

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4528-01
Bill No.: SB 1238
Subject: Civil Rights; Courts
Type: Original
Date: April 5, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General** did not respond to Oversight’s request for fiscal impact. However, in response to a previous version of the proposal, officials assumed the proposal would result in a modest increase in filings with the Human Rights Commission and that any potential costs could be absorbed within existing resources.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Department of Labor and Industrial Relations – Missouri Commission on Human Rights (MCHR)** assume they cannot predict the number of cases the proposal would add to the MCHR’s caseload. The MCHR received information from four states, two of which have sexual orientation and two of which have a similar definition of the protected category as this proposal: for the two states that only provide sexual orientation protection, the percentage of their cases that are filed under that protected category are 2.1% and 2.4%. For the two states that have the expanded definition, the percentage of cases that are filed under the protected category are 3% and 2%. For the state with the 3% figure, 0.3% of the complaints are based on transgender. For the state with the 2% figure, only 1 case has been filed based on transgender. When the overall figures for the four states are combined, the percentage of cases filed is 2.4%.

ASSUMPTION (continued)

In tough economic times, MCHR continues to see an increase in the number of complaints it receives each year. From FY 00 to FY 03, the number of complaints received per year increased by 225. From FY 02 to FY 04, 7.5 full time equivalent positions were eliminated. Therefore, the ability of the MCHR to carry out any additional responsibility at this time is problematic. The MCHR received 1,979 complaints in FY 03. If this is increased by 2.4% due to adding sexual orientation as a protected category, this would add 47.5 new complaints. The MCHR estimates 2/3 FTE to absorb the additional workload. MCHR estimates the salary plus fringe benefits to be \$34,266 per year.

Oversight assumes the Department of Labor and Industrial Relations – Missouri Commission on Human Rights (MCHR) could absorb any increase in complaints within existing resources. However, if the number of cases increases, MCHR would request additional funding through the budgetary process.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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.

DESCRIPTION

The proposed legislation would prohibit discrimination based upon a person's sexual orientation. Such discrimination would include unlawful housing practices, the denial of loans or other financial assistance, the denial of membership into an organization relating to the selling or renting of dwellings, unlawful employment practices, and the denial of the right to use public accommodations.

DESCRIPTION (continued)

The proposal would define “sexual orientation” as male or female heterosexuality, homosexuality, or bisexuality by inclination, practice, identity or expression, or having a self-image or identity not traditionally associated with one’s biological maleness or femaleness.

The proposal would also clarify that discrimination includes cases where unfair treatment results from the guilty party’s mere assumptions about the victim of characteristics of race, religion, etc., whether or not those assumptions are correct.

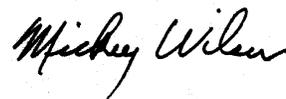
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Labor and Industrial Relations

NOT RESPONDING

Office of the Attorney General



Mickey Wilson, CPA
Director
April 5, 2004