

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2825S.04I  
 Bill No.: SJR 75  
 Subject: Juries; Crimes and Punishment; Courts; Criminal Procedure  
 Type: Original  
 Date: March 12, 2024

Bill Summary: This proposal modifies provisions relating to sheriffs.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
General Revenue*	\$0 or (More than \$8,000,000)	\$0	\$0
<b>Total Estimated Net Effect on General Revenue</b>	<b>\$0 or (More than \$8,000,000)</b>	<b>\$0</b>	<b>\$0</b>

\*The potential fiscal impact of “(More than \$8,000,000)” would be realized only if a special election were called by the Governor to submit this joint resolution to voters.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2025	FY 2026	FY 2027
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: () indicate costs or losses.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

<b>ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</b>

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2025</b>	<b>FY 2026</b>	<b>FY 2027</b>
<b>Local Government</b>	<b>\$0*</b>	<b>\$0 or Unknown</b>	<b>\$0 or Unknown</b>

\*Transfer out and transfer in net to zero **if** the Governor calls a special election.

## FISCAL ANALYSIS

### ASSUMPTION

#### §§15 & 16, Article VII – County Sheriffs

Officials from **Office of the Secretary of State (SOS)** assume, each year, a number of joint resolutions that would refer to a vote of the people a constitutional amendment and bills that would refer to a vote of the people the statutory issue in the legislation may be considered by the General Assembly.

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 \$8 million based on the cost of the 2022 primary and general election reimbursements.

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. Funding for this item is adjusted each year depending upon the election cycle. A new decision item is requested in odd numbered fiscal years and the amount requested is dependent upon the estimated number of ballot measures that will be approved by the General Assembly and the initiative petitions certified for the ballot. In FY 2014, the General Assembly changed the appropriation so that it was no longer an estimated appropriation.

For the FY25 petitions cycle, the SOS estimates publication costs at \$60,000 per page. This amount is subject to change based on number of petitions received, length of those petitions and rates charged by newspaper publishers.

The Secretary of State's office will continue to assume, for the purposes of this fiscal note, that it should have the full appropriation authority it needs to meet the publishing requirements. Because these requirements are mandatory, the SOS reserves the right to request funding to meet the cost of the publishing requirements if the Governor and the General Assembly again change the amount or continue to not designate it as an estimated appropriation.

**Oversight** has reflected, in this fiscal note, the state potentially reimbursing local political subdivisions the cost of having this joint resolution voted on during a special election in fiscal year 2025. This reflects the decision made by the Joint Committee on Legislative Research that the cost of the elections should be shown in the fiscal note. The next scheduled statewide general election is in November 2024 (FY 2025). It is assumed the subject within this proposal could be

on this ballot; however, it could also be on a special election called for by the Governor (a different date). Therefore, Oversight will reflect a potential election cost reimbursement to local political subdivisions in FY 2025.

In response to similar legislation from this year, SJR 71, officials from the **Office of Administration - Budget and Planning (B&P)** assumed this legislation requires that fees be charged by the Judiciary in order to fund salaries and benefits of state and county law enforcement personnel. B&P defers to the Office of State Courts Administrator for potential state revenue estimates.

In response to similar legislation from this year, SJR 71, officials from the **Office of State Courts Administrator (OSCA)** stated there may be some impact but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

In response to a similar proposal (HJR 92), officials from **Joint Committee on Public Employee Retirement (JCPER)** stated they have reviewed the proposal. The bill has no direct fiscal impact to the Joint Committee on Public Employee Retirement.

According to actuarial information provided by the retirement system, this proposal would constitute a “substantial proposed change” in future plan benefits as defined in section 105.660(10). Pursuant to section 105.670, an actuarial cost statement must be filed with the Chief Clerk of the House of Representatives, the Secretary of the Senate, and the Joint Committee on Public Employee Retirement as public information for at least five legislative days prior to final passage.

**Oversight** notes according to the 2023 Annual Report to the General Assembly by the Joint Committee on Public Employee Retirement, the Sheriffs’ Retirement System had the following activity:

Employer contributions:	\$973,559
Market Value (2021)	\$53,526,623
Actuarial Value (2021)	\$50,537,005
Liabilities (2021)	\$46,965,919

Officials from the **Sheriff’s Retirement System** assume an unknown impact from this proposal. If the constitutional amendment passes, it would restore the court fine collection in current statute for the Missouri Sheriffs' Retirement System.

