

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0940-01
Bill No.: HB 223
Subject: Agriculture and Animals; Crimes and Punishment; Emergencies; Fire Protection;
Department of Public Safety
Type: Original
Date: March 9, 2007

Bill Summary: This proposal creates penalties for individuals who set fires in areas declared to be in emergency drought conditions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2008	FY 2009	FY 2010
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 2008	FY 2009	FY 2010
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Natural Resources, Office of the Governor, Office of the State Courts Administrator,, Department of Public Safety - Director's Office** and the **Department of Conservation** each assume this proposal would not fiscally impact their respective agencies.

Officials from the **Office of the State Public Defender (SPD)** state they cannot assume existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of setting fires in areas declared to be emergency drought conditions. While the number of new cases may be too few or uncertain to request additional funding for this specific bill, the SPD will continue to request sufficient appropriation to provide competent and effective representation in all its cases.

In response to a similar proposal from this year (SB 114), the SPD assumed the proposal would not fiscally impact their agency.

Officials from the **Department of Public Safety - Division of Fire Safety (DFS)** state this act makes it illegal to set any fire in an area that has been proclaimed, by executive order, to be in extraordinary danger from fire. DFS will advise the Governor's Office when conditions exist which may warrant a burn ban executive order. DFS would also assist local political subdivisions in the enforcement of this legislation. Anyone violating the provisions of the act shall be guilty of a Class A misdemeanor. The act also allows in a separate cause of action, political subdivisions to seek recovery of reasonable costs incurred when fighting any fire set by an individual violating the provisions of the act. DFS assumes the proposal will not fiscally impact their agency.

In response to a similar proposal from this year (SB 114), officials from the **Department of Corrections (DOC)** stated they could not predict the number of new commitments which may result from the creation of the offenses(s) outlined in this proposal. An increase in commitment 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 would incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY 03 average of \$3.15 per offender, per day or an annual cost of \$1,150 per offender per year).

ASSUMPTION (continued)

Supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

In response to a similar proposal from this year (SB 114), officials from the **Office of Prosecution Services (OPS)** state this proposed legislation includes provisions for new criminal acts and therefore creates new obligations for prosecuting attorneys. Any increase in the number of cases referred for criminal prosecution and any new statutory obligations for prosecutors will have an additional fiscal impact on County Prosecutors. However, officials from the OPS are not aware of any estimates of the number of additional criminal cases that would be referred to County Prosecutors for charges because of this proposed legislation. Additionally, the OPS is not otherwise able to establish a workable estimate of the number of additional criminal cases that would be referred to County Prosecutors for charges or how many additional hours the proposed statutory obligations would require of prosecutors. It is therefore, not possible to determine the extent to which this proposal would have a direct fiscal impact on county prosecutors or the Office of Prosecution Services.

Oversight assumes this proposal would not fiscally impact the OPS.

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
	<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.

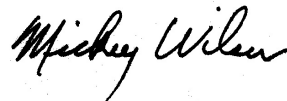
FISCAL DESCRIPTION

The proposed legislation appears to have no fiscal impact.

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

Office of the Governor
Office of the State Courts Administrator
Department of Public Safety
Department of Corrections
Department of Conservation
Office of Prosecution Services
Office of the State Public Defender



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Director
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