

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4829-04
Bill No.: Truly Agreed To and Finally Passed SS for SCS for HB 1355
Subject: Administrative Law; Office of the Attorney General; Department of Corrections;
Crimes and Punishment; Public Safety
Type: Original
Date: June 7, 2018

Bill Summary: This proposal modifies provisions related to public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
General Revenue	Could exceed (\$6,865,640)	Less than \$15,408,709	Less than \$34,940,446	Less than \$53,305,774
Total Estimated Net Effect on General Revenue	Could exceed (\$6,865,640)	Less than \$15,408,709	Less than \$34,940,446	Less than \$53,305,774

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 39 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
Crime Victims Compensation	(Unknown)	(Unknown)	(Unknown)	(Unknown)
Hazardous Waste	(Up to \$150,000)	(Up to \$150,000)	(Up to \$150,000)	(Up to \$150,000)
Radioactive Waste Investigation	\$0	\$0	\$0	\$0
Chemical Emergency Preparedness	\$720,833	\$860,000	\$860,000	\$860,000
Water Patrol	\$0	\$1,000,000	\$1,000,000	\$1,000,000
Criminal Records	\$30,600	\$30,600	\$30,600	\$30,600
Total Estimated Net Effect on <u>Other</u> State Funds	Less than \$601,433	Less than \$1,740,600	Less than \$1,740,600	Less than \$1,740,600

ESTIMATED NET EFFECT ON FEDERAL FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
General Revenue*	Could exceed 14 FTE	Could exceed 14 FTE	Could exceed 14 FTE	Could exceed 14 FTE
Total Estimated Net Effect on FTE*	Could exceed 14 FTE	Could exceed 14 FTE	Could exceed 14 FTE	Could exceed 14 FTE

*Does not take into account avoided additional FTE for the Department of Corrections

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS				
FUND AFFECTED	FY 2019	FY 2020	FY 2021	Fully Implemented (FY 2023)
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§21.851 - Joint Committee on Disaster Preparedness and Awareness;

Officials from the **Missouri Senate** anticipate a fiscal impact that is unknown due to not knowing the location or number of Joint Committee on Disaster Preparedness and Awareness meetings. If travel costs are minimal, existing resources can be used.

In response to a similar proposal (SB 586), officials from the **Missouri House of Representatives** assumed any expenses incurred by House members serving on a joint committee will be covered by the Senate's Joint Contingent Expenses appropriation.

Oversight notes that it is difficult to determine if General Assembly will require additional FTE(s) for the Joint Committee on Disaster Preparedness and Awareness or if the Department of Public Safety will be able to administer the new joint committee with existing resources. Oversight also notes there are several other Joint Committees such as: Joint Committee on Missouri Division of Workers' Compensation, Joint Committee on Education, and Joint Committee on Public Employee Retirement, etc. Some have FTE appropriated to them, and some do not. This proposal, in §21.851.5 states the joint committee may employ such personnel as it deems necessary. Therefore, Oversight will reflect an impact of \$0 (additional FTE are not needed) to a cost of less than \$100,000 (assuming only 1 additional FTE is needed). At December 31, 2017, the balance of the Senate Revolving Fund (0535) was \$38,555. Therefore, Oversight will assume the appropriation (if any) for the new committee will be from the General Revenue Fund.

§44.091 - Mutual Aid Arrangements between law enforcement;

In response to a similar bill (HB 1859), officials from the **Attorney General's Office (AGO)** assumed that any potential costs arising from this proposal could be absorbed with existing resources. The AGO states they may seek additional appropriations if there is a significant increase in litigation.

ASSUMPTION (continued)

In response to a similar bill (HB 1859), officials from the **Department of Public Safety - Office of the Director**, the **Missouri Highway Patrol**, the **Department of Labor and Industrial Relations**, the **Springfield Police Department**, the **Branson Police Department**, and the **Boone County Sheriff's Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar bill (HB 1859), officials from the **Department of Natural Resources (DNR)** stated the proposed legislation could have a fiscal impact on DNR if Park Rangers provide aid to a requesting entity; however, the fiscal impact is unknown. The bill would require DNR to cover all costs and liabilities of all Park Rangers assisting the requesting entity and quantifying the fiscal impact is difficult because emergency response needs vary between occurrences. Park Rangers assisting another requesting entity could be required to work hours, weeks, or months of overtime as well as associated travel costs. The longer the required aid, the higher the fiscal impact on the Department. Also, there is potential for the increased risk of injury/worker compensation claims due to the potential of the aid being requested could be more dangerous than policing a rural park.

Oversight assumes the proposal is permissive and allows law enforcement agencies to enter into a mutual aid arrangement or agreement with another law enforcement agency. Therefore, Oversight assumes the proposal would not have a direct fiscal impact on the state or local political subdivisions.

§44.098 - Law Enforcement Mutual Aid Region;

In response to a similar proposal, HB 2062, officials at the **Joplin Police Department (JPD)** assumed there would be no fiscal impact on the JPD provided the home agency of the responding officer would still bear the responsibility of workers compensation and liability. If this is incorrect, then the workers compensation and liability portion of the proposal in section 44.098.5 would fall on the agency requesting the assistance. In this case, this proposal would have a negative fiscal impact on the JPD if assistance is requested and one of the responding officers from another agency was hurt or sued while assisting the JPD.

Oversight inquired the Department of Labor and Industrial Relations (DOLIR) for their interpretation of section 44.098.5. According to DOLIR, the liability and workers' compensation portion of this section would lie with the home agency. Therefore, Oversight will show no direct fiscal impact for this proposal.

ASSUMPTION (continued)

In response to a similar proposal, HB 2062, officials at the **Jasper County Sheriff's Department** assumed no fiscal impact from this proposal.

Officials at the counties of Jasper and Newton did not respond to **Oversight's** request for fiscal impact.

§57.117 - Residency of sheriffs or deputy sheriffs;

In response to a similar proposal, HB 1892, officials at the **Nodaway County Sheriff's Office** assumed an unknown positive fiscal impact from this proposal.

Oversight assumes this legislation would generate an indirect benefit to county sheriff departments by allowing the appointment of deputies who reside in adjoining states. Therefore, Oversight will show no direct fiscal impact from this proposal.

In response to a similar proposal, HB 1892, officials at the **Boone County Sheriff's Department** and the **Taney County Sheriff's Department** each assumed no fiscal impact to their respective entities from this proposal.

§57.450 - POST training for St. Louis sheriff deputies;

In response to a similar proposal (SB 652), officials at the **City of St. Louis** assumed the proposed legislation provides that deputies of the Sheriff's office of the City of St. Louis shall be eligible for training and licensure by the peace officer standards and training commission under chapter 590 of the MO Revised Statutes. Chapter 590 defines a peace officer as "a law enforcement officer of the state or any political subdivision of the state with the power of arrest for a violation of the criminal code or declared or deemed a to be a peace officer by state statute."

However, unlike sheriffs in other counties of the state, the sheriff in the City of St. Louis is not charged with law enforcement. "All general laws relating and applicable to the sheriffs of the several counties of this state shall apply to the same officer in the City of St. Louis, except that the sheriff of the City of St. Louis shall not enforce the general criminal laws of the state of Missouri unless such enforcement shall be incidental to the duties customarily performed by the sheriff of the City of St. Louis." (RSMo 57.450).

The primary duties of the Sheriff of the City of St. Louis involve courtroom security, prisoner transport and process serving. The proposed legislation would designate the Sheriff of the City of St. Louis and deputies as law enforcement officers and eligible for training even though their

ASSUMPTION (continued)

duties in the City are not typically law enforcement. A current training program for City Airport police officers for 25 weeks of training, including tuition, screenings, exams, etc. totals \$4,400 per participant. The annual salary of an entry level Sheriff deputy position is \$32,604, so the cost of salary and benefits (est. @ 25%) during the training period would total just under \$20,000, bringing the total cost of training to approximately \$24,000 per deputy. At a total of 165 uniformed deputies the total cost for the Sheriff's office would be a minimum of \$4,000,000.

