

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 2034-09  
Bill No.: SS for SCS for HCS for HB 780 with SA 1, SA 2, SA 3, SA 4, SA 6, SA8, and SA 9  
Subject: Architects; Boards, Commissions, Committees, Councils; Cemeteries; Engineers; Health Care Professionals; Licenses - Professional; Nurses; Nursing and Boarding Homes; Pharmacy  
Type: Original  
Date: May 10, 2007

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Bill Summary: Modifies various provisions relating to professional licensing.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
General Revenue	\$132,089	(Unknown less than \$173,804)	(Unknown less than \$176,711)
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$132,089</b>	<b>(Unknown less than \$173,804)</b>	<b>(Unknown less than \$176,711)</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 21 pages.

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
Tattoo	\$3,700	\$3,700	\$3,700
Criminal Records	\$0	\$8,400	\$256
Athletic	\$47,224	\$24,894	\$44,909
Hearing Instrument Specialist	\$0*	\$0*	\$0*
Board of Registration for the Healing Arts	\$0*	\$0*	\$0*
Private Investigator Examiners	\$0	\$178,907	(\$118,908)
PR Fees	(\$110,763)	\$0	\$0
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>(\$59,839)</b>	<b>\$215,901</b>	<b>(\$70,043)</b>

\* Transfers between funds and increase in fees nets to \$0.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<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 FULL TIME EQUIVALENT (FTE)</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
General Revenue	2	2	2
Private Investigator Examiners	1.5	1.5	1.5
<b>Total Estimated Net Effect on FTE</b>	<b>3.5</b>	<b>3.5</b>	<b>3.5</b>

☐ 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).

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2008</b>	<b>FY 2009</b>	<b>FY 2010</b>
<b>Local Government</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>	<b>(Unknown) to Unknown</b>

### FISCAL ANALYSIS

### ASSUMPTION

Officials from the **Department of Public Safety (DPS) - Director's Office, DPS - Division of Fire Safety, and Office of State Courts Administrator** assume the proposal will have no fiscal impact on their organizations.

Based on responses to similar legislation from the current session, officials from the **Department of Revenue, Office of the Governor, and Missouri Senate** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration - Administrative Hearing Commission** anticipate this legislation will not significantly alter its caseload. However, if other similar bills also pass, there are more cases, or more complex cases, there could be a fiscal impact.

Officials from the **Office of Secretary of State (SOS)** state the fiscal impact for this proposal is less than \$2,500. The SOS does not expect that additional funding would be required to meet these costs. However, the SOS also recognizes that many such bills may be passed by the General Assembly in a given year and that collectively the costs may be in excess of what the SOS can sustain within its core budget. Therefore, the SOS reserves the right to request funding for the costs of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the Governor.

Officials from the **Office of Attorney General (AGO)** state the proposal makes significant changes to the existing licensing laws and also adds a new category , private investigators, to existing law. Based on these changes, the AGO assumes that it would require 0.5 FTE Assistant Attorney General II (AAG) to hand the new responsibilities set out in this proposal.

The AGO further assumes that the amendment providing for a new cause of action under Chapter 407 could create additional consumer work for the AGO. At his point, the AGO does not know how many complaints will be filed under this provision, but the AGO assumes that costs can be absorbed for this provision. However, if the AGO determines that the number of new complaints is more than anticipated, the AGO may seek additional appropriations to handle this new responsibility.

The AGO estimates FY 08 costs of \$23,378; FY 09 costs of \$28,895; and FY 10 costs of \$29,762.

**Oversight** assumes the AGO would not hire an additional 0.5 FTE AAG II and would have existing staff absorb the additional duties.

ASSUMPTION (continued)

Officials from the **Office of Prosecution Services (OPS)** state any increase in the number of cases referred for criminal prosecution will have an additional fiscal impact on County Prosecutors. However, the OPS is not able to establish an estimate of the number of additional criminal cases that would be referred to the County Prosecutors for charges because of this proposed legislation. It is therefore, not possible determine if the proposal would have a significant direct fiscal impact on county prosecutors of the OPS.

Officials from the **Office of State Public Defender (SPD)** assume the new crime will create new cases for the SPD. The exact number of cases affected is too uncertain to provide a definitive dollar amount of fiscal impact. Nevertheless, there will some impact.

