MISSOURI STATE AUDITOR'S OFFICE FISCAL NOTE (09-79)

Subject

Initiative petition from Bradley Ketcher regarding a proposed amendment to Chapter 84 of the Revised Statutes of Missouri. (Received December 21, 2009)

Date

January 8, 2010

Description

This proposal would amend Chapter 84 of the Revised Statutes of Missouri.

The amendment is to be voted on in November, 2010.

Public comments and other input

The State Auditor's Office requested input from the Attorney General's Office, the Department of Agriculture, the Department of Economic Development, the Department of Elementary and Secondary Education, the Department of Higher Education, the Department of Health and Senior Services, the Department of Insurance, Financial Institutions and Professional Registration, the Department of Mental Health, the Department of Natural Resources, the Department of Corrections, the Department of Labor and Industrial Relations, the Department of Revenue, the Department of Public Safety, the Department of Social Services, the Governor's Office, the Missouri House of Representatives, the Department of Conservation, the Department of Transportation, the Office of Administration, the Office of State Courts Administrator, the Missouri Senate, the Secretary of State's Office, the Office of the State Public Defender, the Office of the State Treasurer, Jackson County Legislators, St. Louis County, the City of Jefferson, the City of Kansas City, the City of St. Louis, Rockwood R-VI School District, Linn State Technical College, Metropolitan Community College, University of Missouri, St. Louis Community College.

Assumptions

The **Attorney General's Office** assumes that the implementation of this proposal would create no fiscal impact on their office.

The **Department of Economic Development** indicated that this initiative petition will have no fiscal impact on their department.

The **Department of Higher Education** indicated that this initiative petition will have no foreseeable, direct fiscal impact on their department.

The **Department of Insurance, Financial Institutions and Professional Registration** indicated this initiative, if passed, will have no cost or savings to the department.

The **Department of Mental Health** indicated this proposed initiative petition should have no fiscal impact to the department.

The **Department of Natural Resources** indicated the department would not anticipate a direct fiscal impact from this initiative petition.

The **Department of Corrections** indicated this initiative petition will have no impact on the department.

The **Department of Revenue** indicated this legislation will not have a fiscal impact on the department.

The **Department of Public Safety** assumes this proposal will have no fiscal impact on the department.

The **Department of Social Services** indicated there is no fiscal impact to the department.

Officials from the **Governor's Office** indicated there should be no added costs or savings to their office if this amendment is passed by the voters.

Officials from the **Missouri House of Representatives** indicated this proposed initiative petition will have no fiscal impact to the operations budget of their agency.

The **Department of Conservation** indicated no adverse fiscal impact to their department would be expected as a result of this proposal.

The **Office of Administration** indicated the statutory change allows control of the St. Louis Police Department to be under the authority of St. Louis city government in lieu of the St. Louis Board of Police Commissioners. The petition allows for the city to provide for a system of retirement benefits for its police officers.

There should be no added costs or savings to the Office of Administration if this petition is passed by the voters.

Savings to the State of Missouri could be up to \$1 million annually. Budget and Planning assumes the intent of petitions 09-78, 09-79 and 09-80 is to eliminate the state's responsibility to reimburse the St. Louis Board of Police Commissioners from the state's Legal Expense Fund pursuant to Section 105.726(3), RSMo. The annual statutory cap is \$1 million. Actual reimbursements for Fiscal Years 2008 and 2009 were \$346,239 and \$212,331, respectively.

The **Office of State Courts Administrator** indicated there is no cost to the courts for this initiative petition.

Officials from the **Missouri Senate** indicated that the initiative appears to have no fiscal impact as it relates to their agency.

Officials from the **Secretary of State's Office** indicated their office is required to pay for publishing in local newspapers the full text of each statewide ballot measure as directed by Article I, Section 26, 27, 28 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 2009, at the August and November elections, there were 5 statewide Constitutional Amendments or ballot propositions that cost \$1.35 million to publish (an average of \$270,000 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.

Officials from the **Office of the State Public Defender** indicated this initiative petition will not have any significant impact on their office.

Officials from the **Office of the State Treasurer** indicated this initiative petition will not have any impact on their office.

Officials from the **City of Jefferson** indicated the City does not anticipate any fiscal impact should this petition become law.

Officials from the **City of St. Louis** indicated all three of these initiative petitions propose to amend the Missouri statutes so that the City of St. Louis could establish and control its own police department. At present, the City is constrained by existing statutes that require the City's police department to be governed and controlled by a Board of Police Commissioners, with four of the five commissioners appointed by the Governor of Missouri. This situation inhibits the City's ability to control costs, and, in addition, inhibits the ability of the City's Mayor and Board of Aldermen to ensure that the Police Department operates in a manner that best protects the safety of our residents, workers, businesses and visitors.

