

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0638-01
Bill No.: SJR 9
Subject: Constitutional Amendments: Religion
Type: Original
Date: March 14, 2003

FISCAL SUMMARY

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

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

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

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

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

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

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

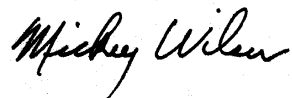
DESCRIPTION

This proposal would remove the state constitutional prohibition against public aid for religious purposes and institutions.

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