

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5721-05
Bill No.: HCS for SS for SB 870
Subject: Ambulances and Ambulance Districts; Emergencies; Department of Public Safety; Licenses-Miscellaneous; Professional Registration and Licensing; Fire Protection; Prisons and Jails
Type: Original
Date: April 13, 2018

Bill Summary: This proposal modifies provisions of law relating to emergency medical services.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
General Revenue	\$72,000	\$72,000	\$72,000
Total Estimated Net Effect on General Revenue	\$72,000	\$72,000	\$72,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Criminal Records	\$30,600	\$30,600	\$30,600
Fire Education Fund	\$32,625	\$65,250	\$65,250
Total Estimated Net Effect on <u>Other</u> State Funds	\$63,225	\$95,850	\$95,850

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 15 pages.

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

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2019	FY 2020	FY 2021
Total Estimated Net Effect on FTE	0	0	0

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
Local Government	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown

FISCAL ANALYSIS

ASSUMPTION

§§99.848, 135.090, 190.094, 190.100, 190.103, 190.105, 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196, 190.246, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936, 190.939, 191.630

In response to a previous version, officials at the **St. Louis County Police Department (STLPD)** assumed this bill would require the STLPD to complete Memorandums of Understanding (MOU) with all local Fire Departments. This feat would cost significant man hours to develop the MOU, have them revised by legal counsel, have them mailed to each Fire Department, and have them returned and signed by Police Department personnel.

The STLPD would also have to modify policy, which again, would require man hours to complete and at least 1 hour of training for all staff, both commissioned and professional staff. The average hourly pay for a St. Louis County Police Department employee is \$46.10. There are currently 1206 employees. The cost for one hour of training would be \$55,596.60. There would be a \$50 an hour cost to develop the training that would take approximately 2 hours of development. The passage of this bill would cost, at minimum, \$55,696.60. This cost does not include the development and approval of all MOUs.

Additionally, this bill is similar to HB 1919, where St. Louis County Police Department expressed concern over the possible increase in cost from taking additional assault reports and searching for homicidal/suicidal subjects who have fled.

Oversight assumes that the STLPD is provided with core funding for training employees to handle a certain amount of activity each year. Oversight believes the training referred to above is currently apart of the employees' duties. Oversight also assumes if multiple MOUs are needed for various fire departments with the STLPD, then a basic MOU could be written and adjustments could be made as needed with the various fire departments. Oversight assumes the STLPD could absorb the costs related to this proposal.

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

ASSUMPTION (continued)

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.

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 been no influx of new applicants in the other states.

In response to a previous version, officials from the **Department of Public Safety (DPS), Missouri State Highway Patrol (MHP)** provided the following assumptions:

Part of Section 190.142.1 (2) states "The department may share the results of such a criminal background check with any emergency services licensing agency in any member state, as that term is defined under section 190.900, of the recognition of EMS personnel licensure interstate compact."

It should be noted that federal law requires the dissemination of criminal history information to be audited. Based on the ability for the department to share the results of a criminal record check with an emergency services licensing agency in any member state as stated in Section

ASSUMPTION (continued)

192.140.1(2) the Criminal Justice Information Services Division of the Missouri State Highway Patrol would, therefore, be required to audit the member states. Due to the audit requirement, the CJIS Division would incur an unknown fiscal impact to audit the licensing agencies in the member states or dissemination would have to be prohibited.

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 through 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).

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

In response to a previous version, officials from the **Office of the Governor** assumed the proposal would not fiscally impact their agency.

In response to a previous version, officials at **St. Louis County** assumed no fiscal impact from this proposal.

ASSUMPTION (continued)

In response to a previous version, officials at the **Boone County Sheriff's Department** assumed no fiscal impact from this proposal.

§§100.050, 100.059, 353.110

In response to a previous version, officials at **St. Louis County** and **Boone County** each assumed no fiscal impact to their respective entities from this proposal.

Oversight assumes this proposal would modify provisions relating to tax increment financing. Should a redevelopment plan, area or project or urban redevelopment corporation which receives tax abatement or exemption on property be amended, an ambulance or fire district will have the right to recalculate the reimbursement rate that they would receive for tax revenues. This could generate an increase of tax revenues to the ambulance and/or fire district from this proposal. Therefore, Oversight will reflect a \$0 or unknown increase in tax revenues for this proposal.

§§217.151, 221.520

In response to a similar proposal (HB 1627, LR 5302-01), officials from the **City of Kansas City** assumed the proposal would not fiscally impact their agency.

In response to a previous version, officials from the **St. Louis County Police Department** and the **Boone County Sheriff's Department** each assumed the proposal would not fiscally impact their respective agencies.

In response to a previous version, officials from the **Jefferson County Sheriff's Department** stated as a medical provider, they have all these requirements in place already. The only thing we need to make sure of is that custody does not use restraints on anyone that is in their 3rd trimester. We can review all the policies related to this.

§§320.094, 320.202, 650.277, 701.377

Officials at the **Department of Public Safety's Division of Fire Safety** assume the following:

Section 320.094 removes the two percent of the fire education fund to be spent for administration purposes.

