

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3084-19
Bill No.: HS for HCS for SCS for SB 712, as Amended
Subject: Emergencies; Health Care; Health Care Professionals; Health, Public; Governor & Lt. Governor; Health Dept.; Medical Procedures and Personnel; Public Safety Dept.
Type: Original
Date: May 13, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Safe Drinking Water	\$2,000,000	\$2,400,000	\$2,400,000
General Revenue*	(Unknown exceeding \$100,000)	(Unknown exceeding \$100,000)	(Unknown exceeding \$100,000)
Total Estimated Net Effect on <u>All State Funds</u>**	Unknown less than \$1,900,000	Unknown less than \$2,300,000	Unknown less than \$2,300,000

* Subject to Appropriations

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0	\$0	\$0

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

#Excludes potential unknown costs to institutions of higher education for foreign student visa tracking.

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 11 pages.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator (CTS)** stated the proposed legislation would create the “Joint Committee on Terrorism, Bioterrorism and Homeland Security.” There are various provisions for judicial enforcement of the act.

Because of the broad provisions of this act, and because many of the situations covered have not been addressed or experienced before, the CTS has no way of determining what the impact on the judiciary might be.

For the purposes of this fiscal note, the CTS will assume there will not be a budgetary impact. If the assumption proves erroneous, the CTS will address a workload impact in future budget requests.

Officials from the **Missouri House of Representatives (MHR)** stated the MHR is assuming that any costs incurred by the House Members would be absorbed by the joint appropriation established for joint committee purposes.

Officials from the **Office of Prosecution Services** and **Office of Attorney General** assume any costs associated with the proposed legislation can be absorbed within the existing resources of their organizations..

Officials from the **Department of Revenue, Department of Public Safety (DPS) - Missouri Highway Patrol, DPS - State Emergency Management Agency, DPS - Missouri State Water Patrol, Office of Administration (COA) - Division of Risk Management, COA - Division of Budget and Planning, COA - Division of Accounting, Department of Health and Senior Services, Office of the Governor, Department of Elementary and Secondary Education, Department of Social Services, Department of Mental Health, Missouri State Employees Retirement System** and **Missouri Department of Conservation** assume the proposed legislation would have no fiscal impact on their organizations.

Officials from the **Missouri Senate** stated the proposed legislation would have no fiscal impact on their organization. Any costs associated with the legislation would be absorbed within current appropriations.

Officials from the **Department of Agriculture (AGR)** stated in 38.103, subsection 4, requiring 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 ASSUMPTION (continued)

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 **Coordinating Board for Higher Education (CBH)** stated the proposed legislation would have no fiscal impact on the CBH. However, flight schools, technical colleges, vocational schools, universities and colleges should also be contacted for their responses as implementing this plan may cost them additional funding.

Oversight has no information available from institutions of higher education regarding how the proposed legislation might affect those entities. Therefore, costs proposed in this fiscal note will exclude potential unknown costs these institutions might incur to implement the proposed legislation.

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.

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 Natural Resources (DNR)** provided the following assumptions relating to the proposed legislation:

Terrorism

This provision does not remove the department's authority; therefore, no direct fiscal impact would be anticipated.

Emergency Response/Transporting Hazardous Materials

The department assumes that if there was an environmental emergency that required the department's Environmental Emergency Response staff to respond on any waters of the state closed by the Water Patrol, they would be given access to the emergency.

ASSUMPTION (continued)

There is federal law addressing the contamination of a water source but there is no corresponding state statute. The department's authority is not changed by this provision.

The department will not be fiscally impacted by this provision.

Peace Officer/Death Benefit

This provision would provide a death benefit of \$150,000 for the surviving spouse, children, parent or parents of a public safety officer who dies in the line of duty.

The department's state park rangers have been added to the definition of a public safety officer. The department has 47 state park rangers and 6 commissioned state park superintendents that would be included in the definition of a public safety officer and therefore eligible for death benefits.

This proposal will not require the division to pay the insurance premiums associated with the proposed death benefits; therefore, this provision will not fiscally impact the DSP.

Training/Technical Assistance Public Water Systems; Drinking Water Primacy Fee

The department assumes that during this time of need, the training and technical assistance to public water systems required in this provision would be provided with existing resources.

Current law contains a September 1, 2002 sunset for collecting the drinking water primacy fee. This fee costs Missouri households 66¢ - \$2.00 per year and generates approximately \$2.4 million in revenues annually to the Safe Drinking Water Fund. This provision would extend the sunset date until September 1, 2007. The provision does not change the department's authority but would continue to fund an existing program.

Oversight assumes the fiscal impact of this proposal would be \$2.4 million per year in revenues to the Safe Drinking Water Fund, beginning September 1, 2002.

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 Natural Resources, Department of Health and Senior Services and 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 Department of Public Safety could require as many as 106 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 ASSUMPTION (continued)

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 \$6,519 [(106 pp x \$27) + (159 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.

Officials from the **Department of Corrections (DOC)** stated that currently the DOC cannot predict the number of new commitments which may result from the various creations 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). 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 **Office of State Public Defender** did not respond to our request for a statement of fiscal impact.

Based on a response received from the **Office of Administration (COA)** for similar legislation proposed this session, it was assumed the proposal would pay a \$150,000 death benefit to the survivor of any Public Safety Officer who dies in the line of duty. These payments will be administered by the COA.

