

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0508-01
Bill No.: HB 774
Subject: Appropriations; State Departments
Type: Original
Date: April 19, 2011

Bill Summary: This proposal provides for the distribution of any unexpended state appropriations by a state department, agency or office.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
General Revenue	Unknown greater than \$57,208,559	Unknown	Unknown
Total Estimated Net Effect on General Revenue Fund	Unknown greater than \$57,208,559	Unknown	Unknown

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 30 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Budget Reserve Fund	Unknown greater than \$28,604,280	Unknown	Unknown
MoDOT Funds	(\$34,863,750)	(Unknown)	(Unknown)
Dept of Health Funds	(\$2,871,732)	(Unknown)	(Unknown)
Dept of Mental Health Funds	(\$2,605,661)	(Unknown)	(Unknown)
Dept of Social Services Fund	(\$548,436)	(Unknown)	(Unknown)
Dept of Public Safety Funds	(\$9,127,980)	(Unknown)	(Unknown)
Dept of Natural Resources	(\$19,500,000)	(Unknown)	(Unknown)
Dept of Insurance Funds	(\$9,547,223)	(Unknown)	(Unknown)
Dept of Agriculture Funds	(\$2,884,949)	(Unknown)	(Unknown)
Dept of Revenue Fund	(\$900,000)	(Unknown)	(Unknown)
Dept of Labor Funds	(\$2,700,000)	(Unknown)	(Unknown)
State Courts Administrator Funds	(\$263,107)	(Unknown)	(Unknown)
Dept of Economic Development Funds	(Unknown)	(Unknown)	(Unknown)
Dept of Elementary & Secondary Education Funds	(Unknown)	(Unknown)	(Unknown)

Total Estimated Net Effect on <u>Other</u> State Funds	(Unknown greater than \$57,208,559)	(Unknown)	(Unknown)
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ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on FTE	0	0	0

- 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 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Budget and Planning (BAP)** assume from a statewide perspective, BAP offers the following concerns:

It is unclear why the language is drafted to Chapter 21 of the statutes

It is unclear how an appropriation allocation could occur.

There is currently no mechanism to retain funds.

It is unclear how an appropriation is deposited into a fund. An appropriation represents spending authority and does not equate to cash that can be deposited or transferred.

Many departments utilize Federal funds and other dedicated revenue sources for payments of their ordinary operation and maintenance expenses. Diverting these funds to the General Fund or Budget Reserve Fund could result in penalties, repayments, or the loss of funding. This section would also violate constitutional provisions for numerous constitutional funds such as the Conservation Fund and State Highway Fund.

The language conflicts with other constitutional and statutory provisions, including:
Article IV, Section 23 - Fiscal year - limitations on appropriations - specification of amount and purpose.

Article IV, Section 27 - Rate of expenditures.

Article IV, Section 27(a) - Budget Reserve Fund established.

This section of the constitution sets the balance of the budget reserve fund at 7.5% of the previous year's net general revenue collections. This percentage is maintained with transfers to/from the General Revenue Fund. Depositing funds into Budget Reserve will not increase the fund balance overall because of the end of year transfers. The fund balance above the constitutional limit of 7.5% must be done by direct appropriation.

Article IV, Section 28 - Treasury withdrawals, how made, certified, appropriation period

Section 33.065, RSMo - Obligations incurred, when

Section 33.080, RSMo - Funds lapse, when

Section 33.290, RSMo - Allotment of Appropriations

OA does not believe the proposal is implementable as currently written; therefore, we cannot estimate a fiscal impact.

Oversight assumes for the purpose of fiscal notes that all legislation is legal, constitutional and can be implemented. Therefore, Oversight asked each agency to obtain the amount of money that would have been transferred out of the individual agency funds had this proposal been in effect on June 30, 2010. The agencies answered as follows:

ASSUMPTION (continued)

Officials at the **Missouri Department of Transportation (MoDOT)** assume the majority of the appropriation balance for the State Road Fund and the State Highways and Transportation Fund is for maintenance expense and equipment which includes pavement improvement projects that span our construction season – March through October. In many cases, the appropriation balances available on June 30th are needed to fund these projects in the succeeding fiscal year. The unexpended balances for all funds help complete projects and programs. By diverting these funds to the Budget Reserve Fund and General Revenue, it could jeopardize the ability to complete projects.

If MoDOT does not expend all of its operation and maintenance appropriations, many of our funds will be negatively affected. Based on 2010 data, the negative impact by fund is:

State Road Fund -\$19,500,000
State Highways and Transportation Department Fund -\$15,000,000
Federal Fund for Multimodal Purposes -\$330,000
Railroad Expense Fund -\$225,000
Highway Safety Fund -\$83,250
State Transportation Fund -\$40,500
Aviation Trust Fund -\$15,000
Total -\$35,193,750

Therefore under this proposal the Budget Reserve Fund would receive \$11,621,250 and the General Revenue Fund would receive 423,242,500.

Officials at the **Department of Health and Senior Services** assume the proposed legislation would exempt all federal appropriations, as this would not be considered allowable under any federal grants the department receives.

