

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0074S.02I
 Bill No.: SJR 40
 Subject: Juries; Crimes and Punishment; Courts; Criminal Procedure
 Type: Original
 Date: February 17, 2025

Bill Summary: This proposal modifies provisions relating to sheriffs.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
General Revenue*	\$0 or (More than \$8,000,000)	\$0	\$0
Total Estimated Net Effect on General Revenue	\$0 or (More than \$8,000,000)	\$0	\$0

*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.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Total Estimated Net Effect on FTE	0	0	0

- 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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2026	FY 2027	FY 2028
Local Government	\$0*	\$0 or Unknown	\$0 or Unknown

*Transfer-out and transfer-in net to zero if the Governor calls a special election. \$0 represents the proposal not passing a vote of the people while the Unknown represents potential savings to local sheriffs' retirement system. Oversight assumes the potential savings could exceed \$250,000 annually if the General Assembly appropriates the fee to sheriffs' retirement system.

FISCAL ANALYSIS

ASSUMPTION

§§15 & 16, Article VII – County Sheriffs

Officials from **Office of the Secretary of State** 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 FY26 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 2026. 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 2026 (FY 2027). 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 2026.

Officials from the **Office of Administration - Budget and Planning** state this resolution allows the General Assembly to levy court costs and fees that fund salaries and benefits of sheriffs and retired sheriffs. To the extent these fees are deposited into the state treasury, total state revenue may increase.

Oversight has no information to the contrary. Oversight notes the comments made by B&P but assumes no direct fiscal impact to the organization for fiscal note purposes. Any impact on the state would be dependent upon passage of this proposal.

Officials from **Joint Committee on Public Employee Retirement (JCPER)** state their review of the legislation indicates that it will not affect retirement plan benefits as defined in §105.660(9).

Officials from the **Missouri Sheriff's Retirement System** assume a \$0 to unknown impact from this proposal. The language of the SJR states the General Assembly may appropriate the fee to the retirement. Without knowing the amount of the fee, it is difficult to determine the estimate.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero or zero to unknown positive fiscal impact to the Missouri Sheriff's Retirement System in the fiscal note dependent on whether the resolution passes a vote of the people. Oversight assumes the potential savings could exceed \$250,000 annually if the General Assembly appropriates the fee to sheriffs' retirement system.

Officials from the **Office of Attorney General (AGO)** assume any potential litigation costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if the proposal results in a significant increase in litigation or investigation costs. **Oversight** does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for the AGO.

Officials from the **Department of Corrections**, the **Missouri Highway Patrol**, the **Office of the Governor**, the **Office of the State Public Defender**, the **Jackson County Election Board**, the **Kansas City Election Board**, 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**, the **Missouri Senate**, the **Missouri Office of Prosecution Services** and the **Office of the State Courts Administrator** 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 2026 (10 Mo.)	FY 2027	FY 2028
GENERAL REVENUE			
<u>Transfer Out</u> - SOS - reimbursement of local election authority election costs if a special election is called by the Governor	\$0 or (More than <u>\$8,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	\$0 or (More than <u>\$8,000,000</u>)	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2026 (10 Mo.)	FY 2027	FY 2028
LOCAL POLITICAL SUBDIVISIONS			
<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 <u>\$8,000,000</u>	\$0	\$0
<u>Costs</u> - Local Election Authorities - cost of a special election if called for by the Governor	\$0 or (More than <u>\$8,000,000</u>)	<u>\$0</u>	<u>\$0</u>
ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS	<u>\$0</u>	<u>\$0 or \$0 to Unknown</u>	<u>\$0 or \$0 to Unknown</u>

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 and St. Louis City 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 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 a quo warranto petition brought by the Attorney General.

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.

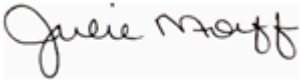
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Attorney General's Office
Office of Administration - Budget and Planning
Department of Corrections
Department of Public Safety -Missouri Highway Patrol
Office of the Governor
Office of the Secretary of State
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
Sheriff's Retirement System
Missouri House of Representatives
Joint Committee on Public Employee Retirement

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Missouri Senate
Missouri Office of Prosecution Services
Office of the State Courts Administrator



Julie Morff
Director
February 17, 2025



Jessica Harris
Assistant Director
February 17, 2025