

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3364-01
Bill No.: SB 747
Subject: Alcohol; Children and Minors
Type: Original
Date: January 14, 2008

Bill Summary: This proposal prohibits the use or possession of alcoholic beverage vaporizers and modifies provisions relating to underage drinking.

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

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

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	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Coordinating Board for Higher Education, Department of Corrections, Department of Health and Senior Services, Department of Public Safety – Missouri State Highway Patrol, – Division of Alcohol and Tobacco Control, and the – Director’s Office** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would require court clerks to forward a copy of the judgment and date of birth of all persons convicted under Section 311.325, RSMo, to the Missouri Highway Patrol within 20 days of the judgment.

In FY 2007, approximately 4,154 charges were filed under this section. If a separate electronic reporting system is required, additional funds would be needed to develop and maintain the system. Depending on how the legislation is implemented, there may be a cost, but there is no way to quantify the cost at this time.

There may be an increase in the workload of the courts. Any significant increase will be reflected in future budget requests.

Oversight assumes a separate electronic reporting system will not be required for this changes in this proposal. Therefore, Oversight assumes CTS will not incur a fiscal impact.

Officials from the **Department of Elementary and Secondary Education (DESE)** assume there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the DOR to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools increases the deduction in the foundation formula the following year. Therefore, the affected districts will see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

ASSUMPTION (continued)

Oversight assumes the proposal would not generate additional fine or penalty revenue for the local school districts.

Officials from the **Department of Revenue (DOR)** assume the proposal could have an administrative impact on their agency. The proposal eliminates the first offense from appearing on the driver record. ITSD will need to create a new action type that will allow the bureau to know that an action (first offense) occurred so the second and subsequent action can have the appropriate action shown on the driver record and assess the correct number of days for the second and subsequent offense.

DOR assumes the testing this legislation would require will be absorbed in a normal workday process.

In response to a similar proposal from the 2007 Session (SCS for SB 555 & 38, LR # 1106-04), officials from the Department of Revenue assumed the proposal will not have an impact on their agency; however, it could have an impact on how the data is stored on the driver record. There may be minimal programming required by IT that could be absorbed. Therefore, **Oversight** assumes DOR could absorb any additional costs incurred as a result of passage of this proposal.

Officials from the **Office of Prosecution Services (OPS)** state any increase in the number of cases referred for criminal prosecution will have an additional fiscal impact on county prosecutors. However, officials from the OPS are not aware of any estimates of the number of additional criminal cases that would be referred to county prosecutors for charges because of this proposed legislation. Additionally, the OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to county prosecutors for charges, though OPS does not believe that a significant number of additional criminal case referrals would result from this proposed legislation. It is therefore, not possible to determine if this proposal would have a significant direct fiscal impact on county prosecutors or the OPS.

Oversight assumes the Office of Prosecution Services and county prosecutors could absorb any additional costs incurred as a result of the proposed legislation within existing resources.

Officials from the **Office of the State Public Defender (SPD)** assume this new crime will require more SPD resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional appropriations for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

ASSUMPTION (continued)

Oversight assumes the Office of the State Public Defender (SPD) could absorb the costs of the proposed legislation within existing resources. Oversight assumes any significant increase in the workload of the SPD would be reflected in future budget requests.

<u>FISCAL IMPACT - State Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2009 (10 Mo.)	FY 2010	FY 2011
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

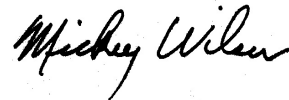
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

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

Coordinating Board for Higher Education
Office of State Courts Administrator
Department of Elementary and Secondary Education
Department of Corrections
Department of Health and Senior Services
Department of Revenue
Department of Public Safety
– Missouri State Highway Patrol
– Division of Alcohol and Tobacco Control
– Director's Office
Office of Prosecution Services
Office of the State Public Defender



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