

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1486-03
Bill No.: SCS for HCS for HBs 619 & 118
Subject: Aircraft and Airports; Emergencies; Military Affairs
Type: Original
Date: May 9, 2007

Bill Summary: This proposal specifies which civil air patrol missions are federal and which missions are state and clarifies who pays for those missions and specifies when the civil air patrol may be utilized.

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 6 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 **Office of Administration - General Services /Risk Management** state the Civil Air Patrol may be used to support the Missouri National Guard and other state agencies. When the Patrol is performing a state mission that is not federally funded, members of the Patrol shall be considered state employees for purposes of tort claims under Chapter 537, RSMo and for purposes of workers' compensation. This has potential for costs to the state legal expense fund and to the state's self-insured workers' compensation program that cannot be determined at this time.

This Senate Committee Substitute proposes changes that would ensure that a request for the Civil Air Patrol to fly missions on behalf of a state agency would require approval by both the Department Director of the requesting agency, the Commissioner of Administration and the Adjutant General. This change to the approval authority requirements greatly improves the potential impact on the legal expense and workers' compensation funds.

The state self-assumes its own liability protection under the State Legal Expense Fund, Section 105.711, RSMo. It is a self-funding mechanism whereby funds are made available for the payment of any claim or judgment rendered against the state in regard to the waivers of sovereign immunity or against employees and specified individuals. Investigation, defense, negotiation or settlement of such claims is provided by the Office of the Attorney General. Payment is made by the Commissioner of Administration with the approval of the Attorney General.

In summary, the Office of Administration assumes an unknown amount of costs to the General Revenue Fund as a result of this proposal.

Oversight assumes the potential liability as described by the Office of Administration would be a potential indirect impact of the legislation and therefore have not included it in the fiscal note.

Officials from the **Department of Labor and Industrial Relations** and the **Department of Public Safety - Director's Office** and **Office of the Adjutant General** each assume the proposal will not fiscally impact their respective agencies.

In response to a previous version of this proposal, officials from the **State Emergency Management Agency** assumed no impact from the proposal.

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator** assume the proposal will not fiscally impact the courts.

Officials from the **Office of the Attorney General** did not respond to our request for fiscal impact.

Oversight assumes the proposal clarifies the circumstances in which the civil air patrol would fly missions under state authority (which would be under state funding and state liability). Oversight assumes this already occurs, and that the language in the bill would now require agencies that desire to utilize the civil air patrol to first get the Director of the state agency making the request, the Office of the Adjutant General and the Commissioner of Administration to approve the mission (along with the funding and the incurred liability). Oversight assumes these new procedures would tighten those currently in place. Oversight assumes any payments resulting from liability from state missions would be an indirect affect and have not reflected them in this fiscal note.

<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

This act specifies the situations in which the Civil Air Patrol, the civilian auxiliary of the U.S. Air Force, may be activated, and provides that the patrol may be used to assist in noncombatant National Guard missions or missions in support of civil authorities and state agencies which have established agreements with the patrol. Requests for activation must be made to the commanding officer of the Missouri Wing of the Civil Air Patrol.

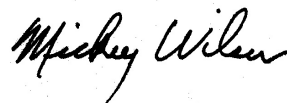
Prior to activation, the commanding officer or Adjutant General must apply for federal mission status and funding. If a mission of the patrol is granted federal mission status and assigned an accompanying federal mission number, the operation shall be funded by the federal government, and members of the patrol will be considered federal employees for the purpose of tort claims arising from the mission. Except for missions and operations supporting the office of adjutant general, all requests for activation and authorization for any mission of the civil air patrol must first be approved by the department director of the requesting agency, the adjutant general, and the commissioner of administration.

If an operation is not granted federal mission status, the state will pay for the mission using funds appropriated from the state agency which requested participation of the patrol. In this case, members shall be considered state employees for purposes of the state legal expense fund and coverage for worker's compensation. These provisions apply to any Civil Air Patrol personnel and aircraft from any state that are flying missions for Missouri state agencies. Certain emergency operations or missions may be conducted pending funding authorization.

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

Department of Public Safety
Department of Labor and Industrial Relations
Office of the State Courts Administrator
Office of Administration
NOT RESPONDING: Office of the Attorney General



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Mickey Wilson, CPA
Director
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