Since most current staff make more than the minimum salary, actual salary costs during training would be higher. (Note: Since training would entail deputies being unavailable for regular service duty for an extended period- the salary cost of training is included as the cost of keeping vacated posts filled while training is in progress, either through additional hires, overtime or both. Costs in successive years would include the training of new deputies due to attrition, (avg. of 20 per year) estimated at \$480,000 and the cost of continuing education est. @ \$160 per deputy per year for an additional \$23,000 (\$160 x 145).

In summary, the City of St. Louis assumed the following costs for this proposal:

FY19 - Greater than \$4,000,000
FY20 - \$503,000
FY21 - \$503,000

Oversight inquired the City of St. Louis on their response. The actual training cost for 165 deputies is \$726,000 (\$4,400 per). Oversight is unclear when the City of St. Louis will be training the 165 deputies, but will assume it will be done gradually, and will assume approximately 20 deputies trained per year (\$88,000).

§84.510 - Kansas City Police Department pay ranges;

In response to a similar proposal (HB 2070), officials at the **Kansas City Police Department (KCPD)** assumed the change to the base annual compensation ranges will not have any current fiscal impact. It provides a cushion for salary growth.

In response to a similar proposal (HB 2070), officials at the **City of Kansas City** assume no fiscal impact from this proposal.

ASSUMPTION (continued)

Oversight assumes this proposal changes the following salary ranges for the members of the KCPD per annum:

Lieutenant Colonels - from \$71,969 to \$133,888; to the new salary range of \$71,969 to \$146,124
Majors - from \$64,671 to \$122,153; to the new salary range of \$64,671 to \$133,320
Captains - from \$59,539 to \$111,434; to the new salary range of \$59,539 to \$121,608
Sergeants - from \$48,659 to \$97,086; to the new salary range of \$48,659 to \$106,560
Master Patrol Officers - from \$56,304 to \$87,701; to the new salary range of \$56,304 to \$94,332
Master Detectives - from \$56,304 to \$87,701; to the new salary range of \$56,304 to \$94,332
Detectives, Investigators, and Police Officers - from \$26,643 to \$82,619; to the new salary range of \$26,643 to \$87,636.

Oversight notes the KCPD requested 1,367 law enforcement positions (non-civilian) for their FY 2018-2019 budget. Oversight is unable to determine how many KCPD members are within each personnel category, how many are at the top of their salary range, and whether or not the City of Kansas City would provide raises to the members of the KCPD in future years.

Oversight will reflect \$0 to an Unknown cost to the City of Kansas City as a direct result of this proposal.

§87.135 - St. Louis Firemen's Retirement System;

Officials from the **Joint Committee on Public Employee Retirement** state their review of this section would indicate that it does not constitute a "substantial proposed change" in future plan benefits as defined in section 105.660(10).

In response to a similar proposal, SB 902, officials from the **Missouri State Employee's Retirement System** assumed the provisions of SB 902 (5597-01) would, if enacted, allow the St. Louis Firemen's Retirement System board of trustees to enter into cooperative agreements with other public retirement systems in Missouri to allow members to transfer creditable service between the retirement systems.

It is assumed this proposal would not have a fiscal impact on MOSERS. The permissive nature of the proposal would not require the MOSERS board of trustees to participate in such an agreement. Should the MOSERS board of trustees elect to enter into a cooperative agreement relative to this proposal, it would only do so to the extent that the system would not experience any losses as a result of service transfers.

ASSUMPTION (continued)

In response to a similar proposal, SB 902, officials from the **Public School & Education Employee Retirement System of Missouri (PSRS/PEERS)** assumed this legislation allows the Firemen's Retirement System of the City of St. Louis to form cooperative agreements with other public retirement systems in the state to allow members to transfer creditable service between the retirement systems.

The transfer of creditable service shall be in accordance with the provisions of section 105.691, RSMo, and the policies and procedures established by the board of trustees. A cooperative transfer agreement between both systems is required. PSRS/PEERS currently have signed transfer agreements with: Kansas City Employees' Retirement System, MPERS, LAGERS, MOSERS, and KC PSRS.

As currently drafted this bill has no substantial fiscal or operational impact on PSRS or PEERS of Missouri.

In response to a similar proposal, SB 902, officials from the **Kansas City Public School Retirement System (KCPSRS)** assumed this proposal would have no known fiscal impact on the Kansas City Public School Retirement System. Should KCPSRS form such agreement with the Firemen's Retirement System of the City of St. Louis, KCPSRS would ensure such agreement stipulated the appropriate actuarial value of any exchange of service.

In response to a similar proposal, SB 902, officials from the **MoDOT & Patrol Employees' Retirement System**, the **Missouri Local Government Employees Retirement System**, the **County Employees' Retirement Fund** the **Prosecuting and Circuit Attorney's Retirement System**, the **Sheriffs' Retirement System**, the **Police Retirement System of St. Louis** and the **Office of Administration - Accounting Division** each assumed the proposal will have no fiscal impact on their respective organizations.

§135.090 - Surviving Spouse tax credit;

Oversight notes that changes to Section 135.090 would expand those eligible to receive the Peace Officer Surviving Spouse tax credit to include emergency medical responders.

Oversight notes according to the Tax Credit Analysis submitted by the Department of Revenue regarding this program, the Peace Officer Surviving Spouse tax credit program had the following activity;

ASSUMPTION (continued)

	<u>FY 2015</u>	<u>FY 2016</u>	<u>FY 2017</u>	<u>FY 2018</u> (projected)	<u>FY 2019</u> (projected)
Amount Redeemed	\$70,941	\$117,554	\$89,502	\$90,000	\$90,000

Oversight notes the Peace Office Surviving Spouse tax credit does not have an annual cap. Currently, this tax credit is to sunset on December 31, 2019 (FY 2020).

Oversight will assume this expansion will not create a material fiscal impact to the state.

Chapter 190 - Emergency Medical Responder Certification;

Officials from the **Department of Health and Senior Service (DHSS)** state Section 190.142.1(2) explicitly addresses "initial licensure". However, the subparagraph also states, "Any fees due for a criminal background check shall be paid by the applicant." Therefore, DHSS interprets the language to require applicants for Emergency Medical Services (EMS) licenses to pay for the cost of background checks for both initial licensure and all subsequent license renewals. DHSS would no longer need to pay for criminal background checks for all applicants. Currently, the EMS conducts criminal background checks for all applicants through the Missouri State Highway Patrol (MSHP). In FY 2017, EMS expended approximately \$72,000 on background screenings. Based on the expenditures from 2017, there would be a positive impact to general revenue in the amount of \$72,000.

Pursuant to Chapter 190.142.1, RSMo, the EMS conducts criminal records checks for all applicants through the MSHP. DHSS assumes there will not be a significant increase in the number of background checks; therefore, current staff will be able to accommodate these.

The proposal expands the EMS investigative authority to include investigations conducted out of state. While the variables of what activity constitutes "reported conduct" and what level of responsibility the investigative authorities in the remote state will have, DHSS assumes there will not be a significant increase in the number of investigations conducted out of state; therefore, these activities will be accomplished with current staff and funding.

The number of subpoenas issued under this section is unknown. DHSS assumes there will not be a significant number of subpoenas for attendance and testimony of witnesses or the production of evidence; therefore, these activities will be accomplished with current staff and funding.