Regarding the department's other state funds, the department lapsed a total of \$3,828,976 of appropriation authority from various funds in FY 2010. Based on the intent of the legislation, the department assumes (\$0 to \$957,244) would be transferred to the Budget Reserve Fund, and (\$0 to \$1,914,488) would be transferred to the General Revenue Fund based on the lapse that occurred in FY 2010. The department assumes a range of \$0 up to amount authorized by this legislation because there are various circumstances that would prevent the full amount from being able to be transferred. One major concern is that certain lapse of authority is attributable to an insufficient amount of cash in the fund to expend the authority. For example, the department maintains authority from the Department of Health Donated Fund, which is used only when the department receives donations for a particular purpose or program. When donation revenue is

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ASSUMPTION (continued)

not available, the appropriation authority would lapse. However, since there is no cash in the fund to spend, there would be no cash in the fund to transfer to the funds designated under the provision of this legislation. In addition, many of the department's other funds are statutorily created or earmarked for a specific purposes. Many of the department's funds include money generated from fee revenue used to operate a program. The department expends this funding in a manner that allows long term stability to the fund, and only expends what the fund can support. This may cause authority from these funds to lapse from year to year. If cash in the amount of the lapsed authority is transferred to the Budget Reserve Fund and General Revenue, many of the department's funds would not be able to maintain stability and result in programs being cut, or programs being fund switched to General Revenue to continue operations. For this reason, the department also assumes a (\$0 to unknown) cost to General Revenue for programs currently funded by designated funding that may need fund switched to General Revenue if the fund sources for these programs are swept from the designated funds.

The department defers the impact to the General Revenue Fund for lapsed General Revenue authority in the department to the Office of Administration, Division of Budget and Planning.

Officials at the **Department of Mental Health** (DMH) assume as this is a statewide issue, and an accurate fiscal impact to DMH cannot be determined, the department deferred to the Office of Administration, Division of Budget and Planning for a response; however, Legislative Research has requested additional information from the departments. The department still feels that the legislation can not be implemented as written; however, if several assumptions are made we can begin to estimate the potential impact of the legislation.

Under guidance from the BAP, the department assumes that the DMH Federal Fund (0148) would be exempted from this legislation. BAP feels that the proposal violates federal law and provided the following direction:

- The impact is \$0 for all federal funds subject to the federal Cash Management Act, as it does not allow states to draw down federal funds until there is expenditure.
- Unobligated federal appropriation authority does not result in General Revenue funds that can be used for other purposes.
- The proposal appears to violate federal law.

To determine the potential impact to other funds administered by DMH, the FY10 DMH lapsed appropriation balances were totaled by fund. Those totals, by fund, are as follows:

ASSUMPTION (continued)

FUND NAME	FUND NUMBER	FY10 LAPSED AUTH.
General Revenue (GR)	0101	\$ 6,973
MH Interagency Payments Fund (MHIP)	0109	\$ 3,251,056
MH IGT Fund	0147	\$ 3,300,779
MH Federal	0148	\$42,620,934
Healthcare Technology Fund	0170	\$ -
Compulsive Gambler Fund	0249	\$ 15,022
Health Initiatives Fund	0275	\$ -
MH Earnings Fund (MHE)	0288	\$ 216,185
Inmate Revolving Fund	0540	\$ 853,389
Healthy Families Trust Fund	0625	\$ -
Debt Offset Escrow Fund	0753	\$ 56,569
Abandoned Fund	0863	\$ -
ICFMR Reimbursement Allowance Fund	0901	\$ 2,141,806
MH Trust Fund	0926	\$ 1,067,114
DMH Local Tax Matching Fund	0930	\$ 2,763,807
Home and Comm. Based DD Fund	0933	\$ 1,525,484
Fed Budget Stabilization-Medicaid	2000	\$ 512,244
Federal Stimulus-DMH	2276	\$ 1,900,000

Lapsed amounts from refund appropriations and transfer appropriations are not included in the lapsed total. Also, appropriations made from DMH controlled funds that are made to other departments such as OA are not included.

Several of these funds are not controlled by DMH so we cannot estimate a fiscal impact on the fund. Funds such as the Healthcare Technology fund (0170); the Health Initiatives fund (0275); Inmate Revolving fund (0540); Healthy Families Trust fund (0625); Debt Offset Escrow fund (0753); and the Abandoned fund (0863) have appropriations from other departments as well as DMH. Since DMH does not know the total lapse amounts from the other departments, we cannot estimate the amount to be transferred from the fund to GR or the budget reserve fund.

There are several funds that had lapsed appropriation authority at the end of FY10 that did not have sufficient cash in the fund to be transferred as directed in this legislation. The MH IGT fund (0147) has no cash balance at the end of the fiscal year. Funds are transferred into the fund from the Cash Operating Reserve fund and used as match to draw-down additional federal earnings. As each quarterly draw-down is completed, funds are returned to the Cash Operating Reserve fund. The ICFMR Reimbursement Allowance fund (0901) and the DD Home and Community Based Waiver fund (0933) are also "pass-thru" funds that do not retain a cash

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ASSUMPTION (continued)

balance.

Several of these funds have statutory language that would appear to exempt the fund cash balance from being transferred to General Revenue. The department assumes that funds which are statutorily exempt from the biennial fund transfer in Section 33.080, RSMo would also be exempt from this legislation. In another fiscal note from earlier this session (1846-01n for SB380) the following funds were identified as being exempt from Section 33.080, RSMo:

0249-Compulsive Gamblers Fund
0277-Mental Health Housing Trust Fund
0288-Mental Health Earnings Fund
0901-ICFMR Reimbursement Allowance
0926-Mental Health Trust Fund
0933-Home and Community Based DD Waiver Reimbursement Allowance Fund

The DMH Local Tax Matching Fund (0930) is not exempted from the requirements of Section 33.080, RSMo; however, if the cash balance in the fund were to be transferred to GR there would be a significant adverse impact on the department and its ability to provide services to consumers throughout the state. The cash in the fund is comprised of funds that are forwarded to the department from local taxing entities. Many of these are the SB40 Boards in counties throughout the state that voted for local tax that is collected and forwarded to DMH in order to provide services to developmentally disabled consumers in their area. During fiscal year 2010, the State Treasurer's Office (STO) questioned whether the Local Tax Matching fund should be subject to the biennial transfer. In a letter from Nicole Hackmann date January 7, 2010, the STO agreed that this fund should be exempt since the funds were contributed by local taxing authorities and could be subject to repayment by the department to the local boards. DMH assumes that the decision by STO to exempt this fund from the biennial transfer would also exempt the fund from this transfer.

