

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3364-06
Bill No.: Perfected SS#2 for SCS for SBs 747 & 736
Subject: Alcohol; Crimes and Punishment; Drugs and Controlled Substances; Elementary and Secondary Education
Type: Original
Date: March 10, 2008

Bill Summary: The proposal modifies various provisions relating to substance abuse.

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 7 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, Office of Administration – Division of Budget and Planning, – Administrative Hearing Commission, Department of Corrections, Department of Health and Senior Services, Department of Public Safety – Missouri State Highway Patrol, – Director’s Office, Boone County Sheriff’s Department, and the Springfield Police Department** assume the proposal would have no fiscal impact on their agencies.

Officials from the **Office of the Attorney General** assume any potential costs arising from this proposal can be absorbed within existing resources.

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.

ASSUMPTION (continued)

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.

Oversight assumes any increase or decrease in fine or penalty revenues generated cannot be determined. Therefore, the fiscal note does not reflect any fine or penalty revenues for the local school districts.

Officials from the **Department of Revenue (DOR)** assume Section 557.500.6 of the proposal will have an administrative impact on the Driver License Bureau:

- Would require the DOR to eliminate a “first offense” suspension for court-ordered Abuse and Lose or Minor in Possession from appearing on the person’s driver record.
- Would allow for internal use of the “first offense” suspension information by the DOR for administrative purposes. This will allow the DOR to track the number of offenses a person has received so the correct suspension is placed on the person’s driver record.

DOR assumes the following administrative impact:

- Would require modification to our Missouri Driver License (MODL) System, specifically the Abuse and Lose and Minor in Possession programs.

The testing and implementation for this legislation will be absorbed in a normal workday process.

ASSUMPTION (continued)

Officials from the **Office of the Secretary of State (SOS)** assume many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS 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 proposal for Administrative Rules is less than \$2,500. The SOS recognizes this is a small amount and does not expect additional funding would be required to meet these costs. However, SOS also recognizes that many such bills may be passed in a given year and that collectively the costs may be in excess of what the SOS can sustain with their core budget. Any additional required funding would be handled through the budget process.

In response to a previous version of the proposal (SCS for SBs 747 & 736, LR # 3364-03), officials from the **Office of Prosecution Services (OPS)** assumed this proposal would have a direct fiscal impact on county prosecutors from an increase in the number of cases referred for prosecution. In the absence of any estimates of the number of additional criminal cases that would be referred to county prosecutors for charges because of this proposed legislation, it is not possible to provide estimates concerning the extent of any fiscal impact. Additionally, OPS is not able to establish a workable estimate of the number of additional criminal cases that would be referred to county prosecutors for charges, though it is not believed that a significant number of additional criminal case referrals would result from this proposed legislation. OPS assumes this proposal would not have a significant direct fiscal impact on the Office of Prosecution Services.

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.

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

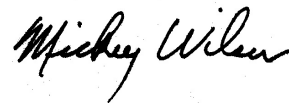
Office of the Attorney General
Coordinating Board for Higher Education
Office of Administration

- Division of Budget and Planning
- Administrative Hearing Commission

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
- Director's Office

Office of Prosecution Services
Office of the Secretary of State
Office of the State Public Defender
Boone County Sheriff's Department
Springfield Police Department



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