

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3227-04
Bill No.: SCS for SB 587
Subject: State Attorney General; Boards, Commissions, Committees, Councils; Courts;
 Federal-State Relations; General Assembly
Type: Original
Date: March 8, 2010

Bill Summary: The proposal creates the Tenth Amendment Commission.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|---|---|---|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| General Revenue | \$0 or (Less than \$100,000) | \$0 or (Less than \$100,000) | \$0 or (Less than \$100,000) |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 or (Less than \$100,000) | \$0 or (Less than \$100,000) | \$0 or (Less than \$100,000) |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| | | | |
| | | | |
| 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 2011 | FY 2012 | FY 2013 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| | | | |
| | | | |
| Total Estimated Net Effect on FTE | 0 | 0 | 0 |

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

| ESTIMATED NET EFFECT ON LOCAL FUNDS | | | |
|--|----------------|----------------|----------------|
| FUND AFFECTED | FY 2011 | FY 2012 | FY 2013 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the Attorney General (AGO)** assume, if passed, the act authorizes a new commission to refer cases to the AGO. Because the number of cases is not known, AGO assumes costs related to the act are unknown but less than \$100,000. If multiple cases result, AGO may seek additional appropriation.

Oversight assumes the cost to the AGO to be \$0 or (Less than \$100,000) because the proposal contains a referendum clause, and would not become effective until it is approved by a majority of the votes cast in the August 2010 general election. If not passed by a majority of the voters, there would be no cost to the AGO.

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

Officials from the **Office of the Governor** assume, since the bill requires existing resources for support of the commissioners, there will be no additional costs. However, if additional duties are placed on the office related to appointments in other legislation, there may be the need for additional staff resources in future years.

Officials from the **Missouri House of Representatives** assume the fiscal impact of this legislation is minimal and could be absorbed within existing resources.

Officials from the **Missouri Senate** assume the proposal would have no fiscal impact on their agency.

ASSUMPTION (continued)

Officials at the **Office of the Secretary of State (SOS)** assume the SOS is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article I, Section 26, 27, 28 of the Missouri Constitution and Section 116.230-116.290, RSMo. The Secretary of State’s office is provided with core funding to handle a certain amount of normal activity resulting from each year’s legislative session. Funding for this item is adjusted each year depending upon the election cycle with \$1.3 million historically appropriated in odd numbered fiscal years and \$100,000 appropriated in even numbered fiscal years to meet these requirements. The appropriation has historically been an estimated appropriation because the final cost is dependent upon the number of ballot measures approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2009, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$1.35 million to publish (an average of \$270,000 per issue). Therefore, the SOS assumes, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. However, because these requirements are mandatory, SOS may request funding to meet the cost of their publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of their appropriation.

| | | | |
|---|---------------------|---------|---------|
| <u>FISCAL IMPACT - State Government</u> | FY 2011 (10 Mo.) | FY 2012 | FY 2013 |
|---|---------------------|---------|---------|

GENERAL REVENUE FUND

| | | | |
|---|---|---|---|
| <u>Costs – Office of the Attorney General</u> | | | |
| Increased case referrals | <u>\$0 or (Less than \$100,000)</u> | <u>\$0 or (Less than \$100,000)</u> | <u>\$0 or (Less than \$100,000)</u> |

| | | | |
|---|--|--|--|
| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | <u>\$0 or (Less than \$100,000)</u> | <u>\$0 or (Less than \$100,000)</u> | <u>\$0 or (Less than \$100,000)</u> |
|---|--|--|--|

| | | | |
|---|---------------------|------------|------------|
| <u>FISCAL IMPACT - Local Government</u> | FY 2011 (10 Mo.) | FY 2012 | FY 2013 |
| | <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

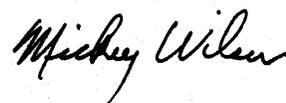
Upon approval of the voters at the August 2010 election, the proposal creates the seven-member "Tenth Amendment Commission." This commission will refer cases to the Attorney General when the federal government takes steps that require the state or a state officer to enact or enforce a provision of federal law that lies outside Congress's power and intrudes on the powers reserved to the states by the Tenth Amendment to the United States Constitution. The attorney general is authorized to seek appropriate relief to preserve the state's sovereignty.

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

The proposal contains a referendum clause. Upon passage, the proposal would be submitted to a vote of the people in the August 2010 general election. The proposal would become effective when approved by a majority of the votes cast in the August 2010 general election.

SOURCES OF INFORMATION

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



Mickey Wilson, CPA

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