The department feels that there is specific language in the statute creating the Mental Health Earnings fund (0288) which would exempt the fund from the cost allocation. Section 630.053, RSMo lists specific uses for the fund. This section states that these moneys will be used "solely for assistance in securing alcohol and drug rehabilitation services for persons who are unable to pay for services they receive." The statute also states that "Such fees shall not be used for personal services, expenses and equipment or for any demonstrations or other program." Based on this, DMH feels it would be inappropriate to transfer cash from the fund to General Revenue.

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ASSUMPTION (continued)

The department also feels that there is specific language in the statute creating the Mental Health Trust fund which should exempt the fund from this cash transfer. Section 630.330, RSMo lists specific uses for the fund. This section states that "moneys in the mental health trust fund shall not be appropriated for the support of the facilities of the department in lieu of general state revenues but shall be appropriated only for the purposes of carrying out the objects for which the grants, gifts, donations, devises or bequests were made, or for purposes of funding special projects or purchasing special equipment". Also, one could expect that donation to the trust fund would decrease if donors and potential donors learned that part of their donation was to be used for a cost allocation to fund administrative offices rather than provide specific services for clients.

Based on the above assumptions, it would appear that the only funds which would be affected by this legislation, and the amounts to be transferred, are as follows:

Fund Name	Fund Number	FY10 Lapsed Auth	25% retained for next FY	25% transferred to Budget Reserve	50% transf to GR
GR	0101	\$ 6,973	\$ 1,743	\$ 1,743	\$ 3,487
MHIP Fund	0109	\$3,251,056	\$ 812,764	\$ 812,764	\$ 1,625,528
MHE Fund	0288	\$ 216,185	\$ 54,046	\$ 54,046	\$ 108,093

If the cash balance in the MH Earnings Fund is transferred, this would limit the funds available for the Division of Alcohol and Drug Abuse to operate the SATOP program. There would not be sufficient cash to cover the division's appropriation authority using SATOP supplemental fees to fund alcohol and drug rehabilitation services for drunk driving offenders in the SATOP program who are unable to afford the full cost of treatment. In addition to traditional SATOP services, the supplemental fees pay for much of the substance abuse treatment in new DWI courts being created from last year's legislative action. Additional GR would be required to continue the program.

The cash in the MH Interagency Payments fund is received from other state agencies as payment for services provided to those agencies and used to fund ongoing services. Any cash balance left at the end of a fiscal year is used to fund appropriations in the following year. If the cash is transferred from this fund to GR, additional GR appropriation authority will be needed to continue to operate the programs funded through the MH Interagency Payments fund.

Officials at the **Department of Social Services** assume this bill takes any unexpended appropriations and divides them between the agency, the budget reserve fund and the state

ASSUMPTION (continued)

general revenue fund. For purposes of analysis, the impact will be looked at for general revenue funds, federal funds and other funds.

First, general revenue appropriations that are unexpended could have a reserve or reverted amount preventing the expenditure of that portion of the appropriation. The Department of Social Services (DSS) will defer to Office of Administration, Division of Budget and Planning (OA, DBP) regarding unexpended general revenue.

DSS federal funds are subject to the federal Cash Management Act which does not allow states to draw down federal funds until there is an allowable expenditure under the specific grant. Unexpended or unobligated federal appropriation authority exists because there are not allowable costs for which a federal cash draw may be made.

Finally, other fund sources' unexpended appropriations are divided per this bill. There are a number of reasons that the appropriated amount may not be expended. There may be statutory restrictions on the uses of certain funds which would prevent them from being swept into general revenue. Funds which can be swept are already subject to the sweep by the Treasurer's office under section 33.080, RSMo. The attached spreadsheet includes the FY10 lapsed amounts broken out by fund noting those funds that have restricted use. DSS has over \$731,246 in non-restricted other fund appropriations that lapsed in FY10. Seventy-five percent (or the amount to be transferred) of that total is \$548,435. Lapsed transfer appropriations are not included in the total; nor, is lapsed funding for the Blind Pension fund included since it was constitutionally established.

Fund Name	Fund Number	FY 10 Unexpended Amount
Pharmacy Rebates*	114	\$2,941,283
Third Party Liability Collections	120	\$141,134
Intergovernmental Transfer	139	\$9,237,424
Federal Reimbursement Allowance	142	\$331,407
Pharmacy Reimbursement Allowance	144	\$3,291
MO HealthNet Managed Care Organization RA	160	\$3,301
Family Services Donations	167	\$415

Child Support Enforcement Fund*	169	\$862,727
Health Care Technology Fund*	170	\$2,655,423
Nursing Facility Federal Reimb Allowance*	196	\$24,286,328
Nursing Facility Quality of Care	271	\$3,198
Health Initiatives*	275	\$22,649
Gaming Commission*	286	\$37,826
DOSS Administrative Trust	545	\$3,974
DOSS Educational Improvement *	620	\$38,458
Debt Offset Escrow	753	\$4,426,767
Missouri Rx Plan*	779	\$402,255
Early Childhood Dev, Education and Care	859	\$651,300
Premium	885	\$589,698
Blindness Education, Screening & Treatment	892	\$110,055
Alternative Care Trust*	905	\$461,708
Federal Budget Stabilization**	2000	\$11,737,835
Federal Stimulus-SS**	2292	\$158,453
TOTAL		731,246
	75%	548,435

