

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3084-23
Bill No.: Truly Agreed To And Finally Passed CCS for HS for HCS for SCS for SB 712
Subject: Emergencies; Health Care; Health Care Professionals; Health, Public; Governor & Lt. Governor; Health Dept.; Medical Procedures and Personnel; Public Safety Dept.
Type: Original
Date: June 3, 2002

FISCAL SUMMARY

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
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 9 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of Administration - Division of Risk Management, Department of Economic Development (DED) - Public Service Commission, DED - Professional Registration, Office of State Public Defender, Missouri Senate, Office of the Governor, Department of Mental Health, Department of Health and Senior Services, Department of Public Safety (DPS) - Division of Water Safety/Water Patrol, DPS - State Emergency Management Agency, Missouri Department of Conservation and Department of Social Services** assume the proposed legislation will have no fiscal impact to their organizations.

Officials from the **Department of Agriculture (AGR)** stated that section 38.103, subsection 4, requires every veterinarian, livestock owner, veterinary diagnostic laboratory director, or other person having the care of animals to report within 24 hours to the public health authority animals having or suspected of having any disease that may be caused by bioterrorism, epidemic or pandemic disease. The Division of Animal Health currently has a reporting policy in place following the guidelines as set forth in Department of Health, 19 2CSR 20.20.040, section 1 and 2, on any reportable disease. Also, accredited veterinarians are required to notify state or federal veterinarians of any diagnosed or unusual disease condition that is reportable or is diagnosed as a foreign Animal Disease. Therefore, the Division of Animal Health assumes the proposed legislation would not fiscally impact the AGR.

Officials from the **Office of State Courts Administrator** stated the proposed legislation would create a number of new crimes and penalties relating to terrorism; establish the "Joint Committee on Terrorism, Bioterrorism, and Homeland Security" in the general assembly; and make changes in the "wiretap" laws.

While there may be some additional cases, there should not be a significant impact on the workload of the judiciary.

Officials from the **Office of Attorney General and Office of Prosecution Services** assume any costs associated with the proposed legislation would be absorbed within current funding levels.

Officials from the **Missouri House of Representatives** stated there should be no cost to the House. Any cost the House Members would incur is assumed would be absorbed in an appropriation established for joint committee reimbursements.

Officials from the **Department of Highways and Transportation (DHT)** stated the Manual on Uniform Traffic Control Devices (MUTCD) has a standard sign to be used when hazardous cargo is prohibited. The sign would be 2 feet by 2 feet in size and mounted on a wood post. The estimated cost to install one sign would be \$250. Two signs would be installed on each side of the tunnel for a total cost of \$500.

ASSUMPTION (continued)

Signing for other routes where hazardous cargo is prohibited can not be estimated since there are no routes currently designated.

Oversight assume the DHT can absorb the cost of the two signs within its current funding levels.

Officials from the **Department of Public Safety (DPS) - Office of the Adjutant General (OTAG)/Missouri National Guard (MONG)** stated it is assumed that when the OTAG/MONG and the organized militia are directed to help enforce provisions of the act that the National Guard (the organized militia) will be ordered by the Governor under RSMo, 41.480. In this case, all expenditures related to duty performed by the organized militia at the call of the Governor are funded through a special National Guard Emergency appropriation in the Governor's budget. This appropriation is appropriated as \$1E because of the uncertainty of the scope of emergency missions to be assigned. Therefore, the OTAG/MONG officials assume the proposed legislation will have no effect on their organization.

Officials from the **DPS - Missouri Highway Patrol (MHP)** stated the MHP's Commercial Vehicle Enforcement Division would require additional training for personnel, but it is expected those training expenses would be minimal. Therefore, the MHP anticipates no fiscal impact from the proposed legislation.

