

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1183-01  
Bill No.: SJR 15  
Subject: Abortion; Constitutional Amendments; Courts; Crimes and Punishment;  
 Education, Elementary and Secondary; Federal - State Relations; Environmental  
 Protection; Firearms and Fireworks; Health Care; Marriage and Divorce;  
 Religion; Science and Technology; State Departments  
Type: Original  
Date: February 28, 2011

Bill Summary: This proposal prohibits Missouri state government from recognizing, enforcing, or acting in furtherance of certain actions of the federal government.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	\$0 or (More than \$7,000,000)	\$0 or (More than \$7,000,000)	
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0 or (More than \$7,000,000)</b>	<b>\$0 or (More than \$7,000,000)</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
 This fiscal note contains 8 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
Federal Funds	\$0 to (Unknown)	\$0 to (Unknown)	\$0 to (Unknown)
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>	<b>\$0 to (Unknown)</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2012</b>	<b>FY 2013</b>	<b>FY 2014</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## FISCAL ANALYSIS

### ASSUMPTION

Officials at the **Office of the Secretary of State (SOS)** assume unless a special election is called for the purpose, Joint Resolutions are submitted to a vote of the people at the next general election. 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. Article III section 52(b) of the Missouri Constitution authorizes the general assembly to order a special election for measures referred to the people and Article XII section 2(b) authorizes the governor to call a special election to submit constitutional amendments to a vote of the people.

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 2011, at the August and November elections, there were 6 statewide Constitutional Amendments or ballot propositions that cost \$1.02 million to publish (an average of \$170,000 per issue). Therefore, the Secretary of State's office 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, we reserve the right to request funding to meet the cost of our publishing requirements if the Governor and the General Assembly change the amount or eliminate the estimated nature of our 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 2011. 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 general election is in February (FY 2012). It is assumed the subject within this proposal could be on that ballot; 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 2012.

ASSUMPTION (continued)

To estimate the expense the state would incur for reimbursing local political subdivisions for a special election, Oversight requested expense estimates from all election authorities for an election. Eighty-six out of the one hundred fifteen election authorities responded to Oversight's request. From these respondents; the total election expense that would have to be reimbursed by the state government is over \$7 million. Therefore, Oversight will reflect a potential cost borne by the state in FY 2012 of over \$7 million for reimbursement to the local political subdivisions. Oversight assumes the Governor could call for a special election to be held prior to February , 2012 regarding this joint resolution; however, if a special election is not called, the subject will be voted on at the general election in November 2012.

Officials from the **Department of Corrections** assume an unknown fiscal impact for each fiscal year due to passage of this proposal contingent on potential future actions of the federal government.

Officials from the **Missouri Highway Patrol** assume the Department of Transportation will respond on their behalf.

Officials from the **Governor's Office** assume there should be no added cost to their agency as a result of this measure.

Officials from the **Department of Mental Health** assume while their department is not directly involved with most of the issues contained in this proposal, it is affected to a great degree by federal health care programs and requirements. It is unknown how much refusal to follow federal guidelines would cost the Department, but it is assumed that a significant cost would be experienced.

Officials from the **Department of Conservation** assume there is an unknown fiscal impact to their agency. There is legal precedent that upholds the State of Missouri's regulation of fish and wildlife and also to require state participation in federal laws and regulation for migratory wildlife, water quality, and regulation of a wide range of resource contaminants.

Officials from the **Missouri Consolidated Health Care Plan (MCHCP)** assume this proposal prohibits Missouri state government from recognizing, enforcing, or acting in furtherance of certain actions of the federal government.

ASSUMPTION (continued)

MCHCP was approved to receive funds from the Early Retiree Reinsurance Program (ERRP). ERRP provides reimbursement to participating employment-based plans for a portion of the costs of health benefits. To date, MCHCP has received \$2.9 million. MCHCP plans to submit requests for additional funds, but the reimbursement amounts are unknown based on the availability of funds. This proposal would require MCHCP to return funds received through this program. The fiscal impact is unknown but greater than \$2.9 million and contingent on future actions of the federal government.

Prior to the passage of the Patient Protection and Affordable Care Act, MCHCP only covered children up to age 25 unless they were disabled. As of January 1, 2011, MCHCP covers 244 25 year old children. In 2010, MCHCP's portion of medical and pharmacy claims for this age group was \$2,942 per member per year. MCHCP would not be required to cover 25 year olds under this proposal. The fiscal savings would be less than \$717,848 annually because some disabled children would still be eligible for coverage.

Officials from the **Department of Economic Development** assume this proposal could jeopardize the continued availability of funding through federal programs where such programs mandate compliance with federal actions covered by the proposal. Examples would include federal funding provided to the Division of Business and Community Services through the Community Block Grant. The amount of any negative fiscal impact is unknown, but would likely exceed \$100,000.

Officials from the **Office of Administration - Division of Budget & Planning** assume this proposal should not result in additional costs or savings to their division.

Officials from the **Joint Committee on Public Employee Retirement** assume this proposal would not affect retirement plan benefits as defined in Section 105.660.

Officials from the **Missouri Veterans Commission** assume the impact is unknown to their agency.

Officials from the **Missouri Office of Prosecution Services, Missouri Department of Transportation, State Emergency Management Agency, Department of Higher Education, Missouri Senate, Missouri House of Representatives, State Tax Commission, Office of State Courts Administrator, Missouri Gaming Commission, State Auditor's Office, Missouri Lottery, Capitol Police, Missouri State Prosecutor, Division of Alcohol and Tobacco Control, Division of Fire Safety, Administrative Hearing Commission, Joint Committee on**

ASSUMPTION (continued)

**Administrative Rules, Missouri Ethics Commission, Department of Agriculture and State Treasurer's Office** assume there will be not fiscal impact to their agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>GENERAL REVENUE</b>			
<u>Expense - reimbursement of local political subdivisions for special election costs</u>	\$0 or (More than <u>\$7,000,000</u> )	<u>\$0 or (More than \$7,000,000)</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND</b>	<b><u>\$0 or (More than \$7,000,000)</u></b>	<b><u>\$0 or (More than \$7,000,000)</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT - Federal Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>	<b><u>\$0 to (Unknown)</u></b>

FISCAL IMPACT - Small Business

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

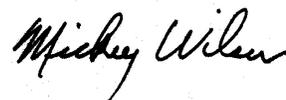
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

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

Department of Corrections  
Missouri Highway Patrol  
Governor's Office  
Missouri Office of Prosecution Services  
Department of Mental Health  
Department of Transportation  
Department of Conservation  
Missouri Consolidated Health Care Plan  
Department of Economic Development  
State Emergency Management Agency  
Department of Higher Education  
Missouri Senate  
Secretary of State's Office  
Missouri House of Representatives  
State Tax Commission  
Office of State Courts Administrator  
Missouri Gaming Commission  
State Auditor's Office  
Office of Administration -  
    Division of Budget & Planning  
Missouri Lottery  
Capitol Police  
Missouri State Prosecutor  
Division of Alcohol and Tobacco Control  
Division of Fire Safety  
Administration Hearing Commission  
Joint Committee on Public Employee Retirement  
Joint Committee on Administrative Rules  
Missouri Ethics Commission  
Department of Agriculture  
Missouri Veterans Commission  
State Treasurer's Office



Mickey Wilson, CPA

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