

**MISSOURI STATE AUDITOR'S OFFICE
FISCAL NOTE (07-09)**

Subject

House Joint Resolution No. 7 submitting to the voters a constitutional amendment relating to English as the official state language. (Received June 6, 2007)

Date

June 20, 2007

Description

This proposal would amend Article I of the Constitution of Missouri by adding Section 34 to establish English as the language of all official proceedings in the state.

The amendment is to be voted on in November, 2008, or at a special election called by the governor.

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/Office of Administration**, the **Missouri House of Representatives**, the **Missouri Lottery**, the **Department of Conservation**, the **Office of State Courts Administrator**, the **Department of Transportation**, the **Missouri Public Service Commission**, the **Office of the State Public Defender**, the **Missouri Senate**, the **Secretary of State's Office**, the **State Tax Commission**, the **State Treasurer's Office**, **Boone County**, **St. Louis County**, **Greene County**, the **City of Cape Girardeau**, the **City of Jefferson**, the **City of Joplin**, the **City of Kansas City**, the **City of St. Louis**, **Cape Girardeau 63 School District**, **Hannibal 60 School District**, **Rockwood R-VI School District**, **Linn State Technical College**, **Metropolitan Community Colleges**, the **University of Missouri**, and **St. Louis Community College**.

Assumptions

Officials from the **Attorney General's Office** indicated that any potential costs directly relating to this proposal can be absorbed with existing resources. However, the Attorney

General's Office assumes that because this proposal has the potential to be the subject of litigation, costs are unknown, but are likely to be less than \$100,000.

Officials from the **Department of Agriculture** indicated the resolution would have no fiscal impact on their agency.

Officials from the **Department of Economic Development** indicated the resolution should have no administrative or fiscal impact on their agency.

Officials from the **Department of Higher Education** indicated the resolution would have no foreseeable fiscal impact on their agency. It may, however, have some fiscal impact on Missouri's colleges and universities.

Officials from the **Department of Health and Senior Services** indicated the resolution would have no impact on their agency.

The **Department of Insurance, Financial Institutions and Professional Registration** assumes any costs associated with this proposal could be absorbed with existing resources.

Officials from the **Department of Mental Health** indicated this proposed resolution would not have a fiscal impact to the Department.

Officials from the **Department of Corrections** indicated the initiative petition would have no impact on their agency.

Officials from the **Department of Labor and Industrial Relations** indicated no fiscal impact as a result of this resolution.

The **Department of Public Safety** indicated no fiscal impact as a result of this resolution.

Officials from the **Department of Social Services** indicated the resolution would have no fiscal impact on their agency.

Officials from the **Governor's Office/Office of Administration** indicated this proposal should not result in additional costs or savings on their offices.

Officials from the **Missouri House of Representatives** indicated that the resolution does not have a fiscal impact on their organization.

The **Missouri Lottery** indicated no costs or savings associated with this joint resolution.

The **Department of Conservation** indicated the joint resolution would not have a negative fiscal impact on their agency funds.

The **Missouri Public Service Commission** reported no costs or savings to their agency resulting from this resolution.

Officials from the **Office of the State Public Defender** indicated this resolution will have no significant impact on their agency.

Officials from the **Missouri Senate** indicated no fiscal impact as a result of this resolution on their organization.

Officials from the **Secretary of State's Office** indicated they are required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article XII, Section 2(b) 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 \$1.6 million historically appropriated in even numbered fiscal years and \$100,000 appropriated in odd 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 2007, at the August and November elections, there were 6 statewide Constitutional Amendments or ballot propositions that cost \$1.2 million to publish (an average of \$193,000 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.

The **State Tax Commission** indicated this resolution will not impact their organization.

Officials from the **State Treasurer's Office** indicated that there is no fiscal impact on their agency as a result of this joint resolution.

The **City of Jefferson** indicated that they do not anticipate any fiscal impact as a result of this resolution. They noted that they do not interpret this amendment to be in violation of Executive Order 13166 which was signed by President Clinton on August 11, 2000. If a court were to rule differently, they indicate that they would lose all federal funding.

The **City of St. Louis** indicated as long as this language is not interpreted in a manner that prohibits the expenditure of public funds for translation of the proceedings or record of such meetings into other languages in use by our citizens, they do not believe this constitutional amendment will have any fiscal impact on the City of St. Louis. If, however, the city is not allowed to expend funds in this manner, they report there will be a substantial negative fiscal impact associated with the city's inability to serve its citizens and inability of its citizens to understand their civic and legal obligations.

Officials from **Rockwood R-VI School District** indicated no fiscal cost related to this proposal.

Officials from **Linn State Technical College** indicated this proposal has no fiscal impact on their organization.

Metropolitan Community Colleges indicated this resolution has no significant fiscal impact on their organization.

The **University of Missouri** indicated this resolution has no determinable fiscal impact on the university.

The State Auditor's Office did not receive a response from the **Department of Elementary and Secondary Education, Department of Natural Resources, the Department of Revenue, the Department of Transportation, the Office of State Courts Administrator, Boone County, Greene County, St. Louis County, City of Cape Girardeau, City of Joplin, City of Kansas City, Cape Girardeau 63 School District, Hannibal 60 School District or St. Louis Community College.**

Fiscal Note Summary

It is estimated this proposal will have no costs or savings to state or local governmental entities.