

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4385-02
Bill No.: SB 935
Subject: Law Enforcement Officers and Agencies; Public Safety Department; Fees
Type: Original
Date: January 22, 2008

Bill Summary: This proposal creates the “Deputy Sheriff Salary Supplementation Fund”, consisting of money generated by a \$10 fee collected for serving civil summons and subpoena.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	(\$387,792)	(\$469,300)	(\$483,379)
Total Estimated Net Effect on General Revenue Fund	(\$387,792)	(\$469,300)	(\$483,379)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Deputy Sheriff Salary Supplementation	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
General Revenue	11 FTE	11 FTE	11 FTE
Total Estimated Net Effect on FTE	11 FTE	11 FTE	11 FTE

- Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).
- Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Local Government	\$2,412,358	\$2,894,830	\$2,894,830

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of the State Courts Administrator (CTS)** state the proposed legislation would create the "Deputy Sheriff Salary Supplementation Fund". The sheriff shall receive an additional \$10 for service of any summons, writ, subpoena, or other order of the court. The sheriff shall receive the \$10 fee if the service is performed by the sheriff or a private process server.

In 2007, approximately 222,679 summonses were served by a sheriff or a private process server. This number does not include the 21st, 25th, or 31st circuits. These circuits were not on JIS, the court automation program, for the entire 2007 year. It is estimated these circuits would increase the total number an additional 30% to approximately 289,483 summonses. The sheriff fee will generate approximately \$2,894,830 for sheriff departments. This estimate does not include possible revenues from service on a writ or order of the court.

Additionally, the legislation would require the circuit clerk to verify through written documentation presented by the process server that the \$10 fee was paid to the credit of the sheriff upon the return being filed with the court. If the private process server cannot provide the necessary documentation of payment, the clerk shall notify the sheriff that the fee has not yet been paid for the service performed. Approximately 113,364 summonses are served by private process servers annually. The new requirement would take approximately 15 minutes per private process server payment verification, adding 1,700,460 minutes to the clerk workload statewide. CTS estimates an additional 10 court clerks will be needed statewide to assist with this new requirement.

10 Court Clerk IIs: \$267,600 per year, plus fringes

The total annual cost for this legislation would be \$267,600 plus fringes, and 10 FTE.

There is no appropriation in the judiciary's budget to fund these new positions. Should this legislation pass, the Office of State Courts Administrator would have to request a supplemental appropriation for FY 09 in the amount of \$339,359 and 10 FTE.

Officials from the **Department of Public Safety - Director's Office** assume the proposal would not fiscally impact their agency.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** state many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. 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. The fiscal impact for this fiscal note to Secretary of State's office for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Officials for the **Office of the State Treasurer (STO)** state this proposal creates the "Deputy Sheriff Salary Supplementation Fund", which will be used solely to supplement the salaries of county deputy sheriffs. The STO states the bill imposes an additional \$10 fee for any summons, writ, subpoena or other court order that each sheriff receives. The money will be paid to the county treasurer, and the county treasurer will make the money payable to the state treasurer. The state treasurer will deposit such moneys in the deputy sheriff salary supplementation fund. The STO assumes the county treasurers will submit the money to the department of revenue for deposit into the fund.

STO states they only ensure the disbursements are made from a lawful appropriation and do not exceed the amount of the appropriation. The STO assumes the bill, as written (the state treasurer shall be custodian of the fund and shall approve disbursements from the fund in accordance with sections 30.170 and 30.180, RSMo) would require the STO to employ an FTE Accounting Specialist I at \$39,126 per year plus fringe benefits to monitor these disbursements. The STO assumes the cost of this additional FTE would be roughly \$60,000 per year and be paid from the General Revenue Fund.

Officials from the **Boone County Sheriff's Department (BCSD)** state using 2006 figures, 12,454 papers were served by the BCSD, so approximately \$124,540.00 could go to the state treasury for this fund. However, no minimum salary is outlined by this bill to indicate when a deputy's salary qualifies to be supplemented by this fund. Boone County deputies receive more competitive pay than most Sheriff's Departments in this state and therefore would likely not qualify to receive supplemental income from this fund. Therefore, the BCSD estimates an income and outflow of \$124,540 as a result of this proposal as this would be revenue generated by Boone County that would likely not come back to Boone County because our deputies likely won't qualify to receive supplemental income.