* restricted use funds

** defer to OA

Officials at the **Department of Public Safety** assume the below spreadsheet shows the affect of this bill on our Non-GR funds, if swept. These funds have deposits that come from court case fees and other sources, and are used for grants, payments to victims of crime directly, or through our State Services to Victims grant, plus a POST distribution that provides funds to the state's police agencies (both city and county) to cover training costs for continuing education requirements required for continued certification as police officers. Also included is a fund for the support of the State Forensic Labs, and one related to Anti-Terrorism, which included tax

ASSUMPTION (continued)

payer donations. This does not include any GR funds, and we will defer to Budget and Planning for the fiscal note response to those funds.

We are basing our fiscal note affect on the assumption this bill supersedes any statute in place that now protects these funds from being swept. The swept totals are combining the 25% to the emergency fund and 50% to general revenue moves. The difference between the funds balance and sweep are what we would retain.

Fund	Type of Fund	6/30/10 Balance	Sweep Amount per Bill
0281	POST Distribution	1,339,029.95	1,004,272.46
0591	State Forensic Labs	769,987.23	577,490.42
0592	State Services to Victims	4,198,305.22	3,148,728.92
0681	Crime Victims Comp Fund	4,805,946.75	3,604,460.06
0759	Antiterrorism	23,539.51	17,654.63
	TOTAL	11,136,808.66	8,352,606.49

Officials at the **Division of Fire Safety** assume this could result in distribution of up to \$105,206 as these funds were unexpended “other” funds in FY 2010.

Officials at the **Missouri Capitol Police** (MCP) assume in FY 2010 MCP lapsed \$3.24 in E&E. At this time 100% of it was transferred into General Revenue. MCP did not retain any for FY2011. MCP lapsed \$20,856.80 in PS for FY2010. At this time 100% of it was transferred into General Revenue. MCP did not retain any for FY2011.

If this proposal would have been in effect, MCP would have gained .81 cents in E&E and \$5,214.20 in Personal Services for a total of \$5,215.01 to be retained in our funds for Fiscal Year 2011. The remaining 75%, a total of \$15,645.03 would have been removed Capitol Police funds and placed in the Budget Reserve Fund (at 25% \$5,215.01), and State General Revenue fund (at 50% \$10,430.02).

ASSUMPTION (continued)

Officials at the **State Emergency Management Agency** assume based on the cash balance in the Chemical Emergency Preparedness Fund on June 30, 2010 that \$589,523 would be transferred out of the fund to comply with this legislation.

Officials at the **Missouri Veterans Commission** assume an unknown impact

Officials at the **Missouri Gaming Commission** assume by statute the Gaming Fund is restricted from having a fund balance at the end of the fiscal year. All remaining funds (goes beyond appropriations) are transferred to Early Childhood Development Education programs. Therefore, there is no impact there. The Breeder's Fund (0605), has a \$5,000 appropriation, which often is not spent. We also have an appropriation from the Compulsive Gambler's Fund for \$60,000 which the majority is not spent. This fund (CGF) receives its funding through the Gaming Fund, however.

Officials at the **Department of Natural Resources** assume the redistribution of unexpended appropriations from the funds listed below, would occur because they are not funds created by the constitution, funds for the payment of interest and principal for any bonded indebtedness, funds that receive constitutionally created taxes and fees, special trust funds created by statute, or funds created in order to receive and disburse federal funds and their projected unexpended appropriations for FY 10 exceeded zero. The transfer is estimated at \$19.5 million.

Fund Name	Fund Number
Utilicare Stabilization	0134
Missouri Water Development	0174
Missouri Air Emission Reduction	0267
Natural Resources Revolving Services	0425
Historic Preservation Revolv	0430
DNR Cost Allocation Fund	0500
Solid Waste Mgmt-Scrap Tire	0569
Solid Waste Management	0570
Metallic Minerals Waste Mgmt	0575
NRP-Air Pollution Asbestos Fee	0584
Petroleum Storage Tank Insurance Fund	0585

Underground Stor Tank Reg Prog	0586
NRP-Air Pollution Permit Fee	0594
Environmental Improvement Authority	0654
Groundwater Protection	0660
State Land Survey Program	0668
Safe Drinking Water Fund	0679
Coal Mine Land Reclamation	0684
Biodiesel Revolving Fund	0730
Econ Develop Advancement Fund	0783
Geologic Resources Fund	0801
MO Alternative Fuel Vehicle Loan	0886
Dry-Clean Environmental Resp Trust	0898
Energy Futures	0935
Energy Analyses Account	0283
Environmental Radiation Monitoring	0656
Controlled Substance Clean Up	0875
Petroleum Violtn Escrw Int Sa	0890

The department assumes that the redistribution of unexpended appropriations first occurs on 7/1/2013, based upon the unexpended appropriation authority of 6/30/2013. The department assumed that the unexpended appropriation authority at 6/30/2013 would be similar to the unexpended appropriation authority of 6/30/2010. Therefore, the department's fiscal impact for purposes of this fiscal note response was based upon the unexpended appropriation authority at 6/30/2010.

The department assumes any planned spending of redistributed appropriation authority would only occur after a cash forecast had been conducted.

