

**MISSOURI STATE AUDITOR'S OFFICE
FISCAL NOTE (14-HJR 16)**

Subject

Truly Agreed To and Finally Passed House Joint Resolution No. 16. (Received May 22, 2013)

Date

June 10, 2013

Description

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

The amendment is to be voted on in November, 2014.

Public comments and other input

The State Auditor's office requested input from the **Attorney General's office**, the **Department of Revenue**, the **Office of Administration**, the **Office of State Courts Administrator**, the **Secretary of State's office**, the **Office of the State Public Defender**, and the **Missouri Office of Prosecution Services**.

Assumptions

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

Officials from the **Department of Revenue** indicated this resolution will have no impact on their department.

Officials from the **Office of Administration** indicated this proposal will have no fiscal impact on their office.

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

Officials from the **Secretary of State's office** indicated:

Unless a special election is called for the purpose, Joint Resolutions proposing a constitutional amendment are submitted to a vote of the people at the next general election. Article XII section 2(b) of the Missouri Constitution authorizes the governor to order a special election for constitutional amendments referred to the people. 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. The cost of the special election has been estimated to be \$7.1 million based on the cost of the 2012 Presidential Preference Primary. This figure was determined through analyzing and totaling expense reports from the 2012 Presidential Preference Primary received from local election authorities.

The Secretary of State's office is 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 \$1.3 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 2013, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$2.17 million to publish (an average of \$434,000 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.

Officials from the **Office of the State Public Defender** indicated the total estimated costs for their agency would be \$1,375,237 for fiscal year 2014, \$1,547,518 for fiscal year 2015, and \$1,565,436 for fiscal year 2016.

They indicated this House Joint Resolution will have an impact on their system. The claim, they believe, is that only 20% of these cases are now being charged. If the number is increased from 20% being charged to 100% being charged that is a five-fold increase. The question is 5 times what number - Of all our statutory sex cases? or of all statutory sex cases with propensity evidence? It is not clear what the claim is. But certainly they think it's safe to say the joint resolution will have an impact on their system.

In fiscal year 2012, their office provided representation in 496 statutory sex cases. These cases are generally charged as A/B Felony cases. Per NAC standards attorney time can provide representation in 150 felonies each year. If you assume just 80% are now charged rather than 20% an additional 1984 statutory sex cases could be charged. 1984 sex cases divided by 150 sex cases per year per attorney yields an additional 13 public defender attorneys. The cost of 13 additional attorneys and adequate support and the expense and equipment to support them is approximately \$1.5 million.

Officials from the **Missouri Office of Prosecution Services** indicated no measurable fiscal impact to their office.

Fiscal Note Summary

If more resources are needed to defend increased prosecutions additional costs to governmental entities could be at least \$1.4 million annually, otherwise the fiscal impact is expected to be limited.