ASSUMPTION (continued)

DHSS assumes the commission will receive sufficient revenue through other sources so an annual assessment will not be imposed on the state of Missouri.

Oversight notes that DHSS' response to this bill is quite different from previous years' (i.e. HB 100 in 2017). DHSS noted that there is more data on the compact now and other states have indicated that only some minimal travel costs should be anticipated and that there has be no influx of new applicants in the other states.

In response to similar legislation from this year, HB 1662, officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** provided the following assumptions:

During 2017, the Department of Health and Senior Services conducted approximately 3,400 name-based criminal record checks for Emergency Medical Technician (EMT) licensing. This number accurately reflects the number of emergency medical personnel that would be required to obtain a state and federal fingerprint-based criminal record check with the passage of this legislation. This requirement would take effect no later than five (5) years after approval of the Emergency Medical Services Compact. For purposes of this fiscal note, the MHP assumes this legislation will take effect August 28, 2018.

The cost for a fingerprint-based background check to include state and federal open and closed records is as follows:

State fee: \$20
FBI fee: \$12 (\$2 of the federal fee is retained by the Central Repository as a pass-through fee)
Total: \$32

3,400 applicants annually X \$32 = \$108,800	
State fee portion deposited in the Criminal Records Fund = 3,400 X \$20 = \$68,000	
Federal pass though fee retained by Central Repository = 3,400 X \$2 =	<u>\$6,800</u>
Total	\$74,800

The funds currently generated as a result of the name-based checks is 3,400 X \$13 = \$44,200. Therefore, the total increase in revenue deposited in the Criminal Record System Fund (new fingerprint background check cost + federal pass through fee - existing cost of name-based check is \$30,600 (\$74,800 - \$44,200).

The **City of Kansas City** assumes a small negative impact for background checks.

ASSUMPTION (continued)

Oversight notes that the Recognition of EMS Personnel Licensure Interstate Compact (REPLICA) has been passed by 12 states and is now active.

§217.015 et all - Administration of Criminal Justice System;

Officials from the **Department of Corrections (DOC)** state this legislation supports implementation of Justice Reinvestment Initiative (JRI) policy options developed by the Missouri State Justice Reinvestment Task Force. JRI is a data-driven approach to improve public safety and reinvest savings in strategies that can decrease crime and reduce recidivism.

Investment in community-based recovery support services provides an alternative to costly incarceration and is more effective in delivering improved outcomes for offenders. Currently, 86% of prison admissions are tied to either a) failures of people on community supervision or b) sentences to prison-based substance abuse or mental health treatment. Timely access to effective community treatment has the potential to reduce both types of prison admissions and is more cost effective.

The Council of State Governments (CSG) has been studying the criminal justice system in Missouri as well as the Missouri Department of Corrections to develop a comprehensive justice reinvestment plan for the state. Under current population trends, the DOC will be more than 2,300 prison beds short of needed capacity by the end of FY21, necessitating the construction of two new prisons. Justice Reinvestment will help to curtail some prison population growth by diverting offenders to community treatment and potentially avoid expenditures of over \$400 million.

The funding for the implementation plan consists mainly of new decision items for community-based behavioral health treatment for a period of five years. The DOC assumes that funding is maintained moving forward and that other elements of the Justice Reinvestment option package are implemented.

The bill also includes other JRI strategies such as:

- adopting a validated assessment instrument to identify and target high risk/high need offenders to ensure resources are used most efficiently;
- providing additional case management services for offenders; and
- implementing improved Probation and Parole Officer strategies to more effectively supervise offenders in the community and prevent recidivism.

ASSUMPTION (continued)

The JRI strategies in this bill and the ongoing investment in additional community-based behavioral treatment services over five years results in a projected diversion of over 3,000 offenders from prison to more effective community supervision.

On page 16 of the fiscal note, DOC provides a timeline of funding, implementation, and cost avoidance that will occur if this legislation is approved.

Year One of the implementation plan will include the cost of a \$5 million new decision item for community-based behavioral health treatment which includes substance use disorder treatment (SUDS) and mental health treatment. There are reductions in the number of treatment beds at Chillicothe Correctional Center (56 120-day beds) and contracted SUDS at Western Reception and Diagnostic Correctional Center (325 beds) for a core reduction of \$1,042,617. There is also cost avoidance of \$502,686 from having 81 fewer offenders in prison due to additional community-based behavioral treatment services available in the community and other JRI initiatives.

Year Two of the implementation plan includes a cost avoidance of \$2,401,722 from 387 fewer offenders in prison due to ongoing community-based behavioral treatment services available in the community from the original \$5 million new decision item and other JRI initiatives. There is also a cost avoidance of \$7,527,828 from 1,213 fewer offenders in prison due to a new decision item for an additional \$10 million in community-based behavioral treatment services and other JRI initiatives. There is an ongoing cost avoidance of \$1,042,617 from the closing of prison treatment beds at CCC and WRDCC.

At Year Two the DOC would have had to begin construction of one additional male and one additional female prison (approximately \$350 million). By implementing this legislation, there is a cost avoidance as JRI diverts offenders to community treatment options, improves recidivism rates, and decreases prison population growth. Costs include the ongoing \$5 million community-based behavioral health treatment plus an additional \$10 million for expansion of community-based behavioral health treatment services in year two.

Year Three of the implementation plan includes the cost avoidance of \$3,127,824 from 504 fewer offenders in prison due to ongoing treatment services available in the community from the original \$5 million new decision item and other JRI initiatives.

ASSUMPTION (continued)

There is a cost avoidance of \$9,507,592 from 1,532 fewer offenders in prison due to the \$10 million expansion of community-based behavioral health treatment services in year two plus the new decision item for an additional \$10 million in community-based behavioral treatment services and other JRI initiatives.

At Year Three the DOC would have had to start hiring staff for the two new prisons for a half year. By not building the new prisons, this results in a cost avoidance of approximately \$27 million in operating costs.

Costs include the ongoing \$5 million community-based behavioral health treatment, the \$10 million expansion cost from a new decision item in year two, plus an additional \$10 million for additional community-based behavioral health treatment services in year three.

Year Four of the implementation plan includes a cost avoidance of \$3,907,368 from 628 fewer offenders in prison due to ongoing treatment services available in the community from the original \$5 million new decision item and other JRI initiatives.

There is a cost avoidance \$11,642,456 from 1,876 fewer offenders in prison due to the \$20 million expansion of community-based behavioral health treatment services in years two and three, plus a new decision item for an additional \$10 million for community-based behavioral health treatment services and other JRI initiatives.

At Year Four the DOC would have brought the new prisons online for a full year. By not building the new prisons, this results in a cost avoidance of approximately \$54 million in operating costs.

Costs include the ongoing \$5 million community-based behavioral health treatment, the \$20 million expansion cost from new decision items in years two and three, plus an additional \$10 million for additional community-based behavioral health treatment services in year four.

Year Five of the implementation plan is the end of the initial phase of the program. Year Five includes a cost avoidance of \$4,679,324 from 754 fewer offenders in prison due to ongoing treatment services available in the community from the original \$5 million new decision item in year one and other JRI initiatives.

ASSUMPTION (continued)

There is a cost avoidance of \$14,503,422 from 2,337 fewer offenders in prison due to the \$30 million expansion of community-based behavioral treatment services in years two, three, and four, plus a new decision item for an additional \$5 million for community-based behavioral health treatment services and other JRI initiatives.

At Year Five the DOC continues to benefit from not building the new prisons, which results in a cost avoidance of approximately \$54 million annually in operating costs.

Costs include the ongoing \$5 million community-based behavioral health treatment, the \$30 million expansion cost from new decision items in Years two, three, and four, plus an additional \$5 million to complete the initial phase of statewide expansion of community-based behavioral health treatment services in year five.

