

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1544-01
Bill No.: SB 356
Subject: Boats and Watercraft; Crimes and Punishment
Type: Original
Date: March 3, 2009

Bill Summary: This proposal modifies various provisions of law relating to the regulation of Missouri's waterways.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	\$0	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on General Revenue Fund	\$0	\$0 or Unknown	\$0 or Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
State School Moneys	\$0	\$0	\$0
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 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	\$0 or Unknown	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Water Patrol** and the **Office of the State Courts Administrator** each assume the proposal will not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** state the proposal will have no measurable fiscal impact on their agency. The potential fiscal impact on county prosecuting attorneys will necessarily depend on the extent to which law enforcement agencies choose to enforce this provision and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of possessing glass containers near a waterway - a new Class C misdemeanor.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further extend resources. While the number of new cases (or cases with increased penalties) may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Officials from the **Department of Conservation** state the proposed legislation would have some fiscal impact from participation by conservation agents in enforcement and prosecution, incidental to their duties.

Officials from the **Department of Natural Resources** state their Division of State Parks may be required to post signs at some docks; however, the fiscal impact would be minimal.

Oversight assumes the changes within the proposal could generate some additional fine revenue from the infractions of abandoning a boat dock and failing to display identifying information on a boat dock as well as the class C misdemeanor of possessing expanded polystyrene or glass containers within fifty feet of a river or stream. Oversight will reflect this as a potential unknown amount of income to the local school districts and then a corresponding reduction in state funding to the schools in the following year. Oversight will assume the income and reduction of school districts will net to zero after the first year.

<u>FISCAL IMPACT - State Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
GENERAL REVENUE			
<u>Savings</u> - potential reduction in school funding as a result of additional fine revenue paid to local school districts because of this proposal.	<u>\$0</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>\$0</u>	<u>\$0 to Unknown</u>	<u>\$0 to Unknown</u>
 STATE SCHOOL MONEYS			
<u>Savings</u> - reduced payments to local school districts	\$0	\$0 to Unknown	\$0 to Unknown
<u>Loss</u> - potential reduction in funding from the General Revenue fund for schools	<u>\$0</u>	<u>\$0 to (Unknown)</u>	<u>\$0 to (Unknown)</u>
ESTIMATED NET IMPACT TO THE STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL SCHOOL DISTRICTS			
<u>Income</u> - potential increase in fine revenue from infractions of abandoning a dock and failing to display 911 information on a dock, also from the class C misdemeanor of possessing expanded polystyrene or glass containers within 50 feet of river or stream	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> - reduction in school funding as a result of additional fine revenue collected in the prior year	<u>\$0</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL SCHOOL DISTRICTS	<u>\$0 or Unknown</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses with a dock may have to purchase a sign to display 911 information as a result of this proposal.

FISCAL DESCRIPTION

This act modifies the infraction of abandoning a boat dock by making the infraction apply universally to the waters of this state rather than just to lakes having at least 950 miles of aggregate shore line (Section 306.903). This act modifies the law which requires certain dock owners to display identifying information on the dock.

Under the terms of the act, persons owning boat docks on lakes having at least 950 miles of shorelines and lakes constructed or maintain by the U.S. Army Corps of Engineers must display the appropriate 911 street address near the dock. The act details how the 911 address must be displayed (lake side, visible from channel or cove, 3" lettering, etc.). The failure to display identifying dock information is an infraction (Section 306.903).

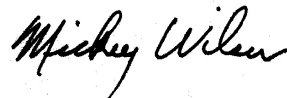
FISCAL DESCRIPTION (continued)

Under the terms of this act, any person who possesses expanded polystyrene or glass containers (including beverage containers) within 50 feet of a river or stream is guilty of a class C misdemeanor. This provision does not apply to developed campgrounds, picnic areas, landings, roads or parking lots within 50 feet of river or stream (Section 306.105).

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

Department of Public Safety
Office of the State Courts Administrator
Department of Natural Resources
Department of Conservation
Office of Prosecution Services
Office of the State Public Defender



Mickey Wilson, CPA
Director
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