The department's Metallic Minerals Waste Management and Mined Land Reclamation funds may contain forfeited financial assurance instruments as part of their unobligated cash balance. 444.370.4 and 444.730.3, RSMo each state "the moneys collected from any forfeiture of a financial assurance instrument shall be expended upon the area for which the permit was issued and for which the instrument was given." Therefore, the department assumes any unexpended appropriation redistributions from the Metallic Minerals Waste Management and Mines Land Reclamation funds will not include forfeited financial assurance instruments.

If cash flow is impacted, service delivery for some of the dedicated fee funds would be affected, such as:

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ASSUMPTION (continued)

Oil and Gas Remedial Fund - Under Chapter 259, RSMo, the department is responsible for assisting the State Oil and Gas Council as needed to administer the provisions of the chapter, including issuing permits for the drilling of wells for oil or gas or permits for deepening wells for oil or gas to a different geological formation, and determining the feasibility of the conversion of a well drilled under a permit for oil and gas for use as a water well and shall advise the landowner of modifications required for conversion of the well in a manner that is consistent with the requirements of the chapter.

Dry-cleaning Environmental Response Trust Fund - Under Sections 260.900 to 260.960, RSMo, the department is responsible for providing, receiving, and reviewing registration forms for operators of active dry-cleaning facilities, investigating and assessing releases from dry-cleaning facilities. The department is responsible for taking necessary or appropriate emergency action, including restoring or replacing drinking water supplies, preparing, operating and maintaining corrective action plans, cleaning affected soil, groundwater and surface waters to restore property as nearly as practicable to the condition that existed prior to activities associated with the investigation of a release or cleanup or remediation activities, removing and properly disposing of wastes generated by a release of a dry-cleaning solvent, and paying costs of corrective action. Annually, the department is responsible for reporting to the general assembly and the governor the receipts and disbursements, corrective actions taken and prioritization of sites for expenditures during the preceding calendar year.

Biodiesel Fuel Revolving Fund - Under Section 414.407, RSMo, the department is responsible for establishing and administering an EPAct credit banking and selling program to allow state agencies to use moneys generated by the sale of EPAct credits to purchase biodiesel fuel for use in state vehicles, selling credits in any manner pursuant to the provisions of EPAct, developing and implementing a program to manage and progressively reduce state agency vehicle fleet fuel consumption and promote the use of alternative fuels, assisting state agencies in developing and implementing a vehicle fleet energy conservation plan, reviewing each agency's vehicle fleet plan and the vehicular demands of the agency by vehicle class, compiling and submitting the annual reports from agencies on their progress in achieving the requirements and goals, developing a motor vehicle alternative fuel use plan, recommending alternative fuels, and acquiring vehicles which use alternative fuels for the purposes of assessing and demonstrating either or both alternative vehicles and alternative fuels.

Historic Preservation Revolving Fund - Any reduction in resources available as a result of this proposed legislation reduces the amount available to address Missouri's historic preservation efforts, including the awarding of grants to local communities, and jeopardizes the department's responsibility to carry out the requirements of the National Historic Preservation Act. Funding is

ASSUMPTION (continued)

used by the department's State Historic Preservation Office (SHPO), in partnership with the National Park Service and local governments, for carrying the mandates of the National Historic Preservation Act of 1966 in Missouri as required in 253.408-253.415 RSMo. The SHPO works with citizens and groups throughout the state to identify, evaluate, and protect Missouri's historic, architectural, and archaeological resources. The SHPO funds and coordinates surveys to identify these resources. The most significant properties identified in surveys are nominated to the National Register of Historic Places. This fund is also used for Section 106 reviews of federally funded or assisted projects to ensure compliance with federal preservation legislation. The Historic Preservation Revolving Fund provides financial assistance to aid in the preservation of historically-significant publicly owned properties such as county courthouses, city halls, educational facilities, through the Missouri Heritage Properties Program. SHPO awarded 11 Missouri Historic Preservation Grants in 2008 for \$494,365 and 18 grants in 2009 for \$1,000,000. The SHPO also receives federal funding from the National Park Service requiring a 40% state match. The Historic Preservation Revolving Funds provides the majority of the match. SHPO is required to pass-through 10% of the federal award to help participating local governments carry out preservation activities in Missouri's communities. In 2008, SHPO awarded 11 Certified Local Government grants in 2008 for \$77,831, 8 grants in 2009 for \$97,760 and 18 grants in 2010 for \$429,146.

The department assumes the following listed funds would not have unexpended appropriation redistributions as a result of the proposed legislation because either they are funds created by the constitution, funds for the payment of interest and principal for any bonded indebtedness, funds that receive constitutionally created taxes and fees, special trust funds created by statute, or funds created in order to receive and disburse federal funds.

Fund Name	Fund Number
Federal Fund	0140
Post Closure	0198
Infectious Waste	0282
Water Pollution Control	0300/0385
Water Pollution Control	0301/0386
Stormwater Control	0302/0387
Water Pollution Control	0329
Water Pollution Control	0330
Water Pollution Control	0355

State Parks Earnings	0415
Natural Resources Protection	0555
NRP-Water Pollution Permit Fee	0568
Water & Wastewater Loan Revolving	0602
Parks Sales Tax	0613
Soil & Water Sales Tax	0614
Water & Wastewater Loan Fund	0649
Energy Set-Aside Program	0667
Petroleum Violation Escrow	0669
Hazardous Waste Fund	0676
Abandoned Mine Reclamation	0697
Meramec-Onondaga State Parks	0698
Oil & Gas Remedial	0699
Stormwater Loan Revolving	0754
Rural Water & Sewer Loan Revolving	0755

Officials at the **Department of Corrections (DOC)** assume it is unclear why this proposal was placed in Chapter 21. Currently there is no statutory ability or mechanisms in place to allow the DOC to retain any unexpended appropriations from one year to the next. Appropriations represent spending authority and do not equate to cash that can be transferred or diverted.