As the implementation of the plan develops over five years, there may be additional changes to treatment services provided in prison. However, it is difficult to determine any impact at this time. There may be additional offenders under community supervision; however, the DOC believes that any impact would be absorbable with current Probation & Parole staffing.

It is difficult to determine the exact fiscal impact of this legislation because Justice Reinvestment is a multi-phase, multi-year program. With the policy framework established in HB 1355, additional funding in subsequent years has the potential to decrease prison population by numbers large enough to divert the need for new prisons. Eventually, the DOC may also be able to close an existing prison in the long term, which would save the state hundreds of millions of dollars. However, many factors determine the prison population including new legislation and sentencing requirements that could increase population despite our efforts to minimize growth.

ASSUMPTION (continued)

COSTS:	FY '19	FY '20	FY '21	FY '22	FY '23
Year 1 - Investment in Community Treatment	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)	(\$5,000,000)
Year 2 - Additional Investment		(\$10,000,000)	(\$10,000,000)	(\$10,000,000)	(\$10,000,000)
Year 3 - Additional Investment			(\$10,000,000)	(\$10,000,000)	(\$10,000,000)
Year 4 - Additional Investment				(\$10,000,000)	(\$10,000,000)
Year 5 - Additional Investment					(\$5,000,000)
Subtotal	(\$5,000,000)	(\$15,000,000)	(\$25,000,000)	(\$35,000,000)	(\$40,000,000)
COST AVOIDANCE:					
Year 1 core reduction in Substance Use & Recovery Services	\$1,042,617	\$1,042,617	\$1,042,617	\$1,042,617	\$1,042,617
Cost Avoidance for offenders diverted to Community Treatment from 1st year \$5 M	\$502,686 (for 81 offenders)	\$2,401,722 (for 387 offenders)	\$3,127,824 (for 504 offenders)	\$3,897,368 (for 628 offenders)	\$4,679,324 (for 754 offenders)
Cost Avoidance for offenders diverted to Community Treatment from year 2-5	\$0	\$7,527,878 (for 1,213 offenders)	\$9,507,592 (for 1,532 offenders)	\$11,642,456 (for 1,876 offenders)	\$14,503,422 (for 2,337 offenders)
Cost Avoidance for 2 new prisons	\$0	\$347,197,272	\$0	\$0	\$0
Cost Avoidance for operation of 2 new prisons	\$0	\$0	\$26,837,107 (½ year)	\$53,674,214	\$53,674,214
Subtotal of cost avoidance	\$1,545,303	\$358,169,489	\$40,515,140	\$70,256,655	\$73,899,577
Estimated net effect:	(\$3,454,697)	\$343,169,489	\$15,515,140	\$35,256,655	\$33,899,577

For fiscal note purposes, **Oversight** will utilize DOC's estimates. However, Oversight will assume the cost avoidance for two new prisons, would be the cost avoidance of servicing debt of an amount estimated by DOC (\$347.2 million) over 25 years at an annual rate of 4.0%, or approximately \$22.2 million per year that the state will not be required to pay if this proposal prevents the state from requiring 2 additional prisons.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Missouri Highway Patrol (MHP)** state:

595.220.3(1) - The total number of sexual assault kits we received in 2017 was 617. According to UCR, 1,587 were reported (non-KC or STL). The Highway Patrol Crime Laboratory only received approximately 39% of what was reported. The Crime Lab estimates that this law would create a 61% increase in sexual assault kit submissions. Consequently, the Crime Lab would need to increase its capacity by 61%.

PS (Salary without fringe benefits):	
6 FTE Criminalist III @ \$58,896 =	\$353,376
3 FTE Forensic Lab Technician III @ \$34,416 =	\$103,248
E&E: (Laboratory supplies @ \$20,000 each criminalist and \$10,000 for each technician) =	\$150,000
(GR - ongoing)	
TOTAL COST (GR funds - ongoing)	\$606,624

Criminalists III analyze DNA evidence and Forensic Evidence Technicians support Criminalists by making reagents, ordering consumables, maintaining instruments and running robotics.

Not factoring in labor, the materials cost of analysis of a Sexual assault kit is roughly \$200 per kit. We estimate a potential increase of 970 sexual assault kits to be submitted to the Crime Laboratory. Which would require a budget increase of \$194,000 (\$200 x 970) annually.

Officials from the **Department of Mental Health (DMH)** state regarding Section 217.021, DMH would be responsible for collaborating with DOC to establish a referral and evaluation process, eligibility criteria and discharge process for community behavioral health programs. DMH would be responsible for oversight of program case management services, provide performance and outcome metrics, and supervise and monitor referral caseloads. DMH would need to hire a Program Specialist II to take on these duties; this would be a cost to DMH of \$70,176 for FY2019, \$71,001 for FY2020 and \$71,593 for FY 2021. DMH will partner with DOC to contract with behavioral health providers. DMH assumes that these services will be funded entirely with the \$5 million dollars for justice reinvestment, currently in the FY 2019 DOC Governor's recommended budget. If this funding is increased in future years, DMH may require additional FTE. 3(3)(a) says DMH will accept "all eligible referrals" and "continue services on an ongoing basis until established discharge criteria are met". DMH assumes that eligibility and continuation of services is dependent on the availability of

ASSUMPTION (continued)

DOC funding. 3(3)(b) says DMH behavioral health providers will "accept reimbursement on a per-month, per-referral basis." The DMH current billing system is a fee for service (FFS) reimbursement process, so an alternative payment process would need to be established that may require IT work.

Based upon DOC's assumption that the investment in community treatment would grow from \$5 million in FY 2019 to \$40 million in FY 2023, **Oversight** will reflect "More than" DMH's estimate for the need for 1 FTE past FY 2019.

In response to a similar proposal, SB 966, officials from the **Office of the State Auditor (SAO)** stated Section 650.035 requires the State Auditor to periodically audit law enforcement agencies receiving state funds under the new program. Because an unknown number of agencies may participate, and it is unclear how extensive the funding received would be, the fiscal impact to the SAO is unknown.

In response to a similar proposal, SB 966, officials from the **Attorney General's Office (AGO)** assumed that any potential costs arising from this proposal could be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

In response to a similar proposal, SB 966, officials from the **Department of Public Safety - Office of the Director**, and the **Department of Health and Senior Services**, each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal, SB 966, officials from the **Office of Administration (Facilities Management, Design and Construction, and Information Technology Services Division)**, the **Joplin Police Department**, and the **Springfield Police Department** each assumed the proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

Oversight assumes the various changes to Chapter 595 would allow additional claims to be made on the Crime Victims' Compensation Fund. Oversight has no basis to estimate the amount, so we will assume an unknown loss to the fund for additional claims.

ASSUMPTION (continued)

Oversight assumes Section 650.035 allows the Department of Public Safety to provide financial and technical assistance to local law enforcement agencies. Oversight will assume an unknown amount of financial assistance from the state to locals.

Section 217.690 - Parole Hearing conducted by video;

Officials from the **Department of Corrections (DOC)** state the legislation removes the ability of an offender to object to a parole hearing conducted by video conferencing. As video parole hearings are currently conducted at 14 DAI facilities, the Parole Board must travel to each of these sites to conduct an in-person hearing when an offender objects to the use of video. Removing the ability to object will result in a cost savings to the agency.

The estimated projected cost savings from the legislation are as follows:

Average number of travel days due to offender refusing to appear via video:	8 per month
Average vehicle cost per travel day:	\$ 130.00
Average hotel cost per travel day for two hearing panel members:	\$ 160.00 (\$80.00 X 2)
Average meal cost per travel day for two hearing panel members:	<u>\$ 100.00</u> (\$50.00 X 2)
Average cost per travel day:	\$ 390.00
Average cost per month:	\$ 3,120.00 (\$390 x 8)
Average cost per year:	\$ 37,440.00 (\$3,120 x 12)

DOC assumes 10 months of impact in FY 2019 and 2 percent inflation for future years.

