

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2143-02
Bill No.: HB 886
Subject: Crimes and Punishment; Environmental Protection; Natural Guard
Type: Original
Date: March 13, 2007

Bill Summary: Changes laws relating to solid wastes

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 **Office of State Courts Administrator, Department of Agriculture, Department of Health and Senior Services, Missouri National Guard and Department of Public Safety** assume no fiscal impact to their agencies.

Officials from the **State Public Defender** assume for the purpose of this proposal, and as a result of excessive caseloads, the Office of State Public Defender cannot assume existing staff will provide competent, effective representation for any new cases arising where indigent persons are faced with the enhanced penalties for illegal dumping of farm waste. The Missouri State Public Defender System is currently operating in a crisis mode with caseloads far in excess of any recognized standard.

Passage of bills increasing penalties on existing crimes, or creating new crimes, requires the State Public Defender System to further overextend already overextended resources. While the number of cases with increased penalties may be too few or uncertain to request additional funding for this specific bill, the Office of State Public Defender will continue to request sufficient appropriations to provide competent and effective representation in all its cases.

Officials from the **Department of Natural Resources** assume this proposal specifies that a person commits the crime of disposition of demolition waste if he or she purposely or knowingly disposes of or causes the disposal of demolition waste on any property in the state that is not a solid waste processing facility or a solid waste disposal area that has obtained an operating permit from the Department of Natural Resources.

This proposal would increase the crime of illegal dumping of both demolition waste and commercial and residential waste to a class D felony. This could serve as a deterrent to illegal dumping and may help reduce the overall number of violations that the department must respond to as well as improve the prosecution efficiency for violations that do occur.

The civil penalties for violations of the solid waste management provisions would be increased to include penalties for violations of tonnage fee payments and penalties for violations relating to solid waste disposal areas.

The department would not anticipate additional costs to the department as a result of this proposal.

Officials from the **Office of Prosecution Services** assume this proposal includes provisions for new criminal acts and therefore creates new obligations for prosecuting attorneys. Any increase

ASSUMPTION (continued)

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 Office of Prosecution Services 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 Office of Prosecution Services 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 there would be minimal fiscal impact to the Office of Prosecution Services and that any additional cost or impact would be \$0.

Officials from the **Attorney General's Office** did not respond to our request for a fiscal impact to this proposal.

<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.

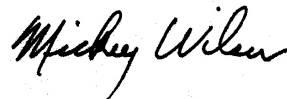
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Agriculture
Department of Health
Department of Public Safety
State Public Defender
Department of Natural Resources
Missouri National Guard

NOT RESPONDING

Attorney General's Office



Mickey Wilson, CPA
Director
March 13, 2007