

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3069-01
Bill No.: HB 1242
Subject: Crimes and Punishment; Criminal Procedure; Law Enforcement Officers and Agencies
Type: Original
Date: February 8, 2010

Bill Summary: The proposal requires the Highway Patrol to create, maintain, and make available for public inquiry on the internet a registry of certain drug offenders and requires law enforcement to notify the Department of Natural Resources for cleanup of hazardous materials.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	(Less than \$4,169,838)	(Less than \$4,956,348)	(Less than \$5,105,037)
Total Estimated Net Effect on General Revenue Fund	(Less than \$4,169,838)	(Less than \$4,956,348)	(Less than \$5,105,037)

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 10 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
General Revenue	7	7	7
Total Estimated Net Effect on FTE	7	7	7

Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety – Director’s Office, Boone County Sheriff’s Department**, and the **Jefferson City Police Department** assume the proposal would have no fiscal impact on their agencies.

Section 589.400 – Internet Registry of Drug Offenders

Officials from the **Office of State Courts Administrator (CTS)** assume the proposed legislation would require court clerks to forward a copy of the judgment and date of birth of all persons convicted of certain drug offenses to the Missouri Highway Patrol within 45 days of the judgment. Pursuant to § 43.503, RSMo, and via the criminal records repository, court clerks already furnish this information to the highway patrol. This would include all drug offenses referenced in House Bill 1242.

If a separate electronic reporting system is required, additional costs would be needed to develop and maintain the system. Depending on how the legislation is implemented, there may be a cost, but there is no way to quantify the cost at this time.

Oversight assumes there would be no fiscal impact to the Office of State Courts Administrator, as the court clerks are already furnishing the required information to the Missouri State Highway Patrol.

Officials from the **Department of Public Safety – Missouri State Highway Patrol (MSHP)** assume a simple straight forward non-sophisticated solution which will allow for the manual entry of methamphetamine conviction data into an Internet accessible database.

1. The Office of State Courts Administrator would fax copies of conviction documents, meeting the requirements specified in the proposed legislation, to a central location within the MSHP (i.e., Criminal Justice Information Services Division).
2. The central location within the MSHP would enter the relevant data elements (name, date of birth, the nature and date of all offenses qualifying the offender to be entered into the registry).
3. The Information Systems Division of the MSHP would create and maintain the database structure necessary to host the proposed registry.

ASSUMPTION (continued)

4. Outside consultants will create the coding necessary to allow entry by the central location within the MSHP.

MSHP assumes consultant hours required would be 617 hours at \$82 per hour (state contract rate) = \$50,594. The 617 consultant hours will consist of, but not be limited to, designing, programming, testing and implementing the web-based application and will include but not be limited to designing, developing, testing, and implementing entry of conviction data received from the Department of Corrections for specific applicable charge codes for transfer to the web-based meth registry; developing, testing, and implementing search criteria (i.e., last name; last name, first initial; last name, first name; last name, first name, middle initial; county of conviction, name combinations with county of conviction).

It would require one server for hosting the web based application software and database at an approximate cost of \$10,000. One Websphere license would cost \$4,513.

Recurring costs starting in year two include the recurring license cost for Websphere at a current cost of \$920 and annual application maintenance/upgrade and database reorganization activities which are estimated at 10 hours per year at \$82 per hour (10 x \$82 = \$820).

One-Time Expenditures:

Consultant Fees (617 hours at \$82 per hour)	\$50,594
Internet Registry Server	\$10,000
Websphere License	<u>\$4,513</u>
Total One-Time Costs	\$65,107

Recurring Costs (Starting with Year Two):

Recurring License Costs	\$920
Application Maintenance/Upgrade (10 hours at \$82 per hour)	<u>\$820</u>
Total Recurring Costs	\$1,740

Application Synopsis

The Meth Offender Registry as it is defined for this effort will be a “bare bones” application. There will be no data validation to secondary data sources. There will be no edits on data entry beyond the verification that required fields are present and date fields include only a proper range of values. There will be only two user roles: A system modifier to add, update, and delete entries; and, a system viewer to view the registry over the Internet.

ASSUMPTION (continued)

There will be a single table in this application which is the Meth Offender Registration form. There will be no more than 4 views/reports developed for query of the registry. Those four views/reports are as follows:

1. By last name, first name
2. By last name, first name, middle initial
3. By county of conviction
4. Deleted records (visible to system modifiers only).