ASSUMPTION (continued)

Section 320.202 (d) (5) changes the fees to be charged for certification testing and recertification to be directed into the fire education fund rather than general revenue. The Division of Fire Safety has never charged for testing and recertification. In the past, the fire service has not supported fees for this service. With this proposed change, fees would be directed into the Fire Education Fund, and reinvested in no-cost firefighter training to provide additional training opportunities to fire personnel statewide.

Currently the Division of Fire Safety tests and/or recertifies approximately 6,525 firefighters annually. We anticipate charging \$10 for each. This will generate approximately \$65,250 annually; however due to the time frame in the promulgation of rules, the fees for FY19 may only generate \$32,625. Once fully in place, the additional funds are projected to provide for 22 training classes per calendar year for roughly 400 firefighters.

Section 650.277 broadens the use of the Boiler and Pressure Vessel Safety fund (0744) while section 701.377 has the same impact on the Elevator Safety fund (0257).

In the past, use of the Elevator Safety (0257) and Boiler & Pressure Vessel Safety (0744) funds have been restricted to the functions of those specific programs. The proposed legislation allows these funds to also support the broader functions of the Division's operations due to the current limited expense and equipment funding the Division currently receives through general revenue.

As the Division has evolved, a proactive step of cross-training staff in various functions and abilities has been taken. Fire Inspectors are now assisting with amusement ride inspections (a program funded through Elevator Safety Fund). Fire Investigators assist with accident investigations involving all various types of equipment regulated by our agency and supported by these other funds. Administrative staff provides daily support of all programs, and the Training staff assist with related events.

ASSUMPTION (continued)

Because these funds are no longer subject to be swept according to the Treasurer's Office, the Elevator and Boiler funds have balances which continue to accrue. These funds can be effectively used to support the needs of all Division programs. Following transfers and all program related expenses, it is anticipated cumulative balances to be approximately \$80,000. These dedicated funds can be used to address the aging, high-mileage fleet, as well as safety equipment for Fire Investigators and Fire Inspectors which have been historically restricted due to limited general revenue funding. This will provide for a more effective use of the fund balances while at the same time provide for a more efficient and properly equipped workforce.

These funds will not be supplanting current general revenue appropriated funds. Rather, the funds will provide for additional resources otherwise not currently available in the Division's budget.

As with the entirety of the Division of Fire Safety's budget, all appropriations through these dedicated funds would have to receive the approval of the Legislature and Governor.

In response to similar legislation from this year, HB 2326, officials from the **Office of Administration - Budget and Planning (B&P)** stated it is B&P's understanding these fees are not currently being collected. There could be an increase to TSR and 18(e) if the Division of Fire Safety starts collecting these fees. B&P defers to the Division of Fire Safety for any specific estimate on the impact of the fees.

Oversight notes the Fire Education Fund (0821), Elevator Safety Fund (0257) and Boiler & Pressure Vessels Safety (0744) had the following activity during the past three fiscal years.

Fire Education Fund

Fiscal Year	Receipts	Disbursements / JV's / Transfers Out	Ending Balance
FY 2015	\$169,701	(\$98,831)	\$282,310
FY 2016	\$159,962	(\$284,792)	\$157,480
FY 2017	\$178,357	(\$185,237)	\$150,600

ASSUMPTION (continued)

Elevator Safety Fund

Fiscal Year	Receipts / Transfer In	Disbursements / JV's / Transfers Out	Ending Balance
FY 2015	\$634,683	(\$599,053)	\$355,269
FY 2016	\$705,528	(\$599,740)	\$461,057
FY 2017	\$612,015	(\$600,709)	\$472,363

Boiler & Presser Vessels Safety

Fiscal Year	Receipts	Disbursements / JV's / Transfers Out	Ending Balance
FY 2015	\$735,900	(\$556,950)	\$601,491
FY 2016	\$746,604	(\$710,526)	\$637,569
FY 2017	\$719,601	(\$629,738)	\$727,433

Bill as a Whole

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

Officials at the **Missouri Department of Transportation** assume no fiscal impact from this proposal.

Officials from the **Office of the Secretary of State (SOS)** state 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 fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the office can sustain with the core budget. Therefore, the SOS reserves the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

ASSUMPTION (continued)

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials at the **Office of the Attorney General (AGO)** assume that any potential costs arising from this proposal can be absorbed with existing resources. The AGO may seek additional appropriations if there is a significant increase in litigation.

In response to a previous version, officials at the **Department of Social Services**, the **Department of Corrections**, the **Joint Committee on Administrative Rules**, the **Department of Revenue**, the **Department of Insurance, Financial Institutions and Professional Registration**, the **Office of the State Public Defender** and the **State Tax Commission** each assumed no fiscal impact to their respective agencies from this proposal.

In response to a previous version, officials at the **Office of Administration's Administrative Hearing Commission** assume no fiscal impact from this proposal.

