

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2601-03
Bill No.: SB 854
Subject: Crimes and Punishment; Sunshine Law; Health
Type: Original
Date: January 29, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)
Total Estimated Net Effect on <u>All</u> State Funds	Less than (\$100,000)	Less than (\$100,000)	Less than (\$100,000)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 5 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – State Water Patrol, – State Emergency Management Agency, – Capitol Police, – State Highway Patrol, – Missouri Veterans Commission, – Director’s Office, Department of Mental Health, Department of Natural Resources, and the Department of Economic Development – Division of Professional Registration** assume the proposed legislation would have no fiscal impact on their agencies.

Officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on the courts.

Officials from the **Office of Attorney General** and the **Office of Prosecution Services** assume the costs of the proposed legislation could be absorbed within existing resources.

Officials from the **Department of Conservation (MDC)** assume the proposed legislation would have minimal impact on MDC funds.

Oversight assumes the costs of the proposed legislation could be absorbed within existing MDC resources.

Officials from the **Office of State Public Defender** assume, for the purpose of the proposed legislation, that existing staff could provide representation for those hopefully few cases arising where indigent persons were charged with possession of or use of weapons of mass destruction or biological terrorism. However, passage of more than one bill increasing penalties on existing crimes or creating new crimes would require the State Public Defender System to request increased appropriations to cover the cumulative cost of representing indigent persons accused in the now more serious cases or in the new additional cases.

Officials from the **Office of Secretary of State (SOS)** assume the proposal creates the “Governor’s Expert Emergency Epidemic Response Committee” (Committee), which may adopt rules to implement the provisions of this act. These rules will be published in the *Missouri Register* and the *Code of State Regulations*. Based on experience with other divisions, the rules, regulations, and forms issued by the Committee could require as many as 20 pages in the *Code of State Regulations* and half again as many pages in the *Missouri Register*, as cost statements, fiscal notes, and the like are not repeated in the Code. The estimated cost of a page in the *Missouri Register* is \$23 and the estimated cost of a page in the *Code of State Regulations* is \$27. Based on these costs, the estimated cost of the proposal is \$1,230 in FY 03 and unknown in subsequent years. The actual cost could be more or less than the numbers given. The impact of this legislation in future years is unknown and depends upon the frequency and length of rules

filed, amended, rescinded, or withdrawn.

ASSUMPTION (continued)

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

Officials from the **Office of the Governor (GOV)** assume the fiscal impact on their office is Unknown. There could be costs associated with the “Governor’s Expert Emergency Epidemic Response Committee.”

Oversight assumes the GOV could absorb the cost of the proposal within existing resources.

Officials from the **Department of Corrections (DOC)** assume they cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost either through incarceration (FY 01 average of \$35.78 per inmate per day, or an annual cost of \$13,060 per inmate) or through supervision provided by the Board of Probation and Parole (FY 01 average of \$3.34 per offender per day, or an annual cost of \$1,219 per offender).

The DOC is unable to determine the number of additional inmate beds that may be required as a consequence of passage of this proposal. Estimated construction cost for one new medium to maximum security inmate bed is \$55,000. Utilizing this per-bed cost provides for a conservative estimate by the DOC, as facility start-up costs are not included and entire facilities and/or housing units would have to be constructed to cover the cost of housing new commitments resulting from the cumulative effect of various new legislation, if adopted as statute.

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, the DOC assumes the impact would be less than \$100,000 per year.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
Costs – Department of Corrections Incarceration/Probation costs	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>	Less than <u>(\$100,000)</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

DESCRIPTION

The proposed legislation is entitled "The Terrorism Prevention Act." This proposal would add an exemption to Sunshine Law, allowing closure of meetings and records directly and indirectly related to terrorism readiness information.

The proposal would require the chief executive office of a hospital to develop a written preparedness plan.

The proposal creates the "Governor's Expert Emergency Epidemic Response Committee" to develop a supplement to the state disaster plan by January 1, 2003.

The proposal also would create felonies for the possession of and unlawful use of weapons of mass destruction, biological terrorism, destruction of public resources, threatening to use weapons of mass destruction and possession of biological agents.

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

SOURCES OF INFORMATION

Department of Public Safety

- State Water Patrol
- State Emergency Management Agency
- Capitol Police
- State Highway Patrol
- Missouri Veterans Commission

Office of Attorney General

Office of State Public Defender

Office of Prosecution Services

Office of State Courts Administrator

Department of Conservation

Department of Economic Development

- Division of Professional Registration

Office of Secretary of State

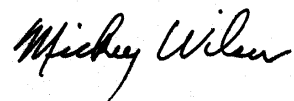
Department of Mental Health

Department of Corrections

Department of Natural Resources

Office of the Governor

NOT RESPONDING: Department of Health and Senior Services



Mickey Wilson, CPA
Acting Director

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