The MSHP also assumes that the requirement to notify DNR will not require an electronic interface or other automated solution.

In summary, the MSHP estimates a cost to the General Revenue Fund of \$65,107 in FY 2011 and approximately \$1,800 per year in subsequent years.

Section 1 – Meth Lab Hazardous Substance Clean-up

Officials from the **Department of Natural Resources (DNR)** assume the proposal would require DNR to secure a contractor to identify, clean up, store, and dispose of suspected hazardous substances. This proposal would also require DNR to make every effort to recover costs from the parties responsible for the suspected hazardous substance.

For purposes of this fiscal note, DNR estimated costs to implement Section 1 of this proposal were based upon an estimate of 1,743 methamphetamine laboratories seized in Missouri during calendar year 2009 (final statistics not yet available). This proposal does not provide a funding source; therefore DNR assumes the costs to implement this proposal would be to General Revenue Fund.

This proposal would require law enforcement agencies during an official investigation or enforcement of any illegal drug manufacturing facility that come into contact with or are aware of any substance suspected of being hazardous to notify the department for each incident for the purpose of securing a contractor to identify, clean up, store, and dispose of suspected hazardous substances. Currently anytime a contractor responds on behalf of DNR, a DNR employee provides oversight. DNR assumes an Environmental Specialist would then go to the scene and secure a contractor to clean up, store and dispose of the hazardous substances.

ASSUMPTION (continued)

DNR's current clandestine drug lab collection station (CDLCS) Program employs approximately 2.0 FTE to provide clandestine laboratory investigation training, and health and safety recertification training in cooperation with the Missouri State Highway Patrol. DNR would request an additional four (4) Environmental Specialists III (the minimum classification to provide contractor oversight) (at \$46,248 each) staff to ensure at least one FTE is present in each regional location and one in the central office (these are in addition to the existing two FTE currently in the CDLCS program, for a total of six Environmental Specialists FTE). Two additional vehicles to respond to meth lab incidents would be requested for the two regions that currently do not have the necessary vehicles to respond to such incidents (Northeast Regional Office and Route 66). This would equate to approximately \$53,800 to purchase and equip two pick-up trucks.

This proposal would also require DNR to make every effort to recover costs from the parties responsible for the suspected hazardous substance.

DNR would anticipate that extensive coordination would be needed between the local court systems, law enforcement, and the responsible parties to track and attempt to collect these liabilities. Currently, DNR only seeks cost recovery when response activities exceed \$500. Typically, cost recovery has not been utilized for methamphetamine activities because most incidents individually do not reach that base threshold, a responsible party cannot be located, or the responsible party does not have sufficient recoverable assets. A cost recovery team would be required to manage cost recovery efforts required by this proposal. It should be noted that the probability of recovering costs from the responsible party involved in methamphetamine production may be quite low.

The cost recovery team would consist of one Planner II (at \$46,248 per year) for contract development and management and supervision of the collection unit; an Executive I (at \$35,316 per year) for code management, reporting, invoice development, support case development; and a Senior Office Support Assistant (at \$27,564 per year) to provide clerical support, process invoices, demand letters, deposits, payments (includes validation of 1,700 contractor invoices/reports for on- site work), and database management.

There are approximately over 1,700 incidents each year. A typical FTE is available for work about 225 days each year. That averages approximately 8 new cases every work day. Every case would require documentation of expenses sufficient to serve as evidence in court.

ASSUMPTION (continued)

A \$4.4 million contract spread across 1,700 events in every corner of the state would require significant oversight. To have statewide coverage, DNR would likely be dealing with multiple contractors as it is unlikely to have one contractor to cover the state. DNR would need to establish and manage 1,700 job codes annually for tracking purposes in the state's SAM II system, report expenses (PS and EE), develop invoices, coordinate with law enforcement, collect and deposit revenues. Tracking down RPs on 1,700 cases would involve considerable coordination with law enforcement, considering that these seizures can happen in any jurisdiction (county, city, etc). Many seizures are abandoned sites and investigations would be on going for long periods of time. Other cases would move very quickly. Cost recovery efforts from this particular population would be immensely challenging. Many would not have resources as it is a very transient population while others will be incarcerated. It is likely that cases would need to be developed in conjunction with local prosecutors from across the state and collections may even need to be coordinated through probation and parole. Working with local agencies and courts just to get the cost recovered funds sent to the right agency will be a huge task.