In response to a previous version, officials at the **Springfield Police Department**, the **St. Louis County Department of Justice Services** and the **Joplin Police Department** each assumed no fiscal impact to their respective entities from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2019	FY 2020	FY 2021
	(10 Mo.)		
GENERAL REVENUE FUND			
<u>Savings</u> - DHSS (§190.142.1(2))			
Reduction in background check fees paid REPLICA	<u>\$72,000</u>	<u>\$72,000</u>	<u>\$72,000</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>\$72,000</u>	<u>\$72,000</u>	<u>\$72,000</u>
CRIMINAL RECORDS FUND			
<u>Income</u> - DPS - increase in background check fees REPLICA (§190.142.1)	<u>\$30,600</u>	<u>\$30,600</u>	<u>\$30,600</u>
ESTIMATED NET EFFECT ON THE CRIMINAL RECORDS FUND	<u>\$30,600</u>	<u>\$30,600</u>	<u>\$30,600</u>
FIRE EDUCATION FUND			
<u>Revenue</u> - testing and re-certification fees (§320.202)	<u>\$32,625</u>	<u>\$65,250</u>	<u>\$65,250</u>
ESTIMATED NET EFFECT ON THE FIRE EDUCATION FUND	<u>\$32,625</u>	<u>\$65,250</u>	<u>\$65,250</u>

FISCAL IMPACT - Local Government

FY 2019
(10 Mo.)

FY 2020

FY 2021

**AMBULANCE AND FIRE
PROTECTION DISTRICT FUNDS**

Revenues - potential increase in tax revenues from recalculating rates set for reimbursement on tax increments (§§100.050, 100.059, 353.110)

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

**ESTIMATED NET EFFECT ON
AMBULANCE AND FIRE
PROTECTION DISTRICT FUNDS**

\$0 or Unknown

\$0 or Unknown

\$0 or Unknown

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

§§99.848, 190.100, 190.103, 190.131, 190.142, 190.143, 190.147, 190.165, 190.173, 190.196, 190.900, 190.903, 190.906, 190.909, 190.912, 190.915, 190.918, 190.921, 190.924, 190.927, 190.930, 190.933, 190.936, 190.939

This bill authorizes Missouri to become a member state of the Recognition of EMS Personnel Licensure Interstate Compact and to adopt the provisions of authorization as specified in the bill. The purpose of the compact is to facilitate the exchange of information between members states regarding EMS personnel licensure, adverse actions, and significant investigatory information.

§§100.050, 100.059, 353.110

Current law provides that ambulance and fire protection districts are entitled to a reimbursement of between 50% and 100% of the amount of the district's tax increment deposited into the Special Allocation Fund of a tax increment financing district. This act provides that ambulance and fire protection districts shall annually set such reimbursement rate prior to the time the assessment is paid into the Fund. If the redevelopment plan, area, or project is amended, the ambulance or fire protection district shall have the right to recalculate the reimbursement rate.

FISCAL DESCRIPTION (continued)

This act also modifies the Urban Redevelopment Corporations Law by allowing ambulance and fire protection districts to receive a reimbursement of between 50% and 100% of the amount of ad valorem property tax revenues the district would have received in the absence of the property tax abatement or exemption provided for under current law. Ambulance and fire protection districts shall annually set such reimbursement rate prior to the time the assessment is determined by the county assessor. If the redevelopment plan, area, or project is amended, the ambulance or fire protection district shall have the right to recalculate the reimbursement rate.

§§320.094, 320.202, 650.277, 701.377

This bill amends various fund provisions within the Division of Fire Safety. Currently, fees collected from certification testing and recertification testing for individuals who fall under the Division of Fire Safety are deposited into the General Revenue Fund. This bill changes it so those fees are deposited into the Fire Education Fund.

Additionally, funds in the Boiler and Pressure Vessels Safety Fund are currently appropriated for the expenses of the board. The bill specifies that those funds shall be appropriated for the enforcement and regulatory functions of the division. Similarly, funds in the Elevator Safety Fund are currently appropriated for the expense and function of the elevator safety and amusement ride safety boards. The bill specifies that those funds shall be appropriated for the enforcement and regulatory functions of the division.

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

St. Louis County Police Department
Office of Administration
 Division of Budget and Planning
 Administrative Hearing Commission
Department of Health and Senior Services
Office of Attorney General
Department of Public Safety
 Division of Fire Safety
 Missouri State Highway Patrol
Office of the Governor
Joint Committee on Administrative Rules
Department of Revenue
Office of State Courts Administrator
Office of Secretary of State
Missouri Department of Transportation
Department of Corrections
Department of Social Services
Department of Insurance, Financial Institutions and Professional Registration
Office of the State Public Defender
Boone County Sheriff's Department
Springfield Police Department
St. Louis County Department of Justice Services
Joplin Police Department
St. Louis County
State Tax Commission

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SOURCES OF INFORMATION (continued)

Jefferson County Sheriff's Department
Boone County
City of Kansas City

Ross Strope

A handwritten signature in black ink, appearing to read "Ross Strope". The signature is stylized with a large initial "R" and a long horizontal stroke extending to the right.

Acting Director
April 13, 2018