

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1139-10
Bill No.: HCS for SS for SCS for SB 291
Subject: Cities, Towns and Villages; Counties; County Government; Emergencies;
 Department of Revenue; Taxation and Revenue - General; Taxation and Revenue
 - Sales and Use; Telecommunications
Type: Original
Date: April 18, 2019

Bill Summary: This proposal changes the laws regarding public safety.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Missouri 911 Services Trust Fund*	\$0	\$0	\$0
DNA Profiling Analysis (0772)	\$1,028,041	\$1,233,649	\$1,233,649
Total Estimated Net Effect on Other State Funds	\$1,028,041	\$1,233,649	\$1,233,649

* Changes in revenue and distributions to political subdivisions net to zero

Numbers within parentheses: () indicate costs or losses. This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
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 2020	FY 2021	FY 2022
Local Government	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)

FISCAL ANALYSIS

ASSUMPTION

§57.280 Service of Summons

Officials at the **Office of the State Courts Administrator** and **Missouri Highway Patrol** each assume there is no fiscal impact from this proposal.

Officials at the **City of Kansas City** and the **Springfield Police Department** each assume there is no fiscal impact from this proposal.

Oversight only reflects the responses that we have received from state agencies and political subdivisions; however, other counties and sheriff departments were requested to respond to this proposed legislation but did not. For a general listing of political subdivisions included in our database, please refer to www.legislativeoversight.mo.gov.

Oversight notes the proposal states “the sheriff, or any other person specifically appointed to serve in a county that receives funds under Section 57.278” shall receive \$10 for the service, which shall be deposited into the deputy sheriff salary supplementation fund created under Section 57.278.

Oversight notes according to the Office of the State Treasurer annual reports, the Deputy Sheriff Salary Supplementation Fund (0913) had the following activity:

	Receipts	Disbursements	Ending Balance
FY 2017	\$2,719,878	\$2,960,171	\$11,534,982
FY 2018	\$2,699,737	\$2,984,535	\$11,250,185

Also, according to the Department of Public Safety, the following award amounts were paid out in 2018:

ASSUMPTION (continued)

2018 Deputy Sheriff Salary Supplementation Fund Award/Payments							
County	2018 payment	County	2018 payment	County	2018 payment	County/City	2018 Payment
Andrew	\$33,344	Daviess	\$8,903	McDonald	\$66,490	Schuyler	\$21,658
Audrain	\$8,264	DeKalb	\$21,300	Mercer	\$2,909	Scotland	\$832
Barry	\$78,739	Dent	\$1,345	Miller	\$136,869	Scott	\$16,591
Barton	\$50,884	Dunklin	\$40,347	Moniteau	\$62,721	Shannon	\$24,569
Bates	\$29,291	Gasconade	\$26,009	Monroe	\$35,921	Shelby	\$11,482
Benton	\$44,518	Grundy	\$16,543	Montgomery	\$2,234	St. Francois	\$39,241
Bollinger	\$12,617	Henry	\$40,365	Oregon	\$28,283	St. Louis City	\$48,556
Butler	\$47,752	Hickory	\$32,679	Osage	\$28,864	Stoddard	\$23,652
Caldwell	\$5,941	Holt	\$28,921	Ozark	\$41,012	Stone	\$8,648
Callaway	\$2,904	Howard	\$15,860	Pemiscot	\$42,446	Sullivan	\$2,258
Camden	\$112,927	Howell	\$87,044	Perry	\$40,123	Texas	\$96,858
Cape G.	\$3,023	Iron	\$81,855	Pettis	\$98,172	Vernon	\$24,069
Carter	\$51,667	Johnson	\$46,686	Polk	\$62,867	Washington	\$109,586
Cedar	\$96,996	Knox	\$22,640	Pulaski	\$13,703	Wayne	\$13,761
Chariton	\$34,027	Laclede	\$22,889	Randolph	\$45,149	Webster	\$11,741
Christian	\$6,563	Linn	\$33,153	Ray	\$16,007	Worth	\$15,918
Clinton	\$63,505	Livingston	\$15,083	Reynolds	\$35,133	Wright	\$81,860
Dade	\$99,341	Macon	\$959	Ripley	\$79,691		
Dallas	\$60,551	Maries	\$38,709	Saline	\$71,965	TOTAL	\$2,885,980

Source: Department of Public Safety

Oversight assumes the proposal would allow sheriffs in the above counties to specifically appoint persons to serve a summons, writ, or subpoena and collect the \$10 specified in statutes. Oversight assumes this will not materially increase collections into the Deputy Sheriff Salary Supplementation Fund.

§190.292 - 190.462 and §650.330 Emergency Communication Services

Officials at the **Office of Administration Division of Budget and Planning (B&P)** assume this has no direct fiscal impact on B&P, has no direct impact on General and Total State Revenue nor does it impact the calculation pursuant to Article X, Section 18(e).

Officials at the **Department of Revenue (DOR)** believe this proposed legislation is clarifying language for SS SCS HCS HB 1456 that was TAFP 2018. All administrative impacts were included in the fiscal note response for HB 1456 (2018).

ASSUMPTION (continued)

Section 190.460 states that beginning January 1, 2019, a three percent service charge on prepaid wireless emergency telephone retail transactions is imposed. However, a seller may elect to not apply such service charge on a sale of less than fifteen dollars. This section changes the minimal requirement amounts from fifteen dollars to five dollars, or a sale of ten minutes or less. This section also states that the first fifteen dollars of a retail sale shall not be subject to the service charge.