DOC's Federal Funds authority are dedicated sources for payments of personnel and services expenditures related to specific grants and programs in the department. Diverting these funds to General Revenue or Budget Reserve Fund could result from penalties, repayments or loss of funding. The language in this proposal conflicts with RSMo. 217.045 Federal Funds.

DOC's other dedicated revenue sources are statutorily required to be used on the functions of those programs. The language in this proposal conflicts with RSMo. 217.595 Working Capitol Revolving Fund, RSMo. 217.430 Inmate Revolving Fund, RSMo. 33.563 State Institutional Gift Trust Fund, RSMo. 217.195 Canteen and RSMo 559.635 Substance Abuse Earnings Fund. This proposal does not appear to be implementable as it is written; DOC can not estimate a fiscal impact to its General Revenue, Federal or Other Funds.

Officials at the **Department of Insurance, Financial Institutions and Professional Registration** assume the proposal could result in the distribution of up to \$ 9,547,223 in department dedicated funds. Most funds within the department already have statutory sweep language.

Fund	Fund Name	FY 2010 LAPSE Fund Balance
503	DIFP Administration	214
552	Insurance Examinations	987,611
566	Insurance Dedicated	2,498,331
548	Credit Unions	374,956
261	Residential Mortgage	72
549	Savings & Loan Supervision	17,911
550	Finance	862,421
689	Prof Registration Admin	200,217
627	Accountancy	119,275
882	Acupuncturists	3,739
678	APELS	326,286
774	Athletic Agents	317
693	Athletics	10,273
630	Chiropractic	5,104
785	Cosmetology & Barbers	185,915
677	Dental	290,610
857	Dietitian	25,187
633	Embalmers & Funeral Dir	91,298
562	Endowed Care	42,431
263	Geologists	25,280
634	Healing Arts	766,290
247	Hearing Instruments	24,197
877	Interior Design	22,860
256	Interpreters	7,681
820	Marriage & Family Therapists	2,233
884	MassageTherapy	661
635	Nursing	915,916
845	Occupational Therapy	70,389
636	Optometry	43,056
637	Pharmacy	566,669
629	Podiatry	13,393

802	Private Investigators	540
672	Professional Counselors	74,566
580	Psychologists	44,104
638	Real Estate	651,087
561	Real Estate Appraisers	187,838
833	Respiratory Care	13,084
574	Social Workers	26,087
883	Tattoo	226
639	Veterinary	48,898
		9,547,223

Officials at the **Department of Agriculture (MDC)** assume lapsed appropriations in 19 different fee funds that support economic development, marketplace integrity, animal disease control, pest protection, public health, food safety, and producer and consumer protection throughout the state. Most of these funds are restricted by statute to be used only for the costs of the particular program. However, if this bill transferred the lapsed amounts despite these statutory restrictions, and assuming the funds had cash balances at least as large as the lapsed appropriation, and assuming this bill had been in effect at the end of FY 2010, the following fee fund transfers would have occurred and the associated economic development, public health, and consumer protection services would be reduced or eliminated accordingly. The proposed transfer at the end of the first fiscal year would devastate fund balances and substantially eliminate programs' ability to operate effectively. Therefore, the transfer could only occur once.

<u>Fund Name</u>	<u>Total Lapse</u>	<u>50% to GR</u>	<u>25% to BRF</u>	<u>Total Transfer</u>
· Animal Health Lab Fees	358,462	179,231	89,616	268,847
· Animal Care Reserve	231,043	115,522	57,761	173,282
· Livestock Brands	20,246	10,123	5,062	15,185
· Commodity Merchandising	66,513	33,257	16,628	49,885
· Single Purpose Loan Program	30,743	15,732	7,686	23,057
· State Fair Fees	1,234,756	617,378	308,689	926,067
· Aquaculture Marketing	10,010	5,005	2,503	7,508
· Livestock Sales & Markets	31,365	15,683	7,841	23,524
· Livestock Dealer	12,250	6,125	3,063	9,188
· Milk Inspection Fees	376,994	188,497	94,249	282,746
· Grain Inspection Fees	417,326	208,663	104,332	312,995
· Petroleum Inspection Fees	550,268	275,134	137,567	412,701
· Ag Business Development	10,997	5,499	2,749	8,248
· Pet Spay & Neuter Fund	1,001	501	250	751
· Wine and Grape Fund	388,024	194,012	97,006	291,018
· Boll Weevil Eradication	84,367	42,184	21,092	63,275

· Wine Marketing & Research	8,859	4,430	2,215	6,644
· State Gift Trust Fund	5,000	2,500	1,250	3,750
· State Fair Trust Fund	8,375	4,188	2,094	6,281
Totals	3,846,599	1,923,300	961,650	2,884,949

Officials at the **Department of Revenue** assume the administrative Impact of this proposal is Unknown. It would depend on what would be distributed back to the Departments or withheld from the Department as to whether this would have a positive or negative impact.

For FY10 the Department lapsed approximated \$1.2 million from the following funds:

Child Support Enforcement	\$770,312
Motor Vehicle Commission Fund	\$381,162
Highway Fund	\$ 2,518
General Revenue	\$ 5,932
Other	\$ 40,076*

* Other includes Conservation, Health Initiatives, Petroleum Storage Tank, Petroleum Inspection, Elderly Home-Deliver Meals Trust.

The Child Support Enforcement, Motor Vehicle Commission and Other* funds will be negatively impacted because 100% of the lapse would no longer be distributed back to those funds; thus, may require another resource to be used for appropriations because some of the funds may eventually no longer be solvent.

