

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6339

BILL NUMBER: SB 63

NOTE PREPARED: Feb 15, 2011

BILL AMENDED: Feb 10, 2011

SUBJECT: Suspension of Local Officeholders From Office.

FIRST AUTHOR: Sen. Gard

FIRST SPONSOR: Rep. Cherry

BILL STATUS: As Passed Senate

FUNDS AFFECTED: GENERAL
 DEDICATED
 FEDERAL

IMPACT: State & Local

Summary of Legislation: (Amended) *Suspension from Office*- The bill provides that a local elected officeholder may be suspended from office if the officeholder is charged with certain felonies or misdemeanors and a two-thirds majority of the legislative body finds that the offense with which the local elected official is charged is relevant to the official's suitability for office and it is in the best interests of the unit that the official be suspended from office.

Not Eligible to Vote- The bill specifies that a member of the legislative body who is charged with an offense is not eligible to vote on the member's suitability for office, and provides that certain relatives of the member are likewise ineligible to vote.

Reinstatement With Back Pay- The bill specifies that the local elected official will be reinstated with back pay if the official is acquitted or charges are dropped.

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: (Revised) *Summary:* The bill would give a person that has been suspended from office the opportunity to appeal the decision by judicial review.

(Revised) *Court Fee Revenue:* If additional judicial reviews were to occur and court fees were collected, revenue to the state General Fund may increase. A civil costs fee of \$100 would be assessed when a civil case is filed, 70% of which would be deposited in the state General Fund if the case is filed in a court of record

or 55% if the case is filed in a city or town court. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), and the judicial insurance adjustment fee (\$1) are deposited into the state General Fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

Explanation of Local Expenditures: *Suspension From Office-* If a local elected official were suspended, they would have their nonhealth benefit compensation suspended. The impact of this provision on local expenditures would depend on local action.

Reinstatement With Back Pay- This provision would allow an elected official that is acquitted or had charges dropped to receive back pay from their suspension from duty. If the official were convicted of a misdemeanor they could be eligible for their back salary in whole or in part depending on the decision reached by the legislative body.

Explanation of Local Revenues: (Revised) *Court Fee Revenue:* If additional judicial reviews occur, and court fees are collected, local governments would receive revenue from the following sources. The county general fund would receive 27% of the \$100 civil costs fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. Additional fees may be collected at the discretion of the judge and depending upon the particular type of case.

State Agencies Affected:

Local Agencies Affected: County prosecutors, local unit legislative bodies, trial courts.

Information Sources:

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