-fourths vote of all Senators elected.

This amendment modifies the grounds for impeachment found in current provisions of the Missouri Constitution by repealing the current grounds and providing that all officials shall be liable to impeachment for corruption or crime in office.

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

Missouri Senate
Office of State Courts Administrator
Office of the Governor
Missouri House of Representatives
Attorney General's Office



Kyle Rieman
Director
March 13, 2019

Ross Strobe
Assistant Director
March 13, 2019