

**MISSOURI STATE AUDITOR'S OFFICE  
FISCAL NOTE (14-SJR 27)**

**Subject**

Truly Agreed To and Finally Passed Senate Joint Resolution No. 27. (Received May 30, 2014)

**Date**

June 12, 2014

**Description**

This proposal would amend Article I of the Constitution of Missouri.

The amendment is to be voted on in August 2014.

**Public comments and other input**

The State Auditor's office requested input from the **Attorney General's office**, the **Department of Agriculture**, the **Department of Economic Development**, the **Department of Elementary and Secondary Education**, the **Department of Higher Education**, the **Department of Health and Senior Services**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Department of Mental Health**, the **Department of Natural Resources**, the **Department of Corrections**, the **Department of Labor and Industrial Relations**, the **Department of Revenue**, the **Department of Public Safety**, the **Department of Social Services**, the **Governor's office**, the **Missouri House of Representatives**, the **Department of Conservation**, the **Department of Transportation**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Missouri Senate**, the **Secretary of State's office**, the **Office of the State Public Defender**, the **State Treasurer's office**, **Adair County**, **Boone County**, **Callaway County**, **Cass County**, **Clay County**, **Cole County**, **Greene County**, **Jackson County Legislators**, **Jasper County**, **St. Charles County**, **St. Louis County**, **Taney County**, the **City of Cape Girardeau**, the **City of Columbia**, the **City of Jefferson**, the **City of Joplin**, the **City of Kansas City**, the **City of Kirksville**, the **City of Kirkwood**, the **City of Mexico**, the **City of Raymore**, the **City of St. Joseph**, the **City of St. Louis**, the **City of Springfield**, the **City of Union**, the **City of Wentzville**, the **City of West Plains**, **Cape Girardeau 63 School District**, **Hannibal 60 School District**, **Rockwood R-VI School District**, **Linn State Technical College**, **Metropolitan Community College**, **University of Missouri** and **St. Louis Community College**.

## **Assumptions**

Officials from the **Attorney General's office** indicated they assume that any potential costs arising from the adoption of this proposal can be absorbed with existing resources.

Officials from the **Department of Agriculture** indicated no fiscal impact on their department.

Officials from the **Department of Economic Development** indicated they anticipate no fiscal impact as a result of the joint resolution.

Officials from the **Department of Higher Education** indicated there would be no direct fiscal impact on their department.

Officials from the **Department of Health and Senior Services** indicated this Senate Joint Resolution is a no impact note for their department.

Officials from the **Department of Insurance, Financial Institutions and Professional Registration** indicated this petition, if passed, will have no cost or savings to their department.

Officials from the **Department of Mental Health** indicated this proposal creates no direct obligations or requirements to their department that would result in a fiscal impact.

Officials from the **Department of Natural Resources** indicated they would not anticipate a direct fiscal impact from this proposal.

Officials from the **Department of Corrections** indicated there is no fiscal impact for their department.

Officials from the **Department of Labor and Industrial Relations** indicated no fiscal impact to their department.

Officials from the **Department of Revenue** indicated this resolution has no fiscal impact on their department. They suggest the phrase "access electronic data or communications" be defined or further clarified.

Officials from the **Department of Public Safety** indicated there is no fiscal impact for their department for this joint resolution.

Officials from the **Department of Social Services** indicated this ballot proposal has no direct fiscal impact to their department.

Officials from the **Governor's office** indicated there should be no fiscal impact to their office.

Officials from the **Missouri House of Representatives** indicated no fiscal impact to their agency.

Officials from the **Department of Conservation** indicated that no adverse fiscal impact to their department would be expected as a result of this proposal.

Officials from the **Office of Administration** indicated:

SJR 27 amends Section 15 to Article I of the Missouri Constitution and is related to access of electronic data.

SJR 27 includes protections for electronic communications and data from unreasonable searches and seizures and prohibits warrants being issued to access electronic data or communication without probable cause.

The SJR could impact their office, in particular, through increased costs to the Legal Expense Fund (LEF). The current constitutional protection against unreasonable search and seizure could be a cause of action against a state officer under certain circumstances. They believe the state would have sovereign immunity and the officer would ordinarily be protected by official immunity. However, if the officer conducts a search in a manner that violates constitutional or statutory protections, there could be an exposure. Expanding the current constitutional protections would therefore result in a small, but increased exposure to the LEF.

Officials from the **Office of State Courts Administrator** indicated there is no fiscal impact on the courts.

Officials from the **Missouri Senate** indicated this senate joint resolution has no fiscal impact to their agency.

Officials from the **Secretary of State's office** indicated they have determined there will be no fiscal impact to their office.

Officials from the **Office of the State Public Defender** indicated the Senate Joint Resolution will not have any substantial impact on their office.

Officials from the **State Treasurer's office** indicated no fiscal impact to their office.

Officials from the **City of Kansas City** indicated they estimate that SJR 27 has no costs or savings to their city.

Officials from the **City of Raymore** indicated no fiscal impact.

Officials from the **City of St. Joseph** indicated this bill should have no fiscal impact on their city.

Officials from the **University of Missouri** indicated this Senate Joint Resolution will have no fiscal impact on their university.

The State Auditor's office did not receive a response from the **Department of Elementary and Secondary Education, the Department of Transportation, Adair County, Boone County, Callaway County, Cass County, Clay County, Cole County, Greene County, Jackson County Legislators, Jasper County, St. Charles County, St. Louis County, Taney County, the City of Cape Girardeau, the City of Columbia, the City of Jefferson, the City of Joplin, the City of Kirksville, the City of Kirkwood, the City of Mexico, the City of St. Louis, the City of Springfield, the City of Union, the City of Wentzville, the City of West Plains, Cape Girardeau 63 School District, Hannibal 60 School District, Rockwood R-VI School District, Linn State Technical College, Metropolitan Community College, and St. Louis Community College.**

### **Fiscal Note Summary**

State and local governmental entities expect no significant costs or savings.