ASSUMPTION (continued)

With the assumption of 6 (number of deaths in 2001) Public Safety Officers dying in the line of

duty per year, this proposal would have a fiscal impact of \$900,000 (6 x \$150,000) per year to the General Revenue Fund.

Oversight assumes total death benefits per year would be limited to the appropriation, so would be limited each year by the General Assembly. Oversight will use the estimate of 6 Public Safety Officers, resulting in \$900,000 per year in benefits, subject to appropriation. Oversight has ranged the fiscal impact from \$0 (no officers dying, hopefully) to \$900,000.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
SAFE DRINKING WATER FUND			
<u>Revenue - Primacy Fees</u>	<u>\$2,000,000</u>	<u>\$2,400,000</u>	<u>\$2,400,000</u>
ESTIMATED NET EFFECT ON THE SAFE DRINKING WATER FUND	<u>\$2,000,000</u>	<u>\$2,400,000</u>	<u>\$2,400,000</u>
GENERAL REVENUE FUND			
<u>Costs - Department of Corrections</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>	<u>(Unknown exceeding \$100,000)</u>
Additional Commitments and Paroles			
	<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>Costs - Death Benefits to Public Safety Officers*</u>	\$0 to (\$900,000)	\$0 to (\$900,000)	\$0 to (\$900,000)
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>

* **Subject to Appropriation**

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<u>\$0#</u>	<u>\$0#</u>	<u>\$0#</u>

#Excludes potential unknown costs to institutions of higher education for foreign student visa tracking.

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, 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.

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. (Section 190.500).

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).

DESCRIPTION (continued)

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).

Current law allows the Attorney General to bring an action for the violation of merchandising practices law. This act allows the AG to bring an action if charitable organizations violate such practices (Section 407.472).

New sections prohibit price gouging during consumer market disruptions. This act also establishes the practice of unfair leverage when selling essential consumer merchandise during a consumer market disruption. Certain information may be offered as evidence of unfair leverage (Sections 407.760 and 407.762).

Current law allows probate to begin in certain circumstances. New language adds an individual's exposure to a specific peril of death due to a terrorist event to the list of circumstances (Section 473.697). The law currently allows a presumption of death after five years and without proof otherwise. New language provides that it will be sufficient to presume a person dead at any time after that person was exposed to a specific peril of death, even if five years have not yet elapsed (Section 490.620).

A new section is added which provides a person is guilty of a class D felony upon conviction for knowingly intercepting, endeavors to intercept, or procures any other person to intercept, any wire communication, knowingly uses any device to intercept oral communications when such device transmits communications by radio or interferes with the transmission of such communication. Nothing in this section prohibits the use by law enforcement officers of body microphones and transmitters in undercover investigations. Provisions are made when it is not unlawful to intercept and transmit communications if in the normal course of employment. (Section 542.402)

The prosecuting attorney of a county may make application to the Attorney General for an order authorizing the interception of a wire communication. The supreme court of Missouri, upon notice that the Attorney General has authorized the application, will appoint a circuit court to approve or deny the application when used for the investigation of an offense if there is probable cause to believe the interception may provide evidence of a felony. Any investigative officer or law enforcement officer who has lawfully obtained knowledge of the contents of any wire communication, or evidence derived DESCRIPTION (continued)

therefrom, may disclose the contents to another investigative officer or law enforcement officer

to the extent such disclosure is necessary. (Section 542.404 and 542.406)

Any aggrieved person in any trial, hearing, or other proceeding may move to suppress the contents of any intercepted wire communication, on the grounds that the communication was unlawfully intercepted, the order or approval was insufficient or not in conformity with the order of authorization, or the communication was intercepted in violation of the provisions of the Constitution of the United States or the state of Missouri. (Section 542.414)

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 explosive grade 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).

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).

DESCRIPTION (continued)

This proposal would extend the Missouri drinking water primacy fee to September 1, 2007. (Section 640.100)

This proposal provides a \$150,000 death benefit for public safety officers who are killed in the line of duty. The benefits will be administered by the Office of Administration and funds for benefits will come from General Revenue. Should the number of claims exceed appropriations, the claims will be paid on a pro rata basis. (Section 650.4500

Any institution of higher education which has any student who is enrolled in or attending such institution on a foreign student visa, shall track the visa status of that student and shall report any change in that student's visa status, within 48 hours of becoming aware of it, to the department of immigration and naturalization services.

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

Missouri State Employees Retirement System
Department of Elementary and Secondary Education
Missouri Senate
Missouri Department of Conservation

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

Department of Highways and Transportation
Coordinating Board for Higher Education
Department of Agriculture
Department of Revenue
Missouri House of Representatives
Office of State Courts Administrator
Department of Social Services
Department of Mental Health
Department of Natural Resources
Office of Administration

- Division of Risk Management
- Division of Budget and Planning
- Division of Accounting

Department of Corrections
Office of Prosecution Services
Office of Attorney General
Office of Secretary of State
Department of Health and Senior Services
Department of Public Safety

- Missouri Highway Patrol
- Missouri State Water Patrol
- State Emergency Management Agency

Office of the Governor

NOT RESPONDING: Office of State Public Defender



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