The General Revenue fund will be negatively impacted because 50% would no longer be distributed back to this fund.

Article IV, Sections 30(b) and 30(d) governs the distribution of highway funds; therefore, it is assumed that the Highway fund would not be impacted by this proposed legislation.

Officials at the **Department of Labor and Industrial Relations (DOLIR)** assume the majority of the DOLIR's appropriations are federally funded. The unexpended amount on 6/30/10 for "other" funds was approx. \$2.7 million. However, these funds are restricted to benefit payments, related administrative costs or are constitutionally earmarked. The unexpended amount on 6/30/10 for General Revenue was approx. \$30,000.

Officials at the **Department of Economic Development** assume this proposal would require that any appropriations unexpended at the end of each fiscal year be transferred in the amount of 25% to the Budget Reserve fund and 50% to General Revenue. The remaining 25% would be retained by the department. The Department of Economic Development assumes an impact from this

ASSUMPTION (continued)

proposal; however, because an exact impact cannot be determined is responding with unknown impact.

Officials at the **Office of the State Courts Administrator** assume \$263,107 in unexpended general revenue funds.

Officials at the **Department of Elementary and Secondary Education** assume the proposal appears to attempt to transfer appropriation authority. If so, this will not result in cash being transferred to the state. Our department will be negatively impacted in the next year when we only have 25%. Transferring cash is problematic because we would be violating federal law. If trust fund money is transferred, then we would violate an estate distribution. If special funds are transferred, then we would violate state statutes which indicate that those funds must be used for specific purposes. Our department would be devastated if we would get only 25% of the operations appropriation (PS & EE) in the next year cycle.

Officials at the **Missouri Department of Conservation** assume no fiscal impact on the Department as all funds and monies pertaining to the Department shall be used for said purpose as stated under section 43 (a) and (b) of the Constitution.

Officials at the **Office of the Secretary of State** assume as the bill is presently written, is would put the Secretary of State out of compliance with federal grant requirements and also would be in conflict with several state statutes regarding other funds.

Officials at the **Department of Higher Education** assume the proposal may have a minimal positive fiscal impact on the MDHE as the department would be allowed to carry-forward 25% of unexpended funds appropriated for ordinary operation and maintenance expenditures in a given fiscal year. However, the amount of appropriated funds that would remain unexpended in future fiscal years is unable to be anticipated. Therefore the magnitude of the fiscal impact, while minimal, is unknown

Officials at the **Capitol Police, Office of the State Auditor, Office of Prosecution Services, Office of the State Public Defender** and the **Office of the State Treasurer** assume that there is no fiscal impact from this proposal.

ASSUMPTION (continued)

Oversight for the purpose of the fiscal note is showing the transfer of the state funds in FY 2012 as being equal to the amount of the transfer that would have occurred had this bill been in effect on June 30, 2010. Oversight assumes it is unclear how future appropriations would be made to the funds due to this proposal so Oversight will show the transfer in future years as Unknown.

Oversight assumes the transfer out of the individual funds would equal the amount transferred into the General Revenue and Budget Reserve and have no impact on total state revenue.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
GENERAL REVENUE			
<u>Transfer In</u> - to General Revenue from all the various MoDOT funds	\$23,242,500	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Health Funds	\$1,914,488	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Mental Health Funds	\$1,737,108	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Social Services Funds	\$365,624	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Public Safety Funds	\$6,085,319	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Natural Resources Funds	\$13,000,000	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Corrections Funds	Unknown	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from DIFP Funds	\$6,364,815	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Agriculture Funds	\$1,923,300	Unknown	Unknown

<u>Transfer In</u> - to General Revenue from Dept of Revenue Funds	\$600,000	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Labor Funds	\$1,800,000	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from State Courts Administrator Funds	\$175,405	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Economic Development Funds	Unknown	Unknown	Unknown
<u>Transfer In</u> - to General Revenue from Dept of Elementary & Secondary Education Funds	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE	<u>Unknown</u> <u>greater than</u> <u>\$57,208,559</u>	<u>Unknown</u>	<u>Unknown</u>
BUDGET RESERVE FUND			
<u>Transfer In</u> - to the Budget Reserve Fund from all the various MoDOT funds	\$11,621,250	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Health Funds	\$957,244	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Mental Health Funds	\$868,553	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Social Services Funds	\$182,812	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Public Safety Funds	\$3,042,661	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Natural Resources Funds	\$6,500,000	Unknown	Unknown

<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Corrections Funds	Unknown	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from DIFP Funds	\$3,182,408	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Agriculture Funds	\$961,650	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Revenue Funds	\$300,000	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Labor Funds	\$900,000	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from State Courts Administrator Funds	\$87,702	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Economic Development Funds	Unknown	Unknown	Unknown
<u>Transfer In</u> - to the Budget Reserve Fund from Dept of Elementary and Secondary Education Funds	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON BUDGET RESERVE FUND	<u>Unknown</u> <u>greater than</u> <u>\$28,604,280</u>	<u>Unknown</u>	<u>Unknown</u>
ALL MODOT FUNDS			
<u>Transfer Out</u> - of the various MoDOT funds to General Revenue Fund	(\$23,242,500)	(Unknown)	(Unknown)
<u>Transfer Out</u> - of the various MoDOT funds to Budget Reserve Fund	<u>(\$11,621,250)</u>	(Unknown)	(Unknown)

ESTIMATED NET EFFECT ON ALL MODOT FUNDS **(\$34,863,750)** **(Unknown)** **(Unknown)**

