

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1507-01
Bill No.: HB 657
Subject: Boats and Watercraft; Crimes and Punishment; Lakes; Rivers and Waterways
Type: Original
Date: March 3, 2009

Bill Summary: This proposal requires the posting of a '911' address on boat docks beginning in 2010 and prohibits expanded polystyrene or glass containers within 50 feet of a river or stream, with certain exceptions.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
General Revenue	\$0	\$0 or Unknown	\$0 or Unknown
Total Estimated Net Effect on General Revenue Fund	\$0	\$0 or Unknown	\$0 or Unknown

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
State School Moneys	\$0	\$0	\$0
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 2010	FY 2011	FY 2012
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2010	FY 2011	FY 2012
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 2010	FY 2011	FY 2012
Local Government	\$0 or Unknown	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Water Patrol** and the **Office of the State Courts Administrator** each assume the proposal will not fiscally impact their respective agencies.

Officials from the **Office of Prosecution Services** state the proposal will have no measurable fiscal impact on their agency. The potential fiscal impact on county prosecuting attorneys will necessarily depend on the extent to which law enforcement agencies choose to enforce this provision and/or are able to enforce this provision. If law enforcement agencies make arrests under this provision, there may be an impact based on the additional cases that may be filed.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide competent, effective representation for any new cases arising where indigent persons are charged with the proposed new crime of possessing glass containers near a waterway - a new Class C misdemeanor.

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

Officials from the **Department of Conservation** state the proposed legislation would have some fiscal impact from participation by conservation agents in enforcement and prosecution, incidental to their duties.

Officials from the **Department of Natural Resources** state their Division of State Parks may be required to post signs at some docks; however, the fiscal impact would be minimal.

Oversight assumes the changes within the proposal could generate some additional fine revenue from the infractions of abandoning a boat dock and failing to display identifying information on a boat dock as well as the class C misdemeanor of possessing expanded polystyrene or glass containers within fifty feet of a river or stream. Oversight will reflect this as a potential unknown amount of income to the local school districts and then a corresponding reduction in state funding to the schools in the following year. Oversight will assume the income and reduction of school districts will net to zero after the first year.

FISCAL IMPACT - State Government

FY 2010
(10 Mo.)

FY 2011

FY 2012

GENERAL REVENUE

Savings - potential reduction in school funding as a result of additional fine revenue paid to local school districts because of this proposal.

\$0 \$0 to Unknown \$0 to Unknown

**ESTIMATED NET EFFECT TO THE
GENERAL REVENUE FUND**

\$0 **\$0 to**
 Unknown **\$0 to**
 Unknown

STATE SCHOOL MONEYS

Savings - reduced payments to local school districts

\$0 \$0 to Unknown \$0 to Unknown

Loss - potential reduction in funding from the General Revenue fund for schools

\$0 \$0 to
 (Unknown) \$0 to
 (Unknown)

**ESTIMATED NET IMPACT TO THE
STATE SCHOOL MONEYS FUND**

\$0 **\$0** **\$0**

<u>FISCAL IMPACT - Local Government</u>	FY 2010 (10 Mo.)	FY 2011	FY 2012
LOCAL SCHOOL DISTRICTS			
<u>Income</u> - potential increase in fine revenue from infractions of abandoning a dock and failing to display 911 information on a dock, also from the class C misdemeanor of possessing expanded polystyrene or glass containers within 50 feet of river or stream	\$0 or Unknown	\$0 or Unknown	\$0 or Unknown
<u>Loss</u> - reduction in school funding as a result of additional fine revenue collected in the prior year	<u>\$0</u>	\$0 or <u>(Unknown)</u>	\$0 or <u>(Unknown)</u>
ESTIMATED NET EFFECT TO LOCAL SCHOOL DISTRICTS	<u>\$0 or Unknown</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Small businesses with a dock may have to purchase a sign to display 911 information as a result of this proposal.

FISCAL DESCRIPTION

This bill changes the laws regarding boat docks and the possession of certain containers near waterways.

BOAT DOCKS

Beginning January 1, 2010, a person owning a boat dock on a lake with at least 950 miles of shoreline or on a lake constructed or maintained by the United States Army Corps of Engineers with certain specified exceptions will be required to display the appropriate 911 street address nearest to the dock by land. The bill specifies how and where the address must be displayed. A person who fails to display the identifying information will be guilty of an infraction.

FISCAL DESCRIPTION (continued)

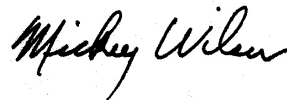
The bill changes the infraction of abandoning a boat dock to include all waters of the state, not just lakes with at least 950 miles of aggregate shoreline, and removes the fine.

POLYSTYRENE OR GLASS CONTAINERS NEAR WATERWAYS

The bill specifies that any person in possession of expanded polystyrene or glass containers, including beverage containers, within 50 feet of a river or stream will be guilty of a class C misdemeanor. These provisions do not apply to developed campgrounds, picnic areas, landings, roads, or parking lots within 50 feet of a river or stream. High density bait containers, used solely to hold fishing bait, are also exempt from these provisions.

SOURCES OF INFORMATION

Department of Public Safety
Office of the State Courts Administrator
Department of Natural Resources
Department of Conservation
Office of Prosecution Services
Office of the State Public Defender



Mickey Wilson, CPA
Director
March 3, 2009