Contractor/Disposal Costs:

The US Drug Enforcement Agency (DEA) utilizes a similar program to cleanup meth labs. The average cost per lab disposal is \$2,500 (based upon DEA estimates). Therefore 1,743 labs x \$2,500 per lab = \$4,357,500 annually.

DNR estimates the total cost of the proposal to exceed \$4 million in FY 2011, and to exceed \$5 million in subsequent years.

Oversight has, for fiscal note purposes only, changed the starting salary for the Environmental Specialist III, Planner II, Executive I, and Senior Office Support Assistant to correspond to the second step above minimum for comparable positions in the state's merit system pay grid. This decision reflects a study of actual starting salaries for new state employees for a six month period and the policy of the Oversight Subcommittee of the Joint Committee on Legislative Research. Oversight assumes the Planner II, Executive I, and Senior Office Support Assistant would not incur the in-state or out-of-state travel expenses, and the fiscal note does not reflect these travel expenses.

Oversight assumes DNR would recover some costs from the parties responsible for the suspected hazardous substances. Oversight assumes this cost recovery to be unknown.

ASSUMPTION (continued)

Officials from the Buchanan County Sheriff's Department, Clark County Sheriff's Department, Columbia Police Department, Independence Police Department, Jackson County Sheriff's Department, Kansas City Police Department, Platte County Sheriff's Department, Springfield Police Department, St. Charles Police Department, St. Joseph Police Department, St. Louis County Police Department, and the St. Louis Metropolitan Police Department did not respond to Oversight's request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
GENERAL REVENUE FUND			
<u>Revenues – Department of Natural Resources (Section 1)</u>			
Cost recovery	Unknown	Unknown	Unknown
<u>Costs – Missouri State Highway Patrol</u>			
Expense and Equipment – to develop and maintain methamphetamine offense registry	(\$65,107)	(\$1,793)	(\$1,846)
<u>Costs – Department of Natural Resources (Section 1)</u>			
Personal Service	(\$218,981)	(\$270,661)	(\$278,781)
Fringe Benefits	(\$114,834)	(\$141,935)	(\$146,193)
Equipment and Expense	(\$139,666)	(\$53,734)	(\$55,345)
EER Contractors	(\$3,631,250)	(\$4,488,225)	(\$4,622,872)
<u>Total Costs – DNR</u>	<u>(\$4,104,731)</u>	<u>(\$4,954,555)</u>	<u>(\$5,103,191)</u>
FTE Change – DNR	7 FTE	7 FTE	7 FTE
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
	<u>(Less than \$4,169,838)</u>	<u>(Less than \$4,956,348)</u>	<u>(Less than \$5,105,037)</u>
Estimated Net FTE Change for General Revenue Fund	7 FTE	7 FTE	7 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses who provide environmental contractor services could benefit from the re-occurring business generated as a result of the proposal.

FISCAL DESCRIPTION

Subject to appropriations, the proposal requires the State Highway Patrol to create, maintain, and make available for public inquiry on the Internet a registry of persons convicted of, found guilty of, pled guilty to, or who were granted a suspended imposition of sentence for certain drug offenses within the past seven years of the most recent judgment.

The proposal also requires law enforcement agencies that come into contact with or are aware of any suspected hazardous substance during an official investigation to notify the Department of Natural Resources in order to secure a contractor to identify, clean up, store, and dispose of the substance except for samples obtained for evidentiary purposes. DNR must make every effort to recover the costs for the clean up from the responsible parties.

This legislation is not federally mandated and would not require additional capital improvements or rental space.

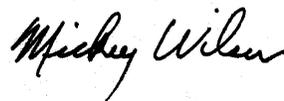
Section 1 of this proposal may duplicate the Department of Natural Resources's clandestine drug lab collection station (CDLCS) program statewide that affords law enforcement agencies a safe, reliable, and cost-effective mechanism to dispose of materials related to methamphetamine production.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Public Safety
– Missouri State Highway Patrol
– Director's Office
Department of Natural Resources
Boone County Sheriff's Department
Jefferson City Police Department

NOT RESPONDING

Buchanan County Sheriff's Department
Clark County Sheriff's Department
Columbia Police Department
Independence Police Department
Jackson County Sheriff's Department
Kansas City Police Department
Platte County Sheriff's Department
Springfield Police Department
St. Charles Police Department
St. Joseph Police Department
St. Louis County Police Department
St. Louis Metropolitan Police Department



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