ASSUMPTION (continued)

Oversight will utilize revenue estimates provided by CTS in the fiscal note. This amount could be understated, since CTS stated the estimate did not include possible revenues from service on a writ or order of the court. Oversight will show a gross amount of income collected by the county sheriff departments and then this revenue being transferred to the new state Deputy Sheriff Salary Supplementation Fund. These proceeds will then be transferred back down to various county sheriff departments. Oversight assumes some counties will receive back more funds from the new state fund than what they collected, and conversely, Oversight assumes some counties will receive back zero or very little compared to the amount of revenue they collected and remitted to the new state fund. Oversight assumes the 'statewide association representing the interest of county sheriffs' that will administer the fund will not charge the fund any administrative fees.

Sheriff Departments from **Buchanan County, Clark County, Greene County, Platte County** and **St. Louis County** did not respond to our request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
GENERAL REVENUE FUND			
<u>Costs - CTS</u>			
Personal Service (10 FTE)	(\$229,690)	(\$283,897)	(\$292,414)
Fringe Benefits	(\$101,569)	(\$125,539)	(\$129,305)
Expense and Equipment	(\$8,100)	\$0	\$0
<u>Total Costs - CTS</u>	(\$339,359)	(\$409,436)	(\$421,719)
FTE Change - CTS	10 FTE	10 FTE	10 FTE
<u>Costs - Office of the State Treasurer</u>			
Personal Service (1 FTE)	(\$33,583)	(\$41,509)	(\$42,754)
Fringe Benefits	(\$14,850)	(\$18,355)	(\$18,906)
<u>Total Costs - STO</u>	(\$48,433)	(\$59,864)	(\$61,660)
FTE Change - STO	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>(\$387,792)</u>	<u>(\$469,300)</u>	<u>(\$483,379)</u>
Estimated Net FTE Change for General Revenue Fund	11 FTE	11 FTE	11 FTE

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2009 (10 Mo.)	FY 2010	FY 2011
DEPUTY SHERIFF SALARY SUPPLEMENTATION FUND			
<u>Income</u> - from \$10 per service of any summons, writ, subpoena, or other order of the court	\$2,412,358	\$2,894,830	\$2,894,830
<u>Transfer Out</u> - disbursements to local political subdivisions to supplement the salaries of county deputy sheriffs	<u>(\$2,412,358)</u>	<u>(\$2,894,830)</u>	<u>(\$2,894,830)</u>
ESTIMATED NET EFFECT TO THE DEPUTY SHERIFF SALARY SUPPLEMENTATION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
COUNTY SHERIFF DEPARTMENTS			
<u>Income</u> - \$10 per summons, writ, subpoena or other order of court	\$2,412,358	\$2,894,830	\$2,894,830
<u>Expense</u> - disbursement of new \$10 per summons, writ or subpoena to the state's Deputy Sheriff Salary Supplementation Fund	(\$2,412,358)	(\$2,894,830)	(\$2,894,830)
<u>Transfer In</u> - to various county sheriff departments from state's Deputy Sheriff Salary Supplementation Fund	<u>\$2,412,358</u>	<u>\$2,894,830</u>	<u>\$2,894,830</u>
ESTIMATED NET EFFECT TO THE COUNTY SHERIFF DEPARTMENTS	<u>\$2,412,358</u>	<u>\$2,894,830</u>	<u>\$2,894,830</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act creates the "Deputy Sheriff Salary Supplementation Fund."

Under this act, the sheriff shall receive an additional \$10 fee for service of any civil summons, writ, subpoena or other court order. The sheriff shall receive such money if the service is performed by the sheriff or a private process server, except when such service is performed by a person representing himself or herself in court and charges no fee. When the service is performed by a private process server, the circuit clerk shall verify that the \$10 fee was paid to the credit of the sheriff upon the return being filed with the court. If the process server cannot provide the necessary documentation, the clerk shall notify the sheriff that the fee has not yet been paid. The sheriff shall have the authority to contact the process server to require payment. The money received by the sheriff shall be collected by the county treasurer and made payable to the state treasurer.

The money paid to the state treasurer shall be deposited into the newly created "Deputy Sheriff Salary Supplementation Fund". The money shall be used only to supplement the salaries of county deputy sheriffs. The Department of Public Safety shall designate a statewide association representing the interest of county sheriffs to administer the fund through an independent, bipartisan advisory board of county sheriffs. The Department shall promulgate rules and regulations regarding the administration of the fund. The designated association administering the fund shall provide an annual written report providing detailed accounting and distribution of the fund.

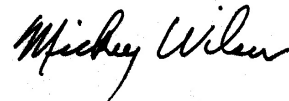
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the State Treasurer
Office of the Secretary of State
Office of the State Courts Administrator
Boone County Sheriff

NOT RESPONDING:

Buchanan County Sheriff
Clark County Sheriff
Greene County Sheriff
Platte County Sheriff
St. Louis County Sheriff



Mickey Wilson, CPA
Director
January 22, 2008