Since the amount of impact is so uncertain, the SPD is assuming existing staff will probably be able to provide representation in these cases initially. However, once the true fiscal impact is determined, the SPD will reassess the impact of the legislation. Passage of more than one bill increasing existing penalties or creating new crimes would require increased appropriations for the SPD.

In response to similar legislation (HB 1036), officials from the **Office of State Treasurer (STO)** stated it only ensures disbursements are made from a lawful appropriation and don't exceed the amount of the appropriation. If the wording of the proposal is not changed, the STO will need one (1) FTE Accounting Specialist I (\$39,324 annually) plus fringe benefits to monitor these disbursements.

**Oversight** has, for fiscal note purposes only, changed the starting salary for Accounting Specialist I 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.

Officials from the **Department of Corrections (DOC)** state the DOC 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 06 average of \$39.43 per inmate per day, or an annual cost of \$14,394 per inmate) or through supervision provided by the Board of Probation and Parole (FY 06 average of

ASSUMPTION (continued)

\$2.52 per offender per day, or an annual cost of \$920 per offender). Supervision by the DOC through probation or incarceration would result in additional unknown costs to the DOC. Seven (7) persons would have to be incarcerated per fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

**Oversight** assumes, based on Department of Insurance, Financial and Professional Regulation's response, that the DOC would not incur additional costs until FY 09.

Officials from the **Department of Health and Senior Services (DOH)** state currently there are 1,559 licensed nursing home administrators in Missouri. Approximately 886 of these individuals are working in skilled nursing facilities, intermediate care facilities, assisted living facilities, and residential care facilities that follow RCF II regulations. There are an additional 264 administrators (who may or may not be licensed nursing home administrators) who are working in residential care facilities. This leaves 409 licensees who are not using the license and may choose the inactive status. The Division of Regulation and Licensure (DRL) estimate that approximately 15% of the 409 (or 61) must maintain an active license due to their position with a nursing home corporation or who work as a consultant. That reduces the total to 348. Of the 348, based upon the history of non-renewals, approximately 160 licensees will choose to not renew the license for various reasons such as moving out of state, leaving the profession, etc, and most likely would not choose inactive status. That leaves 188 that are not using the license and may choose the inactive status. Of those remaining 188 licensees, the DLR estimates that approximately half, or 94, will elect the inactive status to avoid continuing education and licensure costs. If 94 licensees elect inactive status, they must pay the \$100 renewal fee for the initial inactive license and will pay a fee yet to be determined by rule every two years to renew the inactive license (for a maximum of 6 years).

Licensees are required to renew their license every two years, with approximately half of the licensees renewing in odd numbers years and half renewing in even number of years. Therefore, of the 94 licensees the DRL assumes will elect inactive status, approximately half (47) will apply for an inactive license in FY 08 and the other half (47) will apply for an inactive license in FY 09. The amount of fees collected in FY 08 and FY 09 would not change since the fee will be the same for the initial inactive license as the fee for an active license (\$100). Since the licensees will be required to renew their inactive license every two years, the first year the inactive licensees will be eligible for a reduced fee will be FY 10. Although it is yet to be determined, for this fiscal analysis, the DOH will assume the inactive renewal fee will be set at \$50 every two years. If the inactive renewal fee is set at \$50, and if 47 licensees choose to renew their inactive license in FY 10, the reduction for FY 10 will be \$2,350. The DRL assumes a loss of revenue at approximately this same amount for each year thereafter.

ASSUMPTION (continued)

Officials from the **Department of Insurance, Financial and Professional Regulation (DIFP)** provide the following assumptions:

Sections 317.001 - 317.019

The board has assumed there will be approximately 38 annual events each year, should the number of events vary, the appropriation and revenue will also vary.

It is assumed that each of the 4 staff inspectors as well as the 26 contracted inspectors will need additional training. It is estimated the training will cost \$404 per training session for each inspector with 3 training sessions per year (\$12,120) and an additional \$100 per training session for each contracted inspector (\$7,800) for per diem charges. It is further assumed that each training seminar (3) will need 2 trainers (\$1,112 per trainer for each seminar).

The board assumes that 2 contracted inspectors will need to attend each event (38) and be paid a per diem per event of \$150.