Section 455.095 - Electronic Monitoring

Officials at the **Department of Corrections (DOC)** assume this permits courts to place an offender on "electronic monitoring (EM) with victim notification" as either part of a sentence if a person is found guilty of violating the terms of an ex parte order or to order it as a condition of release from custody before trial if a person is charged with that offense. "Electronic monitoring with victim notification" directs that alerts be sent to "the protected person and the appropriate law enforcement agency" whenever the "monitored person is within a certain distance of the protected person or protected premises" as specified in the court's order. As a condition of being considered for such electronic monitoring, the bill requires the offender to pay for the related costs and expenses of the EM. The bill does not expressly state who will be responsible for

ASSUMPTION (continued)

providing the electronic monitoring services.

The Division of Probation and Parole does not monitor individuals released prior to trial and would not be responsible for providing electronic monitoring for those individuals. It would be difficult for the DOC to assume responsibility for providing electronic monitoring with victim notification for the offenders who were convicted of violating the terms of an ex parte order. The DOC currently does not have a contract in place that would allow the Division of Probation and Parole to provide monitoring that would allow the victim to be alerted, either electronically or telephonically, from an individual hired by the division to advise when a perpetrator was near them in proximity.

Additionally, DOC has no operating system in place to allow offenders to pay for EM services such as outlined in the legislation. Offenders currently pay Intervention Fees which allows the division to place offenders on Electronic Monitoring, place in Residential Facilities, or provide other services. Therefore, the DOC assumes that, if it is the court's intent to place these offenders on probation with an EM system that would allow victim notification of close proximity, the court would have to contract through a vendor to provide this service, which would include an operating system to charge and collect fees related to this. In our opinion, this could only be accomplished through private probation, unsupervised probation, or Court Probation.

There could also be an issue for Probation and Parole as any records generated by EM would be considered confidential and privileged under §549.500 and §559.125 RSMo. The bill requires this information be shared with the “protected person” and directs that any information obtained via electronic monitoring must be shared between the DOC, the Highway Patrol, circuit courts and county and municipal law enforcement agencies. There is nothing protecting the information from further dissemination.

The fiscal impact of this legislation on the DOC would occur if offenders previously sentenced to probation supervision or incarceration by the DOC would now be under the supervision of the court or private probation services. In FY17 the DOC admitted 70 offenders for violations of protective custody. Forty-seven persons were supervised for misdemeanor class offenses with an average term of 2.0 years. Thirteen persons had a class E felony with an average probationary term of 4.8 years. Five offenders were institutionalized with an average sentence of 3.4 years and five offenders with 120-day shock treatment and an average 4.0 year term. This bill provides the option of electronic monitoring with victim notification. DOC would be required to incur the cost for monitoring if the offender is unable to pay. This bill would make it possible to sentence these offenders to electronic monitoring with victim notification. However, the DOC assumes the 70 offenders currently sentenced to probation would not be sentenced to additional electronic

ASSUMPTION (continued)

monitoring.

Therefore, the fiscal impact would be to divert the five incarcerated offenders per year to DOC probation or parole supervision. Electronic monitoring with victim notification would be provided by private probation. This has the potential to save the DOC funds on the cost of incarceration, but would be offset by DOC supervision costs and by private probation costs if offenders fail to pay the estimated \$11.77 per day per offender (\$4,296 per year) of electronic monitoring with victim notification.

If this impact statement has changed from statements submitted in previous years, it is because the Department of Corrections (DOC) has changed the way probation and parole daily costs are calculated to more accurately reflect the way the Division of Probation and Parole is staffed across the entire state.

In December 2017, the DOC reevaluated the calculation used for computing the Probation and Parole average daily cost of supervision and revised the cost calculation to be used for 2018 fiscal notes. The new calculation estimates the increase/decrease in caseloads at each Probation and Parole district due to the proposed legislative change. For the purposes of fiscal note calculations, the DOC averaged district caseloads across the state and came up with an average caseload of 51 offender cases per officer. The new calculation assumes that an increase/decrease of 51 cases in a district would result in a change in costs/cost avoidance equal to the cost of one FTE staff person in the district. Increases/decreases smaller than 51 offenders are assumed to be absorbable.

In instances where the proposed legislation would only affect a specific caseload, such as sex offenders, the DOC will use the average caseload figure for that specific type of offender to calculate cost increases/decreases.

ASSUMPTION (continued)

The DOC cost of incarceration is \$17.003 per day or an annual cost of \$6,206 per offender. The DOC cost of probation or parole is determined by the number of P&P Officer II positions that would be needed to cover the new caseload. The DOC would assume this legislation will result in long term costs/cost avoidance. In summary, DOC would assume the following costs/cost avoidance for this proposal:

	<u>FY19</u>	<u>FY20</u>	<u>FY21</u>
If DOC pays all costs for 5 EM with victim notification	\$ 7,958	(\$12,169)	(\$34,761)
Probationers pay all costs for 5 EM with victim notification	<u>\$25,858</u>	<u>\$ 31,651</u>	<u>\$ 32,284</u>
Total Costs/Cost Avoidance for DOC	\$7,958 to \$25,858	(\$12,169) to \$31,651	(\$34,761) to \$32,284

Oversight assumes according to subsection 5 of the proposal that the related costs and expenditures of the electronic monitoring will be paid to the vendor by the person wearing the device. However, if indigent individuals are not responsible, the DOC could be held responsible and have a potential costs/cost avoidance in fiscal years 2019 and 2020 and 2021 and will reflect this for the proposal.

In response to a similar proposal, SB 641, officials at **St. Louis County** assumed the St. Louis County Department of Justice Services only monitors persons on electronic detention from 7:30am-4:30pm, Monday through Friday. There are several other costs that St. Louis County would incur. At this time we are unable to determine the number of individuals to be monitored, therefore an accurate amount of the fiscal impact on St. Louis County cannot be calculated.

However, we are able to clearly define where the financial expenditures will be needed. First off, our current system does not track GPS monitoring in real-time. Our reports are generated in 30 minute increments. Real-time GPS monitoring is significantly more expensive. Second, our current system does not support the technological or hardware requirements stated in the proposed legislation. St. Louis County would be forced to replace our current electronic monitoring system, essentially starting over from scratch, another significant cost. Third, St. Louis County is comprised of over 90 municipalities. All the municipalities would have to be on the same system. In the event a victim or law enforcement agency would need to be contacted, the monitoring agency must first determine the location, then contact the proper authority based on municipality, thus creating a "lag" in the system.

ASSUMPTION (continued)

In response to a similar proposal, SB 641, officials from the **Joplin Police Department** assumed no fiscal impact from this proposal if the costs for monitoring services are not placed at the local level. The Department is unclear on who would be in charge of the monitoring services and who would end up paying for the service if the person with the monitoring device was found to be indignant.

In response to a similar proposal, SB 641, officials at the **Office of the State Courts Administrator**, the **Department of Public Safety's Missouri Highway Patrol** and the **Office of the Director**, the **Department of Mental Health**, the **Department of Social Services**, the **Joint Committee on Administrative Rules**, the **Office of the State Public Defender** and the **Office of Prosecution Services** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a similar proposal, SB 641, officials at the **Boone County Sheriff's Department**, the **St. Louis County Police Department** and the **Springfield Police Department** each assumed no fiscal impact to their respective entities from this proposal.