The Department assumes this proposed legislation will have no administrative impact, but notes due to phones now being included in Section 190.460, the overall impact will be higher than HB 1456. Due to the lack of data available, the Department is unable to establish a fiscal impact.

DOR notes in §190.335 that currently, any county that has authorized a tax levy under this section, and such tax is reduced automatically in future years, is prohibited from submitting to the voters a proposal authorized under this section to be approved that is greater than the amount of the reduction. This section removes that provision for Cass County.

Officials at the **Missouri Highway Patrol** assume there is no fiscal impact from this proposal.

Officials at the **Springfield Police Department** assume there is no fiscal impact from this proposal.

Oversight assumes some changes in the proposal could decrease revenues collected for 911 services, and at least one change (as noted by DOR above) could increase taxes collected for 911 services. Oversight does not have information to produce an estimate, so will reflect an unknown impact to political subdivisions.

§488.5050 - Extends the expiration date of the DNA Profiling Analysis Fund

In response to similar legislation filed this year, HB 37, officials from the **Department of Public Safety - Missouri State Highway Patrol (MHP)** stated this proposal extends the expiration of a criminal court surcharge for the DNA Profiling Analysis Fund from August 28, 2019, to August 28, 2029.

Pursuant to 650.052, RSMo, the MHP is designated as the central repository for the DNA profiling system known as CODIS or the Combined DNA Index System. The CODIS Unit of the MSHP Crime Laboratory manages the Offender DNA Profiling program and collaborates with the seven other Missouri CODIS laboratories, allowing for their participation in the National DNA Index System. The CODIS Unit receives an average of 21,000 offender DNA samples annually for entry into CODIS, where they are searched against DNA profiles developed from

ASSUMPTION (continued)

crime scene evidence, unidentified human remains, and missing persons. To date, this program has assisted over 14,300 investigations. It is an invaluable tool for law enforcement in Missouri and nationwide.

It costs \$28.93 per sample/DNA profile in raw consumables to produce a DNA profile by our CODIS unit. If labor costs, instrument, and software maintenance are included, the cost per sample/DNA profile can approach \$46.13.

Failure to address this funding source will not only result in a laboratory budgetary shortfall of approximately \$968,651 each year or the discontinuation of the program which would result in an average of 21,000 offender DNA samples annually not being registered in the CODIS DNA database but could also obviate a return on investment to the citizens of Missouri.

Additional internal calculations are based on the 2017 MSHP Criminal Justice Information Services (CJIS) arrest statistics and the Crime Lab 2017 arrestee offender sample intake. FTE needs and cost calculations are based on the unit's present estimated processing capacity and operational costs.

Oversight does not have any information contrary to that provided by the MHP. Therefore, Oversight will reflect MHP's impact for fiscal note purposes.

Oversight notes the proposal extends income to the DNA Profiling Fund (0772). The balance of the fund at December 31, 2018 was \$3,550,916 and receipts into this fund over the past five fiscal years have been:

FY2018 - \$1,170,953
FY2017 - \$1,169,311
FY2016 - \$1,224,606
FY2015 - \$1,279,702
FY2014 - \$1,323,673

(Source: Missouri State Treasurer, Fiscal Year End Fund Activity Reports).

Oversight notes over the past five years, this fund averaged \$1,233,649 in annual receipts ($\$1,170,953 + \$1,169,311 + \$1,224,606 + \$1,279,702 + 1,323,673 = \$6,168,245 / 5$). For fiscal note purposes, Oversight will use the five-year average as a basis of annual collections into this fund. Oversight assumes income to the fund will more than exceed MHP's estimated costs for the program.

<u>FISCAL IMPACT - State Government</u>	FY 2020	FY 2021	FY 2022
MISSOURI 911 SERVICES TRUST FUND			
<u>Income</u> - Changes to §190.460.2 & .3	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> - various changes including §190.292.13 & §190.335.14	\$0 or (Unknown)	\$0 or (Unknown)	\$0 or (Unknown)
<u>Distribution</u> - to political subdivisions	Unknown to (Unknown)	Unknown to (Unknown)	Unknown to (Unknown)
ESTIMATED NET EFFECT TO THE MISSOURI 911 SERVICES TRUST FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
DNA PROFILING ANALYSIS FUND (0772)			
<u>Income</u> - Extension of Expiration Date for §488.5050 from 08/28/19 to 08/28/29	<u>\$1,028,041</u>	<u>\$1,233,649</u>	<u>\$1,233,649</u>
ESTIMATED NET EFFECT ON THE DNA PROFILING ANALYSIS FUND	<u>\$1,028,041</u>	<u>\$1,233,649</u>	<u>\$1,233,649</u>

FISCAL IMPACT - Local Government FY 2020 FY 2021 FY 2022

POLITICAL SUBDIVISIONS

<u>Distribution</u> from state's Missouri 911 Services Trust Fund	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>
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ESTIMATED NET EFFECT TO POLITICAL SUBDIVISIONS	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>	Unknown to <u>(Unknown)</u>
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FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

This act modifies provisions relating to emergency communication services.

§488.5050 adds Chapter 579, RSMo, relating to controlled substances offenses, to the class of circuit court proceeding costs for which a surcharge of \$60 shall be assessed. Additionally, the bill extends the expiration date of the provisions of the bill to August 28, 2029.

This act contains an emergency clause.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

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SOURCES OF INFORMATION

City of Kansas City
Department of Revenue
Missouri Highway Patrol
Office of Administration Division of Budget and Planning
Office of State Courts Administrator
Springfield Police Department



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