We believe that the fiscal impact of the amendments to Missouri's statutes proposed in Initiative Petitions 09-78, 09-79, and 09-80 will be extremely positive for the City of St. Louis in a variety of ways, as follows.

First, we believe that these amendments will allow the City to combine a variety of administrative functions now carried out independently by the Police Department with functions of the same type also carried out by the City. These functions include emergency dispatch, accounting and budgeting, information technology, printing, and facilities management, among others. In addition, it will be possible to eliminate administrative functions now carried out by the Police Department that will no longer be necessary—these include expenses related to the Board of Police Commissioners. Further, the City could save future costs of providing lifelong health insurance benefits for present and former police commissioners—since we are not privy to the number of former police commissioners for whom this benefit is now provided, it is not possible to estimate these savings.

Based on the assumptions expressed in the attached table, we estimate that the City will save approximately \$4.4 million from the elimination of duplicative and unnecessary administrative functions that local control will make possible. This estimated savings is approximately 1% of the City's current \$454 million general revenue budget. The City can use administrative savings realized to improve public safety and other direct services for our citizens. Note that this estimated savings amount is based on a number of assumptions that may or may not prove to be correct: actual savings may be less or may be more than our estimate as we work with Police Department staff to combine functions and achieve other efficiencies while enhancing public safety-related police services. Our ability to estimate potential savings is hampered at present by a lack of detailed cost and function data from the Department.

In addition, although we cannot estimate the amount of savings in the limited time and with limited data available for this response, we believe additional savings are possible: the Police Department has purchased an accounting/payroll system at what we understand was a cost of several million dollars that could address a major unmet City technology need—if the City can take advantage of this system, we will avoid the cost of independently purchasing a similar system, allowing us to reduce personnel costs through attrition. Further, we believe that judicious and enhanced use of technology can also eliminate a significant portion of the personnel costs associated with reporting and other City and Police administrative functions—again, it is not possible to estimate the actual potential cost savings in this limited timeframe and with limited data.

We also note that, with the exception of the elimination of the one (1) commissioned officer who works for the Board of Police Commissioners, we have not suggested that any savings can be achieved by eliminating uniformed officers. We believe all of the existing uniformed officers need to be retained for the safety of our residents, workers, businesses and visitors. Those uniformed officers now engaged in functions that duplicate City administrative functions can be redeployed in activities that directly contribute to public safety. In that regard, the administrative efficiencies made possible by the proposed amendments can help improve public safety in the City because more police officers can be available to provide direct public safety services. This, in turn, will provide additional positive City fiscal impact, although it is also not possible to calculate the monetary value of this impact: more police officers "on the street" will improve both

the perception and reality of safety in the City and attract more residents, workers, businesses and visitors that enhance the City's revenue base. Using the savings achieved from eliminating duplicative administrative functions to improve public safety and other services for our residents and businesses will have a similar positive fiscal impact, as will the fact that the City's police department will be an integral part of its government, like other police departments across the United States.

Finally, two of the three initiative petitions, 09-79 and 09-80, propose amendments to Missouri's statutes that would make it possible for the City to control the pension system for the locally controlled police department that the amendments, if enacted, will make possible. These amendments also provide that police officers shall be entitled to all benefits accrued prior to the passage of a City ordinance establishing a City-controlled retirement system. At the present time, the actuarial funding method and level of benefits are established by state statute while it is the City that is required to make the annual employer contributions. In fiscal year 2010, the City has budgeted \$17.3 million to meet state-mandated funding requirements, or approximately 4% of the City's entire general fund budget. This cost could increase by as much as 50% over the next five years. If it were possible, as is proposed by the amendments reflected in initiative petitions 09-79 and 09-80, for the City to control this pension system, the City would be afforded the opportunity to take the steps necessary to control these rising pension costs. This ability to control costs would be expected to result in additional savings in the coming years.

ESTIMATES OF POTENTIAL SAVINGS: CITY CONTROL OF POLICE DEPARTMENT***

SERVICE	POLICE DEPT BUDGET	POLICE OFFICERS	POLICE CIVILIANS	CITY BUDGET	CITY STAFF	TOTAL FOR FUNCTION	ESTIMATED SAVINGS %	ESTIMATED SAVINGS \$	SAVINGS RATIONALE
Emergency Dispatch	690								
Salaries	\$4,181,575	0	103	\$1,470,790	44				Dispatchers can be
Fringes	\$1,276,628			\$532,974					cross-trained; estimated
Equipment/supplies	\$752,684			\$264,742					savings to be determined
TOTAL:	\$6,210,886			\$2,268,507		SAVINGS	TO BE DE	TERMINED	
Board of Police Commissioners	100								
Salaries	\$177,110	1	1						Staff not required if
Fringes	\$46,039								Board eliminated.*
Equipment/supplies	\$31,880								
TOTAL:	\$255,029					\$255,029	100%	\$255,029	