§260.391 & 260.558 - Radioactive Waste Investigation Fund

Officials from the **Department of Natural Resources (DNR)** assume the following regarding this proposal:

260.391.1 - The proposed legislation adds subsection (7) which allows for the transfer of funds, upon appropriation, into the radioactive waste investigation fund in section 260.558.

260.558.1 - The proposed legislation would establish the "Radioactive Waste Investigation Fund" and the state treasurer would be the custodian of the fund. The money would be used solely by the Department of Natural Resources to investigate concerns of exposure to radioactive waste upon written request by a local governing body. The request is to include a specified area of concern and any documentation related to the area of concern. The investigation may be performed by state or federal agencies, or by contractors selected through a bidding process. The Department will work with the applicable government agency or contractor to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Because the transfer to the fund for this work is capped at \$150,000 per fiscal year, the extent of sampling and analysis work required under this legislation is unknown, but will not be more than \$150,000 per fiscal year.

ASSUMPTION (continued)

This legislation is open to any location within the state where a local governing body makes a decision to write a written request to the Department of Natural Resources expressing concerns regarding radioactive waste contamination. Therefore, it is difficult to estimate how many areas of the state would request such an investigation, and specifically what radioactive isotopes would be of concern for a specific area. In addition, it should be noted that there is no one "federal standard for remedial action due to contamination". When a site is identified as having radiological contamination, site specific risk based values are established for cleanup. This legislation's reference to a federal standard does not address how to determine if a site is contaminated or not.

260.558.2 - The proposed legislation would limit the transfer from the Hazardous Waste fund into the Radioactive Waste Investigation fund to \$150,000 per fiscal year. Any money remaining at the end of two years reverts back into the Hazardous Waste fund.

The Department will work with the applicable government agency or contractor to develop a sampling and analysis plan to determine if radioactive contaminants in the area of concern exceed federal standards for remedial action due to contamination. The samples shall be analyzed for the isotopes necessary to correlate the samples with the suspected contamination, as described in the sampling and analysis plan. Because the transfer to the fund for this work is capped at \$150,000 per fiscal year, the extent of sampling and analysis work required under this legislation is unknown, but will not be more than \$150,000 per fiscal year.

Officials from the **Office of the State Treasurer (STO)** assume the proposal will have no fiscal impact on their organization. The STO notes this proposal creates the "Radioactive Waste Investigation Fund" which would be subject to the biennial transfer and would have interest credited back to it.

In response to a similar proposal, HCS for HB 1804, officials from the **Attorney General's Office (AGO)** assumed that any potential costs arising from this proposal can be absorbed with existing resources. AGO may seek additional appropriations if there is a significant increase in litigation.

Oversight notes that transfers to the Radioactive Waste Investigative Fund "...shall not exceed one hundred fifty thousand dollars per fiscal year." For fiscal note purposes, Oversight assumes that up to \$150,000 may be appropriated from the Hazardous Waste Fund to the Radioactive Waste Investigative Fund each fiscal year. Oversight assumes this \$150,000 will act as a program cap, and therefore, DNR's expenses to investigate concerns of exposure to radioactive waste will be limited to this amount.

ASSUMPTION (continued)

§292.606

In response to a similar proposal from 2018 (SB 626), officials from the **Department of Public Safety - State Emergency Management Agency (SEMA)** stated this proposal is the continuation of previously passed legislation that funds programs at the local and state levels for the prevention, planning and response to hazardous material (HAZMAT) incidents. Funding collected from HAZMAT facility Tier II fees provides training and resources for first responders as well as local emergency response officials working as part of a Local Emergency Planning Committee (LEPC). Below is a more detailed description of the program.

The Missouri Emergency Response Commission (MERC) was first established in 1987 by Executive Order of the Governor and was later established under statute in 1988 and revised in 1992. The commission resides under the Missouri Department of Public Safety (SEMA).

Businesses and facilities are required to annually submit Tier II forms under Section 312 of the federal Emergency Planning and Community Right-To-Know Act of 1986 (EPCRA). The purpose of this form is to provide State, local officials, and the public with specific information on potential hazards. This includes the locations, as well as the amount, of hazardous chemicals present at a facility during the previous calendar year.

Funds are received by MERC, processed and reallocated back to the local jurisdiction. Ten percent (10%) is allocated to the State Fire Marshall's office to be utilized for HAZMAT training of local responders. Sixty-five percent (65%) is returned to the counties, and twenty-five percent (25%) is retained by the MERC for administrative fees, LEPC planning and training on a state-wide level. The state fund is a restricted revenue account used to carry out the purposes, goals and objectives of SARA Title III and the MERC hazardous material safety program. It consists of several different fee structures with those being as low as \$50 for a retail petroleum facility to \$100 per chemical to a maximum of \$10,000 per company. There is also a fee requirement for pipeline companies of \$250 per county that they travel.

Division 10, Chapter 11 of the Rules of Public Safety title 11 CSR 10-11.210 established a statewide hazardous materials safety program, created the Missouri Emergency Response Commission (MERC) and provided for the creation of Hazardous Materials Emergency Response accounts in each county. It also created a supplemental emergency preparedness funding base for chemical emergency preparedness at the county and state levels based upon the fees collected from facilities.

ASSUMPTION (continued)

These fees enable the LEPC to prepare offsite response plans, acquire response team equipment, develop public "Right-to-Know" education programs, conduct chemical industry awareness and compliance programs, and conduct relevant training, drills and exercises.

In response to a similar proposal from 2018 (SB 626), officials from the **Department of Public Safety - Division of Fire Safety** stated this proposed legislation extends the sunset of the hazardous waste fees paid to the Missouri Emergency Response Commission and deposits those monies into the Chemical Emergency Preparedness Fund. By statute, the Missouri Division of Fire Safety is appropriated 10% of the fees collected, up to \$100,000 annually. Those fees average \$80,000.

The Division of Fire Safety uses this appropriation to contract with various fire fighter training partners to provide hazardous materials training each year. In FY16, the Division of Fire Safety expended \$81,000 to provide 31 hazardous materials related classes to 1,281 fire fighters across the state. In FY17 the Division of Fire Safety expended \$81,693 to provide 33 hazardous materials related classes to 1,253 fire fighters across the state. In FY18, the Division of Fire Safety has contracted with two training partners for a total of \$79,642 to provide hazardous materials training to the fire fighters of our state. It is projected similar course and student enrollment numbers will result.

Oversight notes that Section 292.604, RSMo states that “fees collected by the commission under Section 292.606 shall be placed in the chemical emergency preparedness fund.” According to the Fiscal Year End Fund Activity report from the Office of the State Treasurer, the receipts into the Chemical Emergency Preparedness Fund (0587) for the last three fiscal years have been:

FY 2017	\$891,355
FY 2016	\$879,050; and
FY 2015	\$823,746

Therefore, Oversight will assume an average annual collection of \$865,000 into the fund. The current statutes state the fees shall be collected “for a period of six years from August 28, 2012.” Therefore, authority to collect the fees ends on August 28, 2018. The new language states that the fee shall be collected “for a period of six year from August 28, 2018.”

Oversight will reflect 10 months of fee collections in FY 2019 (August 28, 2018 - June 30, 2019) and a full year of fees in FY 2020 and FY 2021.

ASSUMPTION (continued)

As stated by DPS-SEMA, these funds are distributed to various state and local governmental agencies. For simplicity in the fiscal note, Oversight will only show the continuation of the funding into the state fund and not the annual distributions.

§302.025 & §302.176 - Driver training programs & traffic stops

In response to a similar proposal, SB 662, officials at the **Department of Revenue (DOR)** assumed the following regarding this proposal:

§302.025

Requires all driver training programs to include instruction on traffic stop etiquette, and information provided by the Department pursuant to §302.176. Driver training programs defined to include private driver education programs as well as instruction by those teaching under Department of Elementary and Secondary Education (DESE) certification.