It is assumed that the average gate will be \$25,000 per event, there is a 7 % state and local sales tax, and a 5% gate tax on the remaining gate income for a total of \$1,163 total gate tax received by the Athletic fund per event.

The DIFP assumes application revenue will be generated for contestants, judges, referees, promoters, announcers, timekeepers, matchmakers, events, etc. Based on the number of different categories of applications that could be received, the DIFP estimates total applicant fee revenue of \$37,740 for FY 08; \$16,550 for FY 09; and \$37,740 for FY 10. The DIFP assumes judges, referees, announcers, timekeepers, and matchmakers, etc. will receive biennial licenses.

The DIFP estimates additional funds to the Athletic Fund of \$43,918 for FY 08; \$21,588 for FY 09; and \$41,603 for FY 10, net of expenses.

**Oversight** notes per section 317.006 of the proposal, a tax of five percent (5%) on the gross receipts derived from admission charges is to be deposited into the Athletic Fund. In addition, there would be state and local taxes charged on the admission charges for the events. Assuming \$25,000 per event and 38 events per year, gross receipts would be \$950,000 (\$25,000 X 38). \$47,500 would be deposited into the Athletic Fund annually (\$950,000 X 5%). In addition, **Oversight** estimates the General Revenue Fund would receive approximately \$40,138 (\$950,000 X 4.225% state tax rate) from these events annually. Assuming an average local tax rate of 2.775% (7% minus 4.225%), local governments would receive approximately \$26,363 annually.

ASSUMPTION (continued)

As noted by the DIFP, if the number of events vary, so will the tax revenues collected and deposited into General Revenue, the Athletic Fund, and local governments.

Sections 324.520 - 324.523

It is assumed that 100 individuals and establishments will request licenses at a fee of \$37 per licensee per year, creating an increase in revenue to the Tattoo Fund of \$3,700 annually.

Sections 335.036 & 335.067

It is assumed that the Board of Nursing will meet five additional times the first year to promulgate rules, write the RFP and set up the Impaired Nurses Program. It is assumed that the per diem and travel expenses will be approximately \$7,389 in FY08 and \$683 in subsequent fiscal years.

Based on the costs associated with the Dental Well-Being Committee and the Physician Well-Being Committee, the board believes the costs to implement the Impaired Nurses Program will be approximately \$3,200 per licensee enrolled in the program. The board estimated the number of licensees, who will participate in the program to be 200, for a cost of \$640,000. Therefore, total costs of the Impaired Nurse Program is estimated to be \$13,562 in FY 08 (program set-up costs of \$6,062 + meeting expenses of \$7,500) and \$640,683 (\$640,000 program costs + 683 meeting expenses) for FY 09 and FY 10.

It is the Nursing Board's intent to fund part of the program from their existing budget and to have the impaired nurse pay a portion of the costs as well.

**Oversight** assumes the Nursing Board would require participants to pay fees to cover the costs of treatment and/or adjust nurse licensing fees, if necessary, to cover the costs of the Impaired Nurse Program.

Sections 339.100 - 339.205

The total fiscal impact of practicing real estate without a license is unknown since the number of violations are unknown. It is assumed the penalties will go to the public schools fund.

**Oversight** notes per the legislation, penalties are to be deposited in the General Revenue fund and distributed according to the Missouri Constitution, Article IX, section 7. Penalties are to be transferred to county treasurers for distribution to schools.

ASSUMPTION (continued)



### Sections 345.015 - 346.110

Based on FY 07 board projections, the division estimates 18 endorsement applications (at \$150 each) will no longer be received by the board of Hearing Instrument Specialists thereby decreasing their fund by \$2,700 annually. The board estimates 230 audiologists will not be required to renew their hearing instrument specialist license (at \$250 each) decreasing revenue into the Hearing Instrument Specialist Fund by \$57,500. Based on the language as written the Board of Healing Arts would be required to supplement the Hearing Instrument Specialist fund by these amounts, up to \$61,000. The Board of Healing Arts will increase audiology licensing fees to recoup the cost of the supplement required by this legislation. This will result in a zero net affect on the fund(s) involved.

### Senate Amendment No. 1:

Officials from the **Department of Social Services (DOS)** assume there is no fiscal impact to the DOS, since the Department of Health and Senior Services has the responsibility to provide staff support to the Task Force. No other provisions of this proposal have a fiscal impact on the DOS.