Officials from the **Office of the Secretary of State (SOS)** state this bill creates the Joint Committee on Terrorism, Bioterrorism, and Homeland Security and modifies various provisions regarding declared states of emergencies. The Department of Health and Senior Services and the Department of Public Safety will promulgate rules to implement this bill. Based on experience with other divisions, the rules, regulations and forms issued by the Department of Health and Senior Services and the Department of Public Safety could require as many as 94 pages in the *Code of State Regulations*. For any given rule, roughly one-half again as many pages are published in the *Missouri Register* as are published in the Code because cost statements, fiscal notes and notices are not published in the Code. The estimated cost of a page in the *Missouri Register* is \$23.00. The estimated cost of a page in the *Code of State Regulations* is \$27.00. The actual costs could be more or less than the numbers given. The fiscal impact of this legislation in future years is unknown and depends upon the frequency and length of rules filed, amended, rescinded and withdrawn. The SOS estimates the cost of this legislation to be \$5,781 [(94 pp x \$27) + (141 pp x \$23)].

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. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

ASSUMPTION (continued)

Officials from the **Department of Corrections (DOC)** stated this bill relates to terrorism and modifies several different sections of the statutes. Changes in penalty provisions, the component of the bill to have potential impact for the DOC, are both in enhancement of current felony law and adding new felony statutes.

The DOC officials stated 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). Supervision by the DOC through probation or incarceration would result in additional unknown costs to the DOC. Eight (8) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually.

Supervision by the DOC through incarceration or probation would result in additional costs and although the exact fiscal impact is unknown due to the cumulative effect of this bill, it is estimated that potential costs will be in excess of \$100,000 per year.

Officials from the **Department of Natural Resources (DNR)** provided the following assumptions to the proposed legislation:

Terrorism:

This provision would modify various provisions regarding declared states of emergencies and would not have a direct fiscal impact on the DNR.

Emergency Response/Transporting Hazardous Materials:

This provision prohibits transporting of hazardous materials in tunnels and on certain highways designated by the highway commission.

The Missouri State Water Patrol may close any waters of the state if they present an unreasonable danger to persons or property.

ASSUMPTION (continued)

Establishes knowingly contaminating any public or private water supply or any water supply with the purpose of causing death or serious physical injury to another person as a class B felony.

These provision do not have a direct fiscal impact on the DNR.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE			
<u>Costs - Department of Corrections</u>			
Additional Commitments and Parole Supervision	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>
Total <u>Costs</u> - Department of Corrections	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$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

A new section creates the Joint Committee on Terrorism, Bioterrorism and Homeland Security to be composed of seven members of the House and seven members of the Senate. Appointments will continue during the member's term of office. No party may be represented by more than four members from either chamber. The Committee must analyze current efforts, devise a standard reporting system, DESCRIPTION (continued)

determine changes needed, and make other recommendations. The Committee must meet within thirty days after its creation and must meet at least quarterly thereafter. A report is due by January 15th of each year. This portion of the act will expire December 31, 2007 (Section 38.050). Definitions are provided for "bioterrorism" and related terms (Section 44.010).

Current law authorizes the State Emergency Management Agency (SEMA) to activate in the event of an earthquake or other natural disaster. This act allows SEMA to activate volunteers in the event of any disaster (Section 44.023).

Currently, the law allows a twelve-month temporary license for a health care practitioner licensed in another state who is acting under military orders and is enrolled in a trauma and disaster response training in this state. This act adds a second category to also allow temporary licensure of a health care practitioner licensed in another state and acting pursuant to a Governor's declaration of a state public health emergency. Temporary licensure for this category will be issued for a two- week period and, after verification of qualifications, may be reissued every two weeks. Licensure information for all three categories may be obtained by any means, including electronic mail. The term "health care professional" means as defined in Section 383.130, which includes physicians, dentists, podiatrists, pharmacists, psychologists, or nurses.

A new section defines "hazardous materials" and prohibits the transportation of such materials in, through, or within 300 feet of any highway tunnel in the state. Violators will be guilty of a Class B misdemeanor for first offenses and a Class A misdemeanor for subsequent offenses (Section 304.370).

Currently, the Missouri State Water Patrol can uniformly mark state waters. This act authorizes the Patrol, with the consent of the Director of Public Safety, to close waters due to any actual or imminent man-made or natural disaster (Section 306.124).

Currently, commercial motor vehicle operators who are transporting hazardous materials must follow hazardous materials regulations. This act imposes a Class A misdemeanor on violators (Section 307.177).