Officials from **Johnson County** state this bill could provide a savings of at least \$94,000 annually if a provision for fees was implemented by the general assembly to cover the cost of sheriffs' salaries. Currently, Johnson County pays its sheriff 60% of the salary for an associate judge. The county has no control over the sheriff's salary because state law ties the salary to that of a state paid position. Should the county move from a 4th class county to a second class county, the percentage calculation would go from 60% to 80% of whatever the associate circuit judge's salary is being calculated at that point in time.

**Oversight** notes, based on an [article in Forbes](#), the court fees accounted for approximately \$2.1 million annually for the Sheriffs’ Retirement System.

**Oversight** assumes if the court fine collection is restored by this resolution, this would result in savings to local political subdivision from reduced employer contributions beginning in FY 2026.

Officials from the **Office of the State Courts Administrator**, the **Attorney General’s Office**, the **Department of Corrections**, the **Missouri Highway Patrol**, the **Office of the State Public Defender**, the **Missouri Office of Prosecution Services**, the **Jackson County Board of Elections**, the **Kansas City Board of Elections**, the **Platte County Board of Elections**, the **St. Louis City Board of Elections**, the **St. Louis County Board of Elections**, the **Phelps County Sheriff’s Office**, the **Missouri House of Representatives** and the **Missouri Senate** each assume the proposal will have no fiscal impact on their respective organizations. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

**Oversight** only reflects the responses received from state agencies and political subdivisions; however, other counties, county circuit clerks and sheriff departments were requested to respond to this proposed legislation but did not. A listing of political subdivisions included in the Missouri Legislative Information System (MOLIS) database is available upon request.

<u>FISCAL IMPACT – State Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>GENERAL REVENUE</b>			
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs <b>if</b> a special election is called by the Governor	\$0 or (More than <u>\$8,000,000</u> )	<u>\$0</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE</b>	<b>\$0 or (More than <u>\$8,000,000</u>)</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

<u>FISCAL IMPACT – Local Government</u>	FY 2025 (10 Mo.)	FY 2026	FY 2027
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Savings</u> – Sheriffs - from reduced employer contributions for the Missouri Sheriffs’ Retirement System if funding through court costs is restored §16	\$0	\$0 or Unknown	\$0 or Unknown
<u>Transfer In</u> - Local Election Authorities - reimbursement of election costs by the State for a special election	\$0 or More than \$8,000,000	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than \$8,000,000)	\$0	\$0
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>\$0</u></b>	<b><u>\$0 or Unknown</u></b>	<b><u>\$0 or Unknown</u></b>

FISCAL IMPACT – Small Business

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

FISCAL DESCRIPTION

This constitutional amendment, if adopted by the voters, provides that each county shall elect a sheriff for a term of four years by a majority of the qualified voters of the county. This constitutional amendment shall not apply to any county which does not elect a sheriff, unless such county restores the office of sheriff as an elected office.

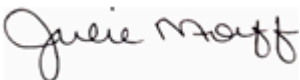
Additionally, the sheriff of the county shall be notified of federal investigations in his or her jurisdiction and shall commit to jail all felons and traitors as well as other duties as provided in the act. The sheriff may be removed from office by the voters of the county as provided in this act.

Finally, this constitutional amendment provides that because sheriffs are part of the administration of justice, the General Assembly may levy court costs to support salaries or benefits for sheriffs and retired sheriffs.


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

Sheriff's Retirement System  
Office of the State Courts Administrator  
Attorney General's Office  
Department of Corrections  
Missouri Highway Patrol  
Office of the State Public Defender  
Jackson County Board of Elections  
Kansas City Board of Elections  
Platte County Board of Elections  
St. Louis City Board of Elections  
St. Louis County Board of Elections  
Phelps County Sheriff's Office  
Missouri House of Representatives  
Missouri Senate  
Johnson County  
Missouri Office of Prosecution Services



Julie Morff  
Director  
March 12, 2024



Ross Strobe  
Assistant Director  
March 12, 2024