Officials from the **Department of Health and Senior Services (DOH)** assume the task force will be in existence for only one year, since the proposal requires the task force to prepare its final recommendations in the form of a report to the General Assembly within one (1) year of its first meeting. Although the proposal does not specify how often the task force is to meet, it is assumed that the task force will meet up to six times annually. The DOH assumes the task force will be appointed in September, start meeting in October and meet every other month through August.

The proposal lists 17 required members and allows for other members. As several required members are specialty physicians, it is assumed that most members will come from the Kansas City and St. Louis areas. It is also assumed that a member of the Missouri Organ Donor Program will serve on the task force. Since other members may also be chosen to serve on the task force, costs are calculated for a total of 25 task force members. DHSS assumes a standard cost of \$160 per member per meeting for lodging, meals, and mileage for a total cost of \$24,000 (\$160 X 25 members X 6 meetings).

**Oversight** assumes the minimum members required (17) would make up the Task Force for a total cost of \$16,320 (\$160 X 17 members X 6 meetings), with 5 meetings being held in FY08 and one being held in FY09.

ASSUMPTION (continued)

### **Senate Amendment No. 2:**

Officials from the **Department of Health and Senior Services (DOH)** state the Bureau of Narcotics and Dangerous Drugs currently has four (4) Investigator II positions and one (1) Investigator III position to conduct inspections and investigations of the approximately 26,500 (26,430 as of 9/12/2006) state controlled substance registrants. This equals approximately 5,300 registrants per investigator (26,500 registrants/5 investigators).

As of December 11, 2006, there have been 4,999 advanced practice recognitions issued by the Missouri State Board of Nursing. It is assumed that all of these individuals will seek registration with the DOH, Bureau of Narcotics and Dangerous Drugs.

It is assumed this proposal will result in an increase of approximately 5,000 registrants. One (1) additional Investigator II (\$33,888 annually) will be needed to respond to the increased workload in performing activities for the increased number of registrants. The DOH assumes additional rental space of \$2,700 for the Investigator II will also be needed, along with equipment and expenses.

The DOH, Division of Regulation, will need to develop a new database in order to register the new applicants. The registry entries for advanced practice nurses will need to maintain the identification of the registrant delegating this authority under collaborative practice agreements. The current registry cannot store this information. The modifications necessary to register these individuals would require a new database at a total cost of \$246,636. No costs are included for on-going maintenance of the new database as information from the Office of Administration, Information Technology Services Division, indicates that the cost to maintain the new database should not be any more than the cost of maintaining the current database.

Additional registration fees will be generated by this proposal for the approximately 5,000 registrants at \$90 per three year registration. Total registration fees are estimated to be \$450,000 (5,000 registrants X \$90). This amount will be received primarily in a three-year cycle due to the three-year term of the registrations issued. New registrants beginning practice in Missouri in the intervening years would represent a very small number of additional licensed individuals. Accordingly, no revenue is shown in the fiscal note for FY 09 and FY 10.

**Oversight** obtained information from the DIFP on the expected annual increase in new advance practice nurses (APNs) that may want to register with the DOH to have prescriptive authority. 387 new APNs received licenses in FY 06. Based on DIFP's expected annual growth rate of 3%,

ASSUMPTION (continued)

HWC:LR:OD (12/02)

**Oversight** assumes a total of 12 new APNs would register to have prescriptive authority in 2009. Total additional registration revenue for the DOH in 2009 would be \$1,080 (12 new registrants X \$90). **Oversight** assumes 13 new APNs would register to have prescriptive authority in 2010. Total additional registration revenue for the DOH in 2010 would be \$1,170 (13 new registrants X \$90).

**Oversight** also assumes the DOH would not need additional rental space for one new employee.

**Senate Amendment No. 3:**

Officials from the **Department of Insurance, Financial and Professional Regulation (DIFP)** state based on a 2005 estimate from a search of Occupational Projections by the Department of Economic Development, Occupational Employment Statistics (OES) and including a 3% growth rate, there are 525 individuals in the state of Missouri that will be required to obtain private investigator licenses.