A new section is added which states that a person is guilty of a class D felony if such person is convicted for knowingly intercepting, endeavoring to intercept or procuring any other person to intercept any wire communication, knowingly using, endeavoring to use or procuring any person to use any electronic, mechanical, or other device to intercept any oral communication when such device transmits communications by radio or interferes with the transmission of such communication, knowing disclosing to any other person the contents of any wire communication, when he knows that the

DESCRIPTION (continued)

information was obtained through the interception of a wire communication, or knowingly uses the contents of any wire communication. This does not prohibit the use by law enforcement officers of body microphones and transmitters in undercover investigations for the acquisition of evidence and the protection of law enforcement officers and other working under their direction

in such investigations. Operators of a switchboard, or an officer, employee, or agent of any communication common carrier, whose facilities are used in the transmission of a wire communication are excluded from these provisions when the facilities and communication are used in the normal course of employment while engaged in any activity which is a necessary incident to the rendition of his services. (Section 542.402)

The prosecuting attorney of a county with written authorization of the attorney general may make application for an order authorizing the interception of a wire communication. The supreme court, upon notice that the attorney general has authorized application for an interception of a wire communication, shall appoint a circuit court of another jurisdiction to approve or deny the application and to issue the necessary orders if there is probable cause to believe that the interception may provide evidence of a felony which involves the manufacture or distribution of a controlled substance, or the felony of murder, arson, or kidnaping, or a terrorist threat, or any conspiracy to commit any of these crimes. (Section 542.404)

The contents of any wire communication intercepted shall be recorded on tape or wire or other comparable device. Immediately upon the expiration of the period of the order, such recordings shall be made available to the court. Custody of the recordings shall be whatever the court orders. The recordings shall not be destroyed except upon an order of the issuing court. Any violations of this section shall be punishable as a class A misdemeanor.

A new section creates the crime of water contamination when a person knowingly introduces any dangerous agent or substance into any waters or water supply with the purpose of causing death or serious injury. Violation of this section is a Class B felony (Section 569.072). This act adds the theft of ammonium nitrate to the definition of the crime of stealing (Section 570.030).

Current law prohibits the possession, manufacture, transport, repair, or sale of certain weapons. This act adds to the weapons list an explosive, incendiary, or poison substance or material (Section 571.020). This act expands the crime of making a terrorist threat to include the communication of a threat to cause an incident involving danger to life or a false belief or fear that an incident has occurred. A new intent provision is also added for when a threat is made with criminal negligence with regard to the risk of causing the evacuation, quarantine, or closure of a building or other facility (Section 574.115).

DESCRIPTION (continued)

A new section creates the crime of "supporting terrorism" if a person supports any organization designated as a foreign terrorist organization. Violation is a Class C felony (Section 576.080). This act changes the crime of "spreading disease to livestock or animals" to "agroterrorism" and includes crops and poultry along with livestock (Section 578.008).

This act adds an exemption to the Sunshine Law, allowing closure of meetings and records regarding specific information on certain terrorism readiness issues. However, certain information regarding municipal utilities and information regarding costs of security measures shall not be considered closed. Subdivision (19), regarding security measures, is modified to require a statement in writing against disclosure. The provisions of subdivision (19) will sunset on December 31, 2006. A new subdivision (20) is added to allow the closure of certain records identifying the configuration or operation of computer or telecommunications systems. A new subdivision (21) is also added to allow the closure of certain electronic transactions between a public governmental body and its business counterparts (Section 610.021).

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

Office of Administration - Division of Risk Management

Department of Social Services

Missouri House of Representatives

Department of Mental Health

Department of Highways and Transportation

Department of Public Safety

- Office of the Adjutant General/Missouri National Guard

HW-C:LR:OD (12/01)

- Missouri Highway Patrol
- Division of Water Safety/Water Patrol
- State Emergency Management Agency

Office of Secretary of State

Missouri Department of Conservation

Department of Corrections

Department of Economic Development

- Public Service Commission

- Division of Professional Registration

Office of State Public Defender

Office of Prosecution Services

Office of the Governor

Department of Natural Resources

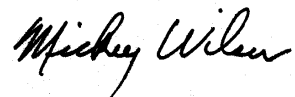
Department of Agriculture

Missouri Senate

Department of Health and Senior Services

Office of State Courts Administrator

Office of Attorney General



Mickey Wilson, CPA

Acting Director

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