§302.176

Requires the Department to provide all first-time licensees information on law enforcement procedures for traffic stops, including; proper interaction by drivers on traffic stops; and constitutional rights of drivers for traffic stops, including legal rights related to search and seizure, the right to remain silent, and the right to an attorney. The Department is to promulgate rules to administer these requirements, in consultation with the Missouri State Highway Patrol and the Office of the Attorney General.

To implement these provisions the Department will be required to:

- Update the Department's website;
- Develop a brochure for posting to the Department website for printing by applicant;
- Work with OA-ITSD regarding program changes to the MEDL system and supporting applications to generate the additional proposed information page;
- Complete business decision documents;
- Complete user acceptance testing of required system changes;
- Update the Uniformed License Issuance Manual (ULIM); and
- Work with Missouri State Highway Patrol (MSHP) to develop a new Administrative Rule in regards to information to be distributed as allowed by the proposed language.

ASSUMPTION (continued)

Administrative Impact

FY 2019 - Personnel Services Bureau

Administrative Analyst III	80 hrs. @ \$19.43 per hr.	= \$1,554
Management Analysis Spec I	104 hrs. @ \$18.42 per hr.	= <u>\$1,916</u>
Total		= \$3,470

ASSUMPTION (continued)

FY 2019 - Driver License Bureau

Administrative Analyst II	240 hrs. @ \$17.13 per hr.	= \$4,111
Management Analysis Spec II	270 hrs. @ \$20.57 per hr.	= \$5,554
Revenue Manager Band I	60 hrs. @ \$25.05 per hr.	= <u>\$1,503</u>
Total		\$11,168

Total Costs **\$14,638**

OA-ITSD services will be required at a cost of **\$13,284** (177.12 hours x \$75 per hour) in FY 2019.

Oversight assumes DOR is provided with core funding to handle a certain amount of activity each year. Oversight assumes DOR could absorb some of the costs related to this proposal.

§306.030 - Water Patrol Division

In response to a similar proposal, HB 1300, officials from the **Office of Administration - Budget and Planning (B&P)** stated currently, the first \$2 million in boat title and registration fees is deposited into General Revenue. Any collections beyond \$2 million is deposited into the Water Patrol Fund. This legislation would reduce the \$2 million trigger to \$1 million, starting in FY 20. The Department of Public Safety stated there has always been an excess of \$2 million collected in recent years; therefore, the proposal would cause a shift of \$1 million per year from General Revenue to the Water Patrol Fund.

Officials from the **Department of Revenue** state the proposed legislation would result in a \$1,000,000 reduction of revenue deposited into the General Revenue Fund, and an increase in the amount of revenue deposited into the Water Patrol Division Fund by \$1,000,000 beginning July 1, 2019.

ASSUMPTION (continued)

Officials from the **Department of Public Safety - Missouri Highway Patrol** assume this change would result in an additional one million dollars to the Water Patrol Fund from the General Revenue Fund.

Oversight notes that the original shift in funding from the General Revenue Fund to a new Missouri State Water Patrol Fund (0400) was enacted in SB 778 in 2006. Also in that bill, boat licensing fees were raised from \$10, \$20, \$30 and \$40 to \$25, \$55, \$100, and \$150 respectively, depending upon the length of the vessel.

According to the fund description from the Office of the State Treasurer, Oversight believes this transfer is the only funding source into the State Water Patrol Fund. During the past four years, the Missouri State Water Patrol Fund has had the following receipts into the fund:

FY 2017	\$2,901,729
FY 2016	\$2,661,931
FY 2015	\$2,768,015
FY 2014	\$2,962,600

§414.032 - Motor Fuel specifications waiver

In response to a similar proposal, HB 2452, officials from the **Department of Agriculture** assumed no fiscal impact on their organization.

§595.220 - Electronic tracking system of assault kits

Officials at the **Office of the Attorney General (AGO)** assume this proposal requires the Attorney General to establish and maintain an electronic system to track the status of rape kits in Missouri. The AGO assumes this system must be highly secured, maintain an accurate and auditable chain of custody, produce machine-readable identifiers for medical providers to track the physical components of the rape kits, and the electronic system must be accessible through a secure online portal to law enforcement and certain medical providers in all 114 counties and the City of St. Louis.

ASSUMPTION (continued)

The AGO projects the initial cost of creating an appropriate electronic system to be a minimum of \$1,000,000 to \$2,000,000. Annual maintenance of the software are projected to be a minimum of \$100,000 to \$200,000. The AGO projects the following additional personnel will be required to maintain and administer the system: one IT Systems Administrator (at \$53,055 annually) to oversee the electronic system, one Assistant Attorney General III (at \$55,750) to serve as custodian of records and oversee proper compliance with applicable HIPAA and criminal law, and one secretary (at \$31,514) and one paralegal (at \$42,000) to perform clerical duties related to maintaining records and responding to inquiries for records. The AGO may request additional resources beyond those projected if costs exceed these initial estimates. On April 30, 2018, the AGO applied for a nearly \$3 million grant through the Department of Justice. If received, a percentage of these funds may be used to create an electronic tracking system. Grant recipients are expected to be notified in the fall of 2018.

In summary, the AGO assumes the need for 4 FTE at an annual cost of approximately \$316,000 per year in addition to the programming expense.

Oversight inquired the AGO about the electronic tracking system. Currently, the AGO is not aware of any federal grant funding available for this system. The AGO will be using General Revenue Funds to create this system.

§610.140 Expungement

In response to a similar proposal, SB 954, officials from the **Department of Public Safety - Missouri Highway Patrol**, the **Department of Corrections**, the **Springfield Police Department**, and the **City of Kansas City** each assumed the proposal would not fiscally impact their respective agencies.

In response to a similar proposal, SB 954, officials from the **Attorney General's Office (AGO)** assume that any potential costs arising from this proposal could be absorbed with existing resources. The AGO states they may seek additional appropriations if there is a significant increase in litigation.

In response to a similar proposal, SB 954, officials from the **Office of the State Courts Administrator** state there may be some impact, but there is no way to quantify that currently. Any significant changes will be reflected in future budget requests.

FISCAL IMPACT -
State Government

	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
GENERAL REVENUE				
<u>Cost - Joint</u>				
Committee on				
Disaster Preparedness and Awareness §21.851	\$0 or (Less than \$100,000)			
Salaries & Fringe Benefits of FTE(s)				
FTE Change - DPS	0 or 1 FTE			
<u>Costs - MHP</u>				
Personal Service (9 FTE)	(\$380,520)	(\$461,190)	(\$465,802)	(\$475,164)
Fringe Benefits	(\$340,413)	(\$412,581)	(\$416,706)	(\$425,081)
Lab Supplies (Criminalists)	(\$120,000)	(\$120,000)	(\$120,000)	(\$120,000)
Lab Supplies (Technicians)	(\$30,000)	(\$30,000)	(\$30,000)	(\$30,000)
Sex Assault Kits	<u>(\$194,000)</u>	<u>(\$194,000)</u>	<u>(\$194,000)</u>	<u>(\$194,000)</u>
Total Costs - MHP	(\$1,064,933)	(\$1,217,771)	(\$1,226,508)	(\$1,244,245)
FTE Change MHP	9 FTE	9 FTE	9 FTE	9 FTE
<u>Costs - DMH</u>				
Personal Service	(\$45,192)	More than... (\$45,644)	More than.... (\$46,100)	More than.... (\$47,027)
Fringe Benefits	(\$13,422)	(\$24,344)	(\$24,480)	(\$24,972)
E & E	<u>(\$11,553)</u>	<u>(\$1,013)</u>	<u>(\$1,013)</u>	<u>(\$1,013)</u>
Total Costs - DMH	(\$70,167)	More than (\$71,001)	More than (\$71,593)	More than (\$73,012)
FTE Change DMH	1 FTE	More than 1 FTE	More than 1 FTE	More than 1 FTE
<u>Costs - DOC -</u>				
Investment in Community Treatment	(\$5,000,000)	(\$15,000,000)	(\$25,000,000)	(\$40,000,000)