Human Resources	750								
Salaries	\$636,433	0	12	\$1,939,693	40				Excludes benefits and
Fringes	\$181,802			\$614,894					academy personnel;
Equipment/supplies	\$114,558			\$349,145					staff can be cross- trained
TOTAL:	\$932,793			\$2,903,732		\$3,836,524	20%	\$767,305	
Information Technology	250			<i>\$2,500,702</i>		<i>\$5,656,52</i> 4	20/0	<i><i><i></i></i></i>	
Salaries	\$2,158,148	0	33	\$2,361,203	41				Many functions
Fringer	\$590,338			\$712,161					duplicated; equipment/
Fringes				\$712,101					software not
Equipment/supplies	\$388,467			\$425,017					included**
TOTAL:	\$3,136,952			\$3,498,380		\$6,635,333	20%	\$1,327,067	
Legal Services	180								
Salaries	\$318,001	0	5	\$2,472,306	39				Some legal administra-
Fringes	\$87,453			\$726,649					tive services can be merged w/City
Equipment/supplies	\$57,240			\$445,015					Counselor
TOTAL:	\$462,694			\$3,643,970		\$4,106,665	5%	\$205,333	
Internal Audit	130								
Salaries	\$71,688	0	1						City has Internal Audit
Fringes	\$19,282								function
Equipment/supplies	\$12,904								
TOTAL:	\$103,874					\$103,874	100%	\$103,874	
Budget Division	140								
Salaries	\$501,166	0	9	\$288,317	5				
Fringes	\$141,633			\$86,928					
Equipment/supplies	\$90,210			\$51,897					Dellas III. de el
ComptrollerAccounting									Police "budget division" includes payroll &
Salaries	See above.	0		\$2,959,842	61				acctg.
Fringes				\$937 <i>,</i> 666					Can be merged w/City
Equipment/supplies				\$532,772					functions.
TOTAL:	\$733,009			\$4,857,421		\$5,590,431	10%	\$559,043	
Microfilm	610								
Salaries	\$72,905	0	3	\$192,576	7				Microfilm can/should
Fringes	\$26,352			\$75,782					be replaced w/
Equipment/supplies	\$13,123			\$34,664					digital scanning.
TOTAL:	\$112,380			\$303,022		\$415,402	25%	\$103,850	
Supply Division	150								
Salaries	\$171,258	0	3	\$473,907	10				Can be merged w/City
Fringes	\$48,142			\$150,201					Supply Division.
Equipment/supplies	\$30,826			\$85,303					
TOTAL:	\$250,227			\$709,412		\$959,638	20%	\$191,928	