The DIFP estimates an initial biennial licensing fee of \$570 per licensee that will begin being collected in FY 09. Initial licensing fees are estimated to be \$299,250. It is assumed that all fees collected would be deposited into a fund for the Board of Private Examiners Fund and that all expenses would be paid out of that fund. It is assumed no revenue will be generated by the Board of Private Investigator Examiners in FY 08. Therefore, expenses incurred by the board will be paid back to the PR Fees Fund by a lending board within the division, pursuant to section 620.106, RSMo. It is estimated payback of any outstanding loans would be made in FY 2011.

Expenses and equipment costs were based on information from boards with a like-sized licensee base. The proposed legislation will create the need for 1.5 FTE as follows: Principal Assistant (0.5 FTE) to serve as the senior executive officer of the agency (\$59,532 annual full-time salary), a Licensure Technician II (0.5 FTE) will be needed to provide technical support, process licensure applications and respond to inquiries regarding licensure law (\$23,916 annual full-time salary) and an Investigator II (0.5 FTE) to conduct investigations and inspections, serve notices and gather information as required by the board (\$33,888).

Officials from the **DPS - Missouri State Highway Patrol (MHP)** state the Department of Insurance, Financial and Professional Regulation advised the MHP that they expect approximately 500 fingerprint checks per year.

The total fees from record checks is estimated to be \$19,000 (\$38 per fingerprint check X 500 checks per year).

**ASSUMPTION** (continued)

HWC:LR:OD (12/02)

The state fingerprint processing fee is \$14; therefore, the anticipated revenue to the Criminal Records Fund is \$7,000 (500 checks X \$14).

The FBI fingerprint processing fee is \$24. However, \$2 is retained in the Criminal Records Fund as an administrative fee. Therefore, \$1,000 (\$2 X 500 checks) is retained in the Criminal Records Fund and \$11,000 (\$22 X 500 checks) is passed-through to the FBI, i.e. not retained in the Criminal Records Fund.

The MHP estimates this proposal will result in an additional \$8,000 (\$7,000 state processing fee + \$1,000 FBI administrative fee) to the Criminal Records Fund.

**Oversight** assumes, based on the DIFP's response, that fingerprinting of applicants would not begin until FY 09. The DIFP estimates 525 applicants in FY 09 and anticipates a 3% growth rate (16 applicants would need to be fingerprinted in FY 10). Income to the Criminal Records Fund for FY 09 is estimated to be \$8,400 [525 applicants X (\$14 state fee + \$2 FBI fee)]; income for FY 10 is anticipated to be \$256 [16 applicants (\$14 state fee + \$2 FBI fee)].

**Oversight** notes that penalties collected as a result of violations are to be paid to the county treasurer (Section 327.077.8).

**Senate Amendment No. 6:**

Officials from the **Office of Attorney General** assume any potential costs arising from this proposal can be absorbed with existing resources.

**This proposal will increase total state revenue.**

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>GENERAL REVENUE FUND</b>			
<u>Income - Civil Penalties Collected</u> <u>(Section 327.077.8)</u>	Unknown	Unknown	Unknown
<u>Income - DIFP</u>			
Increase in tax revenue from athletic events (Sections 317.001 - 317.019)	\$40,138	\$40,138	\$40,138
Penalties collected for practicing real estate without a license (Sections 339.100 - 339.205)	Unknown less than \$100,000	Unknown less than \$100,000	Unknown less than \$100,000
<u>Income - Department of Health and Senior Services</u>			
Registration fees	\$450,000	\$1,080	\$1,170
<u>Costs - Department of Health and Senior Services</u>			
Personal service costs (1 FTE)	(\$29,087)	(\$35,952)	(\$37,030)
Fringe benefits	(\$13,165)	(\$16,272)	(\$16,760)
Equipment and expenses	(\$14,850)	(\$9,758)	(\$10,050)
New database	(\$246,636)	\$0	\$0
Task force meeting costs	(\$13,600)	(\$2,720)	\$0
Total <u>Costs</u> - Department of Health and Senior Services	(\$317,338)	(\$64,702)	(\$63,840)
FTE Change - DOH	1.0 FTE	1.0 FTE	1.0 FTE
<u>Costs - Office of State Treasurer</u>			
Personal service costs (1.0 FTE)	(\$28,026)	(\$34,641)	(\$35,680)
Fringe benefits	(\$12,685)	(\$15,679)	(\$16,149)
Total <u>Cost</u> - Office of State Treasurer	(\$40,711)	(\$50,320)	(\$51,829)
FTE Change - STO	1.0 FTE	1.0 FTE	1.0 FTE
<u>Costs - Department of Corrections</u>			
Increase in incarceration and parole costs	\$0	(Unknown less than \$100,000)	(Unknown less than \$100,000)