DEPT OF HEALTH FUNDS

Transfer Out- of the various Dept of Health funds to General Revenue Fund (\$1,914,488) (Unknown) (Unknown)

Transfer Out- of the various Dept of Health funds to Budget Reserve Fund (\$957,244) (Unknown) (Unknown)

ESTIMATED NET EFFECT ON DEPT OF HEALTH FUNDS **(\$2,871,732)** **(Unknown)** **(Unknown)**

DEPT OF MENTAL HEALTH FUNDS

Transfer Out- of the various Dept of Mental Health funds to General Revenue Fund (\$1,737,108) (Unknown) (Unknown)

Transfer Out- of the various Dept of Mental Health funds to Budget Reserve Fund (\$868,553) (Unknown) (Unknown)

ESTIMATED NET EFFECT ON DEPT OF MENTAL HEALTH FUNDS **(\$2,605,661)** **(Unknown)** **(Unknown)**

DEPT OF SOCIAL SERVICES FUNDS

Transfer Out- of the various Dept of Social Services funds to General Revenue Fund (\$365,624) (Unknown) (Unknown)

Transfer Out- of the various Dept of Social Services funds to Budget Reserve Fund (\$182,812) (Unknown) (Unknown)

ESTIMATED NET EFFECT ON DEPT OF SOCIAL SERVICES FUNDS	<u>(\$548,436)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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DEPT OF PUBLIC SAFETY FUNDS

<u>Transfer Out</u> - of the various Dept of Public Safety funds to General Revenue Fund	(\$6,085,319)	(Unknown)	(Unknown)
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<u>Transfer Out</u> - of the various Dept of Public Safety funds to Budget Reserve Fund	<u>(\$3,042,661)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF PUBLIC SAFETY FUNDS	<u>(\$9,127,980)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**DEPT OF NATURAL RESOURCES
FUNDS**

<u>Transfer Out</u> - of the various Dept of Natural Resources funds to General Revenue Fund	(\$13,000,000)	(Unknown)	(Unknown)
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<u>Transfer Out</u> - of the various Dept of Natural Resources funds to Budget Reserve Fund	<u>(\$6,500,000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF NATURAL RESOURCES FUNDS	<u>(\$19,500,000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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DEPT OF CORRECTIONS FUNDS

<u>Transfer Out</u> - of the various Dept of Corrections funds to General Revenue Fund	(Unknown)	(Unknown)	(Unknown)
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<u>Transfer Out-</u> of the various Dept of Corrections funds to Budget Reserve Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF CORRECTIONS FUNDS	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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DEPT OF INSURANCE FUNDS

<u>Transfer Out-</u> of the various DIFP funds to General Revenue Fund	(\$6,364,815)	(Unknown)	(Unknown)
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<u>Transfer Out-</u> of the various DIFP funds to Budget Reserve Fund	<u>(\$3,182,408)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF INSURANCE FUNDS	<u>(\$9,547,223)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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DEPT OF AGRICULTURE FUNDS

<u>Transfer Out-</u> of the various Dept of Agriculture funds to General Revenue Fund	(\$1,923,300)	(Unknown)	(Unknown)
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<u>Transfer Out-</u> of the various Dept of Agriculture funds to Budget Reserve Fund	<u>(\$961,650)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF AGRICULTURE FUNDS	<u>(\$2,884,949)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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DEPT OF REVENUE FUNDS

<u>Transfer Out-</u> of the various Dept of Revenue funds to General Revenue Fund	(\$600,000)	(Unknown)	(Unknown)
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<u>Transfer Out-</u> of the various Dept of Revenue funds to Budget Reserve Fund	<u>(\$300,000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF REVENUE FUNDS	<u>(\$900,000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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DEPT OF LABOR FUNDS

<u>Transfer Out</u> - of the various Dept of Labor funds to General Revenue Fund	(\$1,800,000)	(Unknown)	(Unknown)
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<u>Transfer Out</u> - of the various Dept of Labor funds to Budget Reserve Fund	<u>(\$900,000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON DEPT OF LABOR FUNDS	<u>(\$2,700,000)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**OFFICE OF STATE COURTS
ADMINISTRATOR FUNDS**

<u>Transfer Out</u> - of the various State Courts Administrator funds to General Revenue Fund	(\$175,405)	(Unknown)	(Unknown)
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<u>Transfer Out</u> - of the various State Courts Administrator funds to Budget Reserve Fund	<u>(\$87,702)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT ON STATE COURTS ADMINISTRATOR FUNDS	<u>(\$263,107)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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**DEPT OF ECONOMIC
DEVELOPMENT FUNDS**

<u>Transfer Out</u> - of the various Dept of Economic Development funds to General Revenue Fund	(Unknown)	(Unknown)	(Unknown)
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<u>Transfer Out</u> - of the various Dept of Economic Development funds to Budget Reserve Fund	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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SOURCES OF INFORMATION

Budget and Planning
Capitol Police
Department of Agriculture
Department of Corrections
Department of Economic Development
Department of Elementary and Secondary Education
Department of Health and Senior Services
Department of Higher Education
Department of Insurance, Financial Institutions and Professional Registration
Department of Labor and Industrial Relations
Department of Mental Health
Department of Natural Resources
Department of Public Safety
Department of Revenue
Department of Social Services
Missouri Department of Conservation
Missouri Department of Transportation
Missouri Gaming Commission
Missouri Veterans Commission
Office of the Secretary of State
Office of the State Courts Administrator
Office of the State Auditor
Office of Prosecution Services
Office of the State Public Defender
Office of the State Treasurer
State Emergency Management Agency



Mickey Wilson, CPA
Director
April 19, 2011