

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0637-01  
Bill No.: SJR 10  
Subject: Constitutional Amendments: Religion  
Type: Original  
Date: March 14, 2003

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**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
General Revenue	\$0	(\$34,850)	\$0
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>(\$34,850)</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All 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 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2004	FY 2005	FY 2006
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

### FISCAL ANALYSIS

#### ASSUMPTION

Officials of the **Department of Revenue**, the **Department of Social Services**, the **Department of Mental Health** and the **Department of Social Services** indicated that they would not expect the proposal to materially affect the workload of their agencies.

Officials of the **Department of Elementary and Secondary Education** stated that this proposal would remove the basis for Missouri Supreme Court decisions made because Missouri Constitution provisions concerning separation of church and state are more restrictive than the Establishment Clause of the first amendment to the United States Constitution. The Missouri Supreme Court has barred state distribution of textbooks to parochial school students [Paster v. Tussey, 512 S.W.2d 97 (Mo. Banc 1974)] and has barred transportation of parochial school students in public school buses operated at school district expense [Mcvey v. Hawkins, 364 S.W.2d 927 (1953)].

This proposal would remove the basis for those decisions and allow enabling legislation that would allow public monies to go to religious schools. Department of Elementary and Secondary Education officials note that state and federal monies could be spread over more schools which would have an administrative impact on the Department.

**Oversight** notes that adoption of this proposal would offer the possibility of monies being used

ASSUMPTION (continued)

to support more schools. These possibilities would not be realized until and unless appropriate enabling legislation was enacted.

**Secretary of State** officials stated that advertisement costs for the proposal would be \$3,485 per column inch for three printings of the text of the proposal, the introduction, fiscal note summary, and affidavit. The proposal would be on the ballot for the November 2004 general election.

FISCAL IMPACT - State Government                      FY 2004                      FY 2005                      FY 2006

**GENERAL REVENUE FUND**

<u>Cost to Secretary of State</u>			
Newspaper Advertisements	\$0	(\$34,850)	\$0

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>\$0</u></b>	<b><u>(\$34,850)</u></b>	<b><u>\$0</u></b>
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FISCAL IMPACT - Local Government                      FY 2004                      FY 2005                      FY 2006

	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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FISCAL IMPACT - Small Business

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

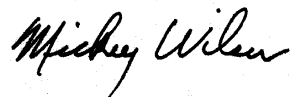
DESCRIPTION

This proposal would remove the state constitutional prohibition against public aid, direct or indirect, for churches, religious sects, clerics or religion teachers.

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

SOURCES OF INFORMATION

Department of Elementary Secondary Education  
Department of Health and Senior Services  
Department of Mental Health  
Department of Revenue  
Department of Social Services  
Secretary of State

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA  
Director  
March 14, 2003