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>GENERAL REVENUE FUND (cont.)</b>			
<u>Loss - Department of Health and Senior Services</u>			
Reduction in licensing revenue	\$0	\$0	(\$2,350)
<u>Transfer-Out - County Treasurers</u>			
Transfer-out of penalties collected	(Unknown)	(Unknown)	(Unknown)
Transfer-out of penalties collected	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>	<u>(Unknown less than \$100,000)</u>
<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>	<b><u>\$132,089</u></b>	<b><u>(Unknown less than \$173,804)</u></b>	<b><u>(Unknown less than \$176,711)</u></b>
Estimated Net FTE Change for General Revenue Fund	2.0 FTE	2.0 FTE	2.0 FTE
<b>TATTOO FUND</b>			
<u>Income - DIFP</u>			
License fee revenue	<u>\$3,700</u>	<u>\$3,700</u>	<u>\$3,700</u>
<b>ESTIMATED NET EFFECT ON TATTOO FUND</b>	<b><u>\$3,700</u></b>	<b><u>\$3,700</u></b>	<b><u>\$3,700</u></b>
<b>CRIMINAL RECORDS FUND</b>			
<u>Income - Missouri State Highway Patrol</u>			
Fingerprinting fees (Sections 324.1100 - 324.1148)	<u>\$0</u>	<u>\$8,400</u>	<u>\$256</u>
<b>ESTIMATED NET EFFECT ON CRIMINAL RECORDS FUND</b>	<b><u>\$0</u></b>	<b><u>\$8,400</u></b>	<b><u>\$256</u></b>

<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
<b>ATHLETIC FUND</b>			
<u>Income - DIFP (Sections 317.007 - 317.019)</u>			
License fees	\$37,740	\$16,550	\$37,740
Gate tax revenue	<u>\$47,500</u>	<u>\$47,500</u>	<u>\$47,500</u>
Total <u>Income</u> - DIFP	\$85,240	\$64,050	\$85,240
<u>Costs - DIFP</u>			
Inspector training	(\$26,616)	(\$27,414)	(\$28,237)
Event reimbursement	<u>(\$11,400)</u>	<u>(\$11,742)</u>	<u>(\$12,094)</u>
Total <u>Cost</u> - DIFP	(\$38,016)	(\$39,156)	(\$40,331)
<b>ESTIMATED NET EFFECT ON ATHLETIC FUND</b>	<b><u>\$47,224</u></b>	<b><u>\$24,894</u></b>	<b><u>\$44,909</u></b>
<b>HEARING INSTRUMENT SPECIALIST FUND</b>			
<u>Transfer-in - Board of Registration for the Healing Arts Fund (Sections 345.015 - 346.110)</u>			
Transfer-in for reduction in application and renewal fees	\$0	\$60,200	\$0
<u>Loss - DIFP</u>			
Reduction in application and renewal fees	<u>\$0</u>	<u>(\$60,200)</u>	<u>\$0</u>
<b>ESTIMATED NET EFFECT ON HEARING INSTRUMENT SPECIALIST FUND</b>	<b><u>\$0*</u></b>	<b><u>\$0*</u></b>	<b><u>\$0*</u></b>

FISCAL IMPACT - State GovernmentFY 2008  
(10 Mo.)

FY 2009

FY 2010

**BOARD OF REGISTRATION FOR  
THE HEALING ARTS FUND**Income - DIFP (Sections 345.015 -  
346.110)

Increase in licensing fees	\$0	\$60,200	\$0
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Transfer-Out - Hearing Instrument  
Specialist Fund

Transfer-out for reduction in application and renewal fees	\$0	(\$60,200)	\$0
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**ESTIMATED NET EFFECT ON  
BOARD OF REGISTRATION FOR  
THE HEALING ARTS FUND**\$0\*\$0\*\$0\***PRIVATE INVESTIGATOR  
EXAMINERS FUND**Transfer-In - DIFP (Sections 324.1100 -  
324.1148)

Transfer from PR Fees Fund	\$110,763	\$0	\$0
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Income - DIFP

