

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4634-01  
Bill No.: HB 1948  
Subject: General Assembly: Emergencies  
Type: Original  
Date: March 12, 2002

**FISCAL SUMMARY**

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

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

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

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, – Liquor Control, – Missouri Veterans Commission, - Division of Fire Safety, - Division of Fire Safety, – Director’s Office**, the **Department of Mental Health**, the **House of Representatives**, the **Department of Natural Resources**, the **Department of Health and Senior Services**, the **Senate**, the **Department of Social Services** and the **Department of Economic Development – Division of Motor Carriers and Railroad Safety** 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 Prosecution Services** assume the costs of the proposed legislation could be absorbed within existing 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 **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

ASSUMPTION (continued)

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.

Officials of **Office of Administration - Division of Facilities Management** noted that there could be costs for leasing needs of the Joint Committee on Terrorism, Bioterrorism, and Homeland Security.

**Oversight** notes that costs for facilities for the proposed Joint Committee on Terrorism, Bioterrorism, and Homeland Security and for employees of the Joint Committee would become decision items in budget requests.

FISCAL IMPACT - State Government                      FY 2003                      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>
--	---------------------------------	---------------------------------	---------------------------------

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b>Less than <u>(\$100,000)</u></b>	<b>Less than <u>(\$100,000)</u></b>	<b>Less than <u>(\$100,000)</u></b>
---	---	---	---

FISCAL IMPACT - Local Government                      FY 2003                      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 proposal would establish a Joint Committee on Terrorism, Bioterrorism, and Homeland

Security. The Joint Committee would make a continuing study and analysis of state government terrorism, bioterrorism and homeland security efforts, devise a standard reporting system to obtain data on each state agency's status in those areas, determine need for legal changes due to its study and analysis, and make recommendations to the General Assembly necessary to provide adequate terrorism, bioterrorism, and homeland security to the citizens of this state.

This proposal would add an exemption to Sunshine Law, allowing closure of and records containing specific information on existing or proposed security vulnerabilities for any building owned or leased by a public governmental body. This exception would sunset December 31, 2007.

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

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 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. This legislation would not affect Total State Revenue.

#### SOURCES OF INFORMATION

Department of Public Safety  
– State Water Patrol  
– State Emergency Management Agency  
– Capitol Police  
– Missouri Veterans Commission  
Office of State Public Defender  
Office of Prosecution Services  
Office of State Courts Administrator  
Department of Economic Development  
– Division of Motor Carriers and Railroad Safety  
Department of Mental Health  
Department of Corrections  
Department of Health and Senior Services

#### SOURCES OF INFORMATION (continued)

House of Representatives  
Senate

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA  
Acting Director  
March 12, 2002