Fringes \$127,988 \$133,975 \$1 Image: Constraint of the second of	Multigraph	160								
-Equipment/supplies \$73,599 I \$70,796 I I I I I -TOTAL: \$610,473 I I \$598,082 I \$1,208,555 25% \$302,139 I I -Salaries I I I Signer Signer Signer Signer Functions can be performed by Police -Equipment/supplies I I Signer Signer I<	Salaries	\$408,885	0	11	\$393,311	10				Can be merged w/City
TOTAL: \$610,473 S598,082 \$1,208,555 25% \$302,139 City Emergency Management Agency S197,129 4 Functions can be per- formed by Police Functions can be per- formed by Police Functions can be per- formed by Police -Fringes S197,129 4 Functions can be per- formed by Police Department -Fringes S35,883 S294,862 S294,862 Down S294,862 -Facilities S186,075 0 3 \$387,660 6 Management Only Some supervisory func- tions can be combined -Fringes \$514,225 \$113,381 Formations can be combined Some supervisory func- tions can be combined -TOTAL: \$270,993 S570,820 \$841,814 25% \$210,453 Equipment/supplies \$33,494 \$537,620 \$841,814 25% \$210,453 -Fringes \$60,583 \$71,281 Formations can be combined Some supervisory func- tions can be combined -Fringes \$310,817 \$457,910 \$768,727 25% \$192,182 -TOTAL: \$310,817 \$33,868	Fringes	\$127,988			\$133,975					Multigraph Division.
City Energency Management Agency Sign (12) Si	Equipment/supplies	\$73,599			\$70,796					
Agency Agency<	TOTAL:	\$610,473			\$598,082		\$1,208,555	25%	\$302,139	
-Fringes	City Emergency Management Agency									
Equipment/supplies I S35,483 I I Department -TOTAL: I S294,862 S294,862 100% \$294,862 Image: S294,862 Image: S294,862 <t< td=""><td>Salaries</td><td></td><td></td><td></td><td>\$197,129</td><td>4</td><td></td><td></td><td></td><td>Functions can be per-</td></t<>	Salaries				\$197,129	4				Functions can be per-
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Facilities Management 630 0 3 S387,660 6 6 Management Management Only Some supervisory func. Fringes \$51,425 \$113,381 \$69,779 - - Management Only Some supervisory func. Equipment/supplies \$33,494 \$69,779 - - - tions can be combined tions can be combined TOTAL: \$270,993 \$570,820 \$841,814 25% \$210,453 - TOTAL: \$212,063 0 4 \$327,552 - - Management Only Some supervisory func. Fringes \$60,583 571,281 - - Management Only Some supervisory func. - Fringes \$381,71 558,977 - - - tions can be combined TOTAL: \$310,817 V \$457,910 \$768,727 25% \$192,182 Salaries Salaries \$30,817 - \$338,868 - - - Can be merged w/Police - - - -	Equipment/supplies				\$35,483					Department
-Salaries \$186,075 0 3 \$387,660 6 Image: Salaries Management Only Some supervisory func. -Equipment/supplies \$33,494 569,779 551,425 569,779 ions can be combined -TOTAL: \$270,993 Image: Salaries \$212,063 0 4 \$327,652 Salaries \$212,063 0 4 \$327,652 Image: Salaries Management Only Some supervisory func. Fringes \$60,583 \$71,281 Image: Salaries \$310,817 Salaries Salaries \$310,817 Salaries \$457,910 \$768,727 25% \$192,182 Image: Salaries Image: Salaries Salaries Salaries \$310,817 Salaries \$457,910 \$768,727 25% \$192,182 Image: Salaries Image: Salaries Salafies Salaries Salaries <td>TOTAL:</td> <td></td> <td></td> <td></td> <td>\$294,862</td> <td></td> <td>\$294,862</td> <td>100%</td> <td>\$294,862</td> <td></td>	TOTAL:				\$294,862		\$294,862	100%	\$294,862	
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Fringes \$\$1,425 Image: Sintering	Salaries	\$186,075	0	3	\$387,660	6				
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TOTAL:260\$335,663\$335,66350%\$167,831Public Information2603Salaries\$197,06403Public Safety Director'sSalaries\$53,8603Equipment/supplies\$35,472Equipment/supplies90390TOTAL:\$286,395\$0\$286,39580%\$229,116TOTAL ALL ESTIMATEDImage: Constraint of the sector of	Fringes				\$80,863					vehicle service
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Equipment/supplies \$35,472 these services TOTAL: \$286,395 \$0 \$286,395 80% \$229,116 Exc. Emergency	Salaries	\$197,064	0	3						
TOTAL: \$286,395 \$0 \$286,395 80% \$229,116 TOTAL ALL ESTIMATED Exc. Emergency	Fringes	\$53,860								Office can provide
TOTAL ALL ESTIMATED Exc. Emergency	Equipment/supplies	\$35,472		<u> </u>						these services
	TOTAL:	\$286,395			\$0		\$286,395	80%	\$229,116	
	TOTAL ALL ESTIMATED SAVINGS:	\$7,465,636	1	88	\$18,173,274	229	\$25,638,910	19.2%	\$4,910,011	• •

\$4,410,011

TOTAL ALL ESTIMATED SAVINGS:

*Health insurance for life for Board members can also be eliminated--estimate not available.

**Additional savings possible through bulk software licensing (particularly accounting/payroll system)

***Additional savings possible through greater automation of report writing processes--not included above.

****At present, the State of Missouri pays a portion of legal judgments due to state control of the Police Department.

Officials from **Rockwood School District** indicated no costs or savings are anticipated as a result of this petition.

Officials from **Linn State Technical College** indicated that based on the information presented, there appears to be no fiscal impact on their organization.

Metropolitan Community College indicated this petition would have no direct fiscal impact on their organization.

The State Auditor's Office did not receive a response from the **Department of Agriculture**, the **Department of Elementary and Secondary Education**, the **Department of Health and Senior Services**, the **Department of Labor and Industrial Relations**, the **Department of Transportation**, Jackson County Legislators, St. Louis County, the City of Kansas City, University of Missouri, St. Louis Community College.

Fiscal Note Summary

It is estimated this proposal would allow the City of St. Louis to eliminate duplicative and unnecessary administrative functions that could result in unknown savings. Reductions in reimbursements from the state's Legal Expense Fund could result in state revenue savings up to \$1 million annually.