Licensure fees/renewals	\$0	\$299,250	\$9,120
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Costs - DIFP

Personal service costs (1.5 FTE)	(\$50,236)	(\$61,944)	(\$66,650)
Fringe benefits	(\$22,737)	(\$28,036)	(\$30,166)
Equipment and expense	(\$33,706)	(\$25,315)	(\$26,013)
AGO and AHC costs	(\$4,084)	(\$5,048)	(\$5,199)

Total Costs - DIFP

(\$110,763)	(\$120,343)	(\$128,028)
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FTE Change - DIFP	1.5 FTE	1.5 FTE	1.5 FTE
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**ESTIMATED NET EFFECT ON  
PRIVATE INVESTIGATOR  
EXAMINERS FUND**\$0\$178,907(\$118,908)

Estimated Net FTE Change for Private  
Investigator Examiners Fund

1.5 FTE

1.5 FTE

1.5 FTE



<u>FISCAL IMPACT - State Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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**PR FEES FUND**

Transfer-Out - DIFP

Transfer to Private Investigator Examiners Fund	<u>(\$110,763)</u>	<u>\$0</u>	<u>\$0</u>
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<b>ESTIMATED NET EFFECT ON PR FEES FUND</b>	<b><u>(\$110,763)</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
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**\* Transfers between funds and increase in fees nets to \$0.**

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

Income - County Treasurers

Transfer-in of penalties collected	Unknown	Unknown	Unknown
Transfer-in of penalties collected	<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>

Total <u>Income</u> - County Treasurers	<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>	<u>Unknown less than \$100,000</u>
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<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - SCHOOLS</b>	<b><u>Unknown less than \$100,000</u></b>	<b><u>Unknown less than \$100,000</u></b>	<b><u>Unknown less than \$100,000</u></b>
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**LOCAL GOVERNMENTS - CITIES  
AND COUNTIES**

Income - Cities and Counties

Gate revenue from sporting events	<u>\$26,363</u>	<u>\$26,363</u>	<u>\$26,363</u>
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<b>ESTIMATED NET EFFECT ON LOCAL GOVERNMENTS - CITIES AND COUNTIES</b>	<b><u>\$26,363</u></b>	<b><u>\$26,363</u></b>	<b><u>\$26,363</u></b>
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<u>FISCAL IMPACT - Local Government</u>	FY 2008 (10 Mo.)	FY 2009	FY 2010
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**LOCAL GOVERNMENTS - COUNTY  
PROSECUTORS**

Costs - County Prosecutors

Increase in criminal prosecutions	<u>(\$0 to Unknown)</u>	<u>(\$0 to Unknown)</u>	<u>(\$0 to Unknown)</u>
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**ESTIMATED NET EFFECT ON  
LOCAL GOVERNMENTS - COUNTY  
PROSECUTORS**

<u>(\$0 to Unknown)</u>	<u>(\$0 to Unknown)</u>	<u>(\$0 to Unknown)</u>
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FISCAL IMPACT - Small Business

The proposal will impact small businesses in any of the professions included in this proposal.

FISCAL DESCRIPTION

This proposal changes the laws regarding the regulation of mixed martial arts, full contact karate, boxing, kickboxing, and wrestling. In its main provisions, the proposal: (1) Authorizes the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration to establish rules governing amateur sanctioning bodies; (2) Allows a gross receipts tax to be assessed on pay-per-view telecasts of these events; (3) Expands the disciplinary authority of the Office of Athletics within the division; and (4) Requires contestants participating in boxing, kickboxing, wrestling, full-contact karate, or mixed martial arts to sign a bout contract with the event promoter before each contest which specifies their weight, how much they are being paid, and the date and location of the event.

This proposal authorizes the Director of the Division of Professional Registration within the Department of Insurance, Financial Institutions, and Professional Registration to establish rules regarding the educational and training requirements for applicants to receive or renew a license to practice tattooing, branding, or body piercing. The division is authorized to file complaints with the Administrative Hearing Commission for certain reasons specified in the proposal.

This proposal authorizes the Missouri Board for Architects, Professional Engineers, Professional Land Surveyors and Landscape Architects to impose civil penalties against licensed and unlicensed persons. Any person who practices architecture, engineering, land surveying or landscape architecture without a valid license may be subject to an administrative action by the board to seek a civil penalty. The board may initiate investigations against the unlicensed person and may issue subpoenas to compel attendance and testimony of witnesses.