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
<u>Cost Avoidance -</u> DOC - in substance abuse & recovery services	\$1,042,617	\$1,042,617	\$1,042,617	\$1,042,617
<u>Savings - DOC -</u> cost avoidance on incarceration of offenders wearing EM (455.095)	Up to \$25,858	Up to \$31,651	Up to \$32,284	Up to \$32,284
<u>Savings - DOC -</u> utilize video conf. §217.690	\$31,200	\$38,189	\$38,953	\$39,000
<u>Cost Avoidance -</u> DOC - Community Treatment (org \$5M)	\$502,686	\$2,401,722	\$3,127,824	\$4,679,324
<u>Cost Avoidance -</u> DOC - Community Treatment (add'l investments)	\$0	\$7,527,878	\$9,507,592	\$14,503,422
<u>Cost Avoidance -</u> debt amortization for 2 new prisons	\$0	\$22,200,000	\$22,200,000	\$22,200,000
<u>Cost Avoidance -</u> DOC - of operations of 2 new prisons	\$0	\$0	\$26,837,107	\$53,674,214
<u>Cost - DPS & AGO</u> §650.035 - Missouri Law Enforcement Assistance Program	(Unknown)	(Unknown)	(Unknown)	(Unknown)

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
<u>Loss</u> - lowering threshold in §306.030 from \$2 million to \$1 million	\$0	(\$1,000,000)	(\$1,000,000)	(\$1,000,000)
<u>Savings</u> - DHSS (§190.142.1(2)) Reduction in background check fees	\$72,000	\$72,000	\$72,000	\$72,000
<u>Costs</u> - AGO §595.220				
Personal Service	(\$151,933)	(\$184,142)	(\$185,984)	(\$185,984)
Fringe Benefits	(\$81,084)	(\$97,842)	(\$98,389)	(\$98,389)
Expense & Equip.	(\$58,600)	(\$34,592)	(\$35,457)	(\$35,457)
Initial costs of electronic system	(\$1,000,000) to (\$2,000,000)	\$0	\$0	\$0
Annual maintenance of software	\$0	(\$100,000) to (\$200,000)	(\$100,000) to (\$200,000)	(\$100,000) to (\$200,000)
Total Costs - AGO	(\$1,291,617) to (\$2,291,617)	(\$416,576) to (\$516,576)	(\$419,830) to (\$519,830)	(\$419,830) to (\$519,830)
FTE Change AGO	4 FTE	4 FTE	4 FTE	4 FTE
<u>Costs</u> - DOR ITSD	(\$13,284)	\$0	\$0	\$0
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	Could exceed <u>(\$6,865,640)</u>	Less than <u>\$15,408,709</u>	Less than <u>\$34,940,446</u>	Less than <u>\$53,305,774</u>
Estimated Net FTE Change for General Revenue	Could exceed 14 FTE	Could exceed 14 FTE	Could exceed 14 FTE	Could exceed 14 FTE

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
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**CRIME VICTIMS
 COMPENSATION**

<u>Costs</u> - DPS - assumed additional claims from changes to Chapter 595	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO THE CRIME VICTIMS COMPENSATION	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**HAZARDOUS
 WASTE FUND**

<u>Transfer Out</u> - to Radioactive Waste Investigation Fund §260.558	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>
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ESTIMATED NET EFFECT ON THE HAZARDOUS WASTE FUND	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>
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<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
RADIOACTIVE WASTE INVESTIGATION				
<u>Transfer In - from Hazardous Waste</u>	Up to \$150,000	Up to \$150,000	Up to \$150,000	Up to \$150,000
<u>Costs - DNR - to investigate concerns of exposure to radioactive waste - limited to \$150,000 per year §260.558</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>	<u>(Up to \$150,000)</u>
ESTIMATED NET EFFECT ON THE RADIOACTIVE WASTE INVESTIGATION	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
CHEMICAL EMERGENCY PREPAREDNESS				
<u>Income - extension of fee collecting authority from 8/28/18 to 8/28/24 (\$292.606)</u>	<u>\$720,833</u>	<u>\$860,000</u>	<u>\$860,000</u>	<u>\$860,000</u>
ESTIMATED NET EFFECT TO THE CHEMICAL EMERGENCY PREPAREDNESS	<u>\$720,833</u>	<u>\$860,000</u>	<u>\$860,000</u>	<u>\$860,000</u>

<u>FISCAL IMPACT -</u> <u>State Government</u> (continued)	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
MISSOURI STATE WATER PATROL FUND				
<u>Income</u> - lowering threshold in \$306.030 from \$2 million to \$1 million - after which moneys will go to the Missouri State Water Patrol Fund instead of the General Revenue Fund	<u>\$0</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>
ESTIMATED NET EFFECT TO THE MISSOURI STATE WATER PATROL FUND	<u>\$0</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>	<u>\$1,000,000</u>
CRIMINAL RECORDS FUND				
<u>Income</u> - DPS increase in background check fees REPLICA	<u>\$30,600</u>	<u>\$30,600</u>	<u>\$30,600</u>	<u>\$30,600</u>
ESTIMATED NET EFFECT TO THE CRIMINAL RECORDS FUND	<u>\$30,600</u>	<u>\$30,600</u>	<u>\$30,600</u>	<u>\$30,600</u>

<u>FISCAL IMPACT -</u> <u>Local Government</u>	FY 2019 (10 Mo.)	FY 2020	FY 2021	Fully Implemented (FY 2023)
LOCAL POLITICAL SUBDIVISIONS				
<u>Costs - St. Louis - POST training of sheriff deputies</u> \$57.450	(\$88,000)	(\$88,000)	(\$88,000)	(\$88,000)
<u>Costs - Kansas City - increase in pay ranges for police</u> \$84.510	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Costs - Electronic Monitoring</u> \$455.095	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Income - from DPS - for Missouri Law Enforcement Assistance Program</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>	<u>Unknown to (Unknown)</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This proposal modifies provisions relating to public safety.

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

Missouri Senate
Missouri House of Representatives
Office of the Attorney General
Department of Public Safety
Department of Labor and Industrial Relations
Department of Natural Resources
Department of Corrections
Department of Mental Health
Office of the State Auditor
Department of Health and Senior Services
Office of Administration
Office of the State Courts Administrator
Department of Social Services
Joint Committee on Administrative Rules
Office of the State Public Defender
Office of Prosecution Services
Department of Agriculture
Office of the State Treasurer
Department of Transportation
Department of Revenue
Joint Committee on Public Employee Retirement
Missouri State Employee Retirement System
Springfield Police Department
Branson Police Department
Boone County Sheriff's Department
Joplin Police Department
Jasper County Sheriff's Department
Nodaway County Sheriff's Department
Taney County Sheriff's Department
City of St. Louis
Kansas City Police Department

SOURCES OF INFORMATION (continued)

City of Kansas City
St. Louis County
Greene County Sheriff's Department
St. Louis County Police Department
Kansas City Public Schools Retirement System
Missouri Local Area Government Retirement System
Public School & Education Employee Retirement System of Missouri
MoDOT & Patrol Employees' Retirement System,
County Employees' Retirement Fund

Ross Strobe



Acting Director
June 7, 2018