

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4888-06
Bill No.: SCS for HCS for HB 2104, HB 1574, HB 1706, HCS for HB 1774, HB 2055 & HCS for HB 2056
Subject: Fire Protection; Law Enforcement Officers and Agencies; Education, Elementary and Secondary; Teachers; Retirement - Local Government; Retirement - Schools; Retirement Systems and Benefits - General
Type: Original
Date: April 21, 2008

Bill Summary: Changes laws relating to the Public School and Public Education Employee Retirement Systems. Changes laws relating to sheriffs' retirement. Allows retirees of the public school retirement system to return to teaching for up to full time for up to two years without losing retirement benefits. Changes the maximum percentage of increase in annual compensation in the final average salary for members of the Missouri Public School System. Changes law relating to the Public School and Public Education Employee Retirement System. Allows Public School or Public Education Employee Retirement systems to protect and indemnify any trustee or employee of such systems under certain conditions. Removes certain limitations and firemen's retirement systems. Changes laws relating to the investment of funds for the Public School and Public Education Employees Retirement systems. This proposal creates the "Deputy Sheriff Salary Supplementation Fund" consisting of money generated by a \$10 fee collected for serving civil summons and subpoena.

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2009	FY 2010	FY 2011
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

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

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
Total Estimated Net Effect on FTE	0	0	0

☐ 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	\$1,467,658	\$1,761,190	\$1,791,190

FISCAL ANALYSIS

ASSUMPTION

The **Joint Committee on Public Employee Retirement (JCPER)** has reviewed this proposal and has determined an actuarial study is not needed under the provisions of section 105.660, subdivision (5).

Officials from the **Public School Retirement System** assume no fiscal impact to their agency.

Section 57.967 & 57.980

The **Joint Committee on Public Employee Retirement (JCPER)** has reviewed this proposal and has determined an actuarial study is not needed under the provisions of section 105.660, subdivision (5).

Officials from the **Sheriffs' Retirement** did not respond to our fiscal note request.

Section 169.596

Officials from the **Public School Retirement System of Missouri (PSRS)** state currently, retirees of the Public School Retirement System of Missouri can teach full time for two years for a school district having a critical shortage of teachers and continue to receive retirement benefits. This proposal specifies that teachers can work part time or full time for up to two years in these districts without losing their retirement benefits. This proposal will have no fiscal impact on PSRS or PEERS.

According to the **Joint Committee on Public Employee Retirement**, their review of this proposed legislation would indicate no "substantial proposed change" in future plan benefit as defined in Section 105.660 (5), RSMo. Therefore, no actuarial cost statement is required.

Officials from the **Department of Elementary and Secondary Education** and **Public School Retirement System of the City of St. Louis** state this proposal will have no fiscal impact on their agencies.

ASSUMPTION (continued)

Section 169.010

The **Joint Committee on Public Employee Retirement (JCPER)** has reviewed this proposal and has determined an actuarial study is not needed under the provisions of section 105.660, subdivision (5).

Officials from the **Public School Retirement System (PSRS)** assume this proposal increases the cap on the final average salary used in calculating PSRS benefits from ten percent to twenty percent in determining a member's final average salary.

This request was sent to our actuaries, Gabriel, Roeder, Smith and Company who estimated that while there would be some financial impact to the plan, the cost impact would be immaterial.

Section 86.107 & 86.590

The **Joint Committee on Public Employee Retirement (JCPER)** has reviewed this proposal and has determined an actuarial study is not needed under the provisions of section 105.660, subdivision (5).

Officials from the **KCPD Retirement System** and **St. Louis Police Retirement System** assume no fiscal impact to their agencies.

Section 57.278, 57.280, 488.435 & 650.350

Officials from the **Department of Public Safety - Director's Office (DPS)** assume that since MoSMART falls under DPS, and is responsible for oversight, there is the need for an additional accountant to provide this tracking/monitoring. DPS does not agree that there would be no administrative costs as there will be processing of payments to a possible 101 counties, on a specific monthly/quarterly basis, and there will be administrative costs related to this processing/tracking.

DPS assumes the need for an additional Accountant II (at \$42,084 annually) to administer the new fund. DPS assumes a total cost of the FTE (salary, fringe benefits and expense and equipment) of roughly \$70,000 per year.

Oversight assumes with the new language added to Subsection 650.350.4, DPS must administer the new fund with existing resources.

ASSUMPTION (continued)

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. While there are still problems interpreting the intent of these provisions, we are providing a response based on what we think the intent is.

In 2007, approximately 135,476 summonses were served by a sheriff. 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 176,119 summonses. The sheriff fee will generate approximately \$1,761,190 for sheriff departments. This estimate does not include possible revenues from service on a writ or order of the court.

Depending on how the legislation is implemented, there may be a cost, but there is no way to quantify the cost at this time. Any significant increase would be reflected in future budget requests.

Officials for the **Office of the State Treasurer** assume the proposal would not fiscally impact their agency.

In response to a previous version of this proposal, officials from the **Office of the Secretary of State (SOS)** stated 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.

In response to a previous version of this proposal, officials from the **Boone County Sheriff's Department (BCSD)** stated 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

ASSUMPTION (continued)

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.

Oversight will utilize revenue estimates provided by CTS in the fiscal note. Note that the previous version of this proposal included a \$10 fee for summonses served by private process servers as well. 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 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.

<u>FISCAL IMPACT - State Government</u>	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	\$1,467,658	\$1,761,190	\$1,761,190
<u>Transfer Out</u> - disbursements to local political subdivisions to supplement the salaries of county deputy sheriffs	<u>(\$1,467,658)</u>	<u>(\$1,761,190)</u>	<u>(\$1,791,190)</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	\$1,467,658	\$1,761,190	\$1,761,190
<u>Expense</u> - disbursement of new \$10 per summons, writ or subpoena to the state's Deputy Sheriff Salary Supplementation Fund	(\$1,467,658)	(\$1,761,190)	(\$1,761,190)
<u>Transfer In</u> - to various county sheriff departments from state's Deputy Sheriff Salary Supplementation Fund	<u>\$1,467,658</u>	<u>\$1,761,190</u>	<u>\$1,761,190</u>
ESTIMATED NET EFFECT TO THE COUNTY SHERIFF DEPARTMENTS	<u>\$1,467,658</u>	<u>\$1,761,190</u>	<u>\$1,761,190</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

Section 57.278, 57.280, 488.435 & 650.350

Under this act, the sheriff shall receive an additional \$10 fee for service of any civil summons, writ, subpoena or other court order. The money received by the sheriff shall be collected by the county treasurer and made payable to the state treasurer.

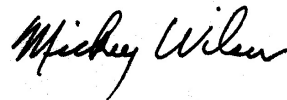
The money paid to the State Treasurer shall be deposited into the newly created "Deputy Sheriff Salary Supplementation Fund". The money shall be used only to supplement the salaries of county deputy sheriffs and employee benefits resulting from such salary increases. The Missouri Sheriff Methamphetamine Relief Taskforce (MoSMART), housed within the Department of Public Safety shall administer the fund.

FISCAL DESCRIPTION (continued)

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

Joint Committee on Public Employee Retirement
Public School Retirement System
Department of Public Safety
Office of the State Treasurer
Office of the Secretary of State
Office of the State Courts Administrator
Boone County Sheriff
St. Louis Police Retirement
PSRS of the City of St. Louis
Department of Elementary and Secondary Education



Mickey Wilson, CPA
Director
April 21, 2008