FISCAL DESCRIPTION (continued)

The complaint must be filed with the Administrative Hearing Commission, which shall conduct a hearing and issue its findings of fact and conclusions of law. The duties of the commission are amended to include the ability to hear such cases. If the commission finds the unlicensed person has violated this proposal, then the board may issue a civil penalty not to exceed \$5,000 for each day of violation, with a maximum penalty of \$25,000. The unlicensed person has the right to appeal the order imposing the fine to a circuit court. Once the case is final, and the penalty is not timely paid, the Attorney General may commence an action to recover the penalty, including reasonable attorney fees and costs and a surcharge of 15% of the penalty plus 10% per year on any amounts owed. The validity and appropriateness of the final order imposing the civil penalty shall not be subject to review.

The proposal authorizes the Missouri Real Estate Commission to impose civil penalties upon a licensee as a form of sanction for a violation of the real estate licensing regulations and also against an unlicensed person performing any acts for which a valid real estate license is required. Complaints must be filed with the Administrative Hearing Commission; and if the commission finds that a person has violated the provisions of the substitute, the Missouri Real Estate Commission may issue a civil penalty, not to exceed \$2,500 for each day of violation.

This proposal changes the laws regarding licensure of nursing home administrators. The proposal: (1) Requires licensing fees to be paid to the Department of Health and Senior Services rather than the Department of Revenue; and (2) Authorizes the board to establish an inactive license for a licensee who requests it.

Senate Amendment Number 1: Creates the "Chronic Kidney Disease Task Force." The list of 17 members are specified in the legislation. The duties of the task force include developing a plan to educate the public and health care professionals about the advantages and methods of early screening, diagnosis, and treatment of chronic kidney disease. Also, the task force shall submit a report of its findings and recommendations to the General Assembly within a year of its first meeting.

Senate Amendment Number 2: Authorizes advanced practice registered nurses who hold a certificate of controlled substance prescriptive authority from the board of nursing to administer or dispense controlled substances in schedule V while operating under a controlled substance collaborative practice agreement.

Senate Amendment Number 3: Creates the "Board of Private Investigator Examiners" within the Division of Professional Registration in the Department of Insurance, Financial and Professional Regulation. The Board shall set the fees for licensure. Licenses shall expire two years after issuance and provisions for renewal are provided. The Board is given rulemaking authority.

FISCAL DESCRIPTION (continued)

The Board of Private Investigator Examiners Fund is also created. The proposal makes it unlawful for persons to engage in the private investigator business unless licensed. Consumer reporting agencies, attorneys, collection agencies, and insurers are exempted from licensure. Application requirements are specified.

The Board shall ensure applicants complete a course of training conducted by a certified trainer; pass a written examination; and submit to an oral interview with the Board. Complete background checks will be conducted on all applicants. The proposal grandfathers current private investigators.

The Board shall certify qualified trainers of private investigators. Persons who knowingly falsify fingerprints or photographs required to be submitted is a Class D felony. Violation of other provisions is a Class A misdemeanor unless it is a second or subsequent violation in which case it is a Class D felony.

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

HWC:LR:OD (12/02)

L.R. No. 2034-09

Bill No. SS for SCS for HCS for HB 780 with SA 1, SA 2, SA 3, SA 4, SA 6, SA 8, and SA 9

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Office of Attorney General

Office of Administration -

Administrative Hearing Commission

Office of State Courts Administrator

Department of Insurance, Financial and Professional Regulation

Department of Corrections

Department of Health and Senior Services

Department of Revenue

Department of Social Services

Department of Public Safety -

Director's Office

Division of Fire Safety

Missouri State Highway Patrol

Office of the Governor

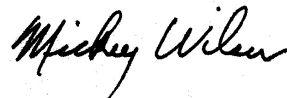
Office of Prosecution Services

Missouri Senate

Office of Secretary of State

Office of State Public Defender

Office of State Treasurer

A handwritten signature in black ink that reads "Mickey Wilson". The signature is fluid and cursive, with the first name "Mickey" and last name "Wilson" clearly distinguishable.

Mickey Wilson, CPA

Director

May 10, 2007