

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3182-02
Bill No.: SB 1070
Subject: Boats and Watercraft; crimes and punishments; environmental protection; lakes, rivers and waterways; Natural Resources Dept.
Type: Original
Date: January 30, 2004

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2005	FY 2006	FY 2007
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue, Department of Public Safety - Water Patrol, and Office of State Courts Administrator** assume the proposed legislation will not fiscally impact their organization.

Officials from the **Secretary of State's Office** assume this proposal modifies procedures for protection of shipwreck sites. The Department of Natural Resources could promulgate rules to enact this proposal. Based on experience with other division, the rules, regulations, and forms issued by the Department of Natural Resources could require as many as 6 pages in the Code of State Regulations and half again as many pages in the Missouri Register because cost statements, fiscal notes and the like are not repeated in Code. These costs are estimated. The estimated cost of a page in the Missouri Register is \$23 and the estimated cost of a page in the Code is \$27. The actual costs could be more or less than the numbers given. $[(6 \times \$27) + (9 \times \$23) = \$369]$

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

ASSUMPTION (continued)

Officials from the **Department of Natural Resources (DNR)** assume this proposal introduces a tiered system of permits for research, exploration and salvage. The department does not anticipate any need for increased staffing or E&E due to this proposal.

While it is estimated that there are over 600 shipwrecks in Missouri's waterways, in reality, the anticipated volume of any activity involving shipwrecks in a given year is likely to remain relatively low.

It is unknown what effect the proposed tiered system of permit fees would have on the revenue stream generated from shipwreck permits.

Officials from the **Department of Transportation** assume this proposal is unknown. The impact cannot be determined as the frequency of encountering sunken shipwrecks when building highways and highway bridges cannot be predicted. Also, the costs of contracting with consultants who are certified maritime archeologists is unknown. The additional cost of renting space for storage of such artifacts as required by this proposal is also unknown.

Officials from the **Department of Economic Development** have not responded to the proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2005 (10 Mo.)	FY 2006	FY 2007
	<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

This act creates procedures for the protection of historic shipwrecks. All historic shipwreck materials which have been abandoned on lands beneath navigable waters shall belong to the state. The Department of Natural Resources shall be responsible for oversight of the acceptable visitation, study and salvage of historic shipwrecks.

Before salvaging a shipwreck, positive identification of each shipwreck is required. Persons must apply for an exploratory permit from the department which allows the person to search for and identify the precise location of the shipwreck. An exploratory permit is not necessary if the shipwreck has been previously identified. The permit holder shall have one year to demonstrate that the specific shipwreck has been located. After the exploratory permit expires, the person must wait one year before applying for a new exploratory permit for the same shipwreck.

Professional maritime archaeologists must apply for a research permit in order to perform any activity associated with any survey or research project.

The act requires any person wishing to salvage an identified shipwreck to have a salvage permit. The applicant must have some association with a professional maritime archaeologist who directs, on site, all aspects of the proposed excavation. No exploratory or salvage permit shall be issued for shipwrecks in state parks or historic sites.

The state is prohibited from limiting visitation to shipwrecks unless threats are apparent to natural resources, the shipwreck site or visitors to the site. The state must make clear the dangers of diving on submerged shipwrecks. Any person who knowingly take historic shipwreck materials from a shipwreck or destroys or vandalizes a shipwreck is guilty of a Class A misdemeanor for the first offense and a Class D felony for the second or subsequent offense.

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

Department of Natural Resources
Secretary of State's Office
Department of Revenue
Department of Public Safety
Office of State Courts Administrator
Department of Transportation

NOT RESPONDING

Department of Economic Development

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
January 30, 2004