

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3248-04
Bill No.: SCS for SJR 33
Subject: Courts; General Assembly; Governor and Lt. Governor; Public Officers
Type: Original
Date: March 12, 2020

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 2021 | FY 2022 | FY 2023 |
| 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 2021 | FY 2022 | FY 2023 |
| | | | |
| | | | |
| 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 2021 | FY 2022 | FY 2023 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2021 | FY 2022 | FY 2023 |
| | | | |
| | | | |
| 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 2021 | FY 2022 | FY 2023 |
| Local Government | \$0* | \$0 | \$0 |

* Transfer out and transfer in net to zero if the Governor calls a special election.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Secretary of State (SOS)** state 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, section 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 Secretary of State's office 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 Secretary of State's office 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 2021. 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 (on a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2021.

Officials from the **Missouri Senate (SEN)** state they would anticipate a negative fiscal impact to carry out the impeachment process due to a special session being called. In summary, the first day of a special session would cost \$9,526 and each consecutive day within the same legislative week would cost \$6,103. SEN stated they revised their fiscal impact estimate to account for the resignation of three senators.

Oversight notes that the Missouri Senate could potentially have a cost to hold an impeachment, depending upon timing. However, Oversight notes that the costs associated with an impeachment will only incur if there is an impeachment that occurs during such a special session. Oversight has reflected this potential cost on the legislation that makes the necessary statutory changes (SB 612) and will not reflect them on this Joint Resolution.

Officials from the **Missouri House of Representatives** assume no fiscal impact from this proposal.

Officials from the **Office of the State Courts Administrator** assume no fiscal impact.

Oversight notes that the Office of State Courts Administrator and Missouri House of Representatives have each stated the proposal would not have a direct fiscal impact on their respective organizations. 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 2021 (10 Mo.) | FY 2022 | FY 2023 |
|---|---------------------|---------|---------|

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 <u>\$7,800,000</u>) | <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 2021 (10 Mo.) | FY 2022 | FY 2023 |
|---|---------------------|---------|---------|

LOCAL POLITICAL SUBDIVISIONS

| | | | |
|--|-------------------------------------|-----|-----|
| <u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State <u>for a special election</u> | \$0 or More than <u>\$7,800,000</u> | \$0 | \$0 |
|--|-------------------------------------|-----|-----|

| | | | |
|---|--|-----|-----|
| <u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor | \$0 or (More than <u>\$7,800,000</u>) | \$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 person shall be convicted without a two-thirds 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 House of Representatives
Office of the State Courts Administrator
Missouri Senate
Office of the Secretary of State



Julie Morff
Director
March 12, 2020



Ross Strobe
Assistant Director
March 12, 2020