

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 5330-04  
Bill No.: SS for SCS for HB 2317 with SA 1  
Subject: Property, Real and Personal; Attorney General, State  
Type: Original  
Date: April 29, 2010

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Bill Summary: Authorizes the Governor to convey certain state properties and requires the Office of Administration to provide senators and representatives with access to the dome of the state capitol.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on General Revenue Fund</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 9 pages.

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2011</b>	<b>FY 2012</b>	<b>FY 2013</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 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Total Estimated Net Effect on FTE</b>	<b>0</b>	<b>0</b>	<b>0</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 2011</b>	<b>FY 2012</b>	<b>FY 2013</b>
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

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## **FISCAL ANALYSIS**

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### ASSUMPTION

#### Keys to the Dome

In response to similar legislation filed this year, SB 600, the following responded:

Officials from the **Department of Public Safety - Director's Office, Missouri House of Representatives** and **Missouri Senate** assume the proposal will have no fiscal impact on their organizations.

Officials from the **Office of Administration (COA) - Commissioner's Office** state that if expanded access is granted to the State Capitol Dome, the state will be liable for any claims if an injured individual sues the state. In the past two (2) years, there have been two incidents where an individual was injured as a result of visitors being allowed access to the dome. In one instance, the injured individual was taken to the emergency room at a local hospital. In the other instance, emergency medical services (EMS) personnel refused to climb the stairway going to the dome because they could not properly transport the individual down the staircase. A Capitol Police officer was able to assist the visitor down the stairs where EMS personnel provided aid.

**COA - Division of General Services, Risk Management (GS/RM)** officials assume there would be an increase in the number of visitors to the Capitol Dome if the proposal is approved. Therefore, the likelihood of an accident or injury increases. While there have been no claims to date, the likelihood of a claim increases and these costs would have to be covered by the state's Legal Expense Fund. For any one person in a single accident or occurrence, the maximum waiver of sovereign immunity for a dangerous condition of property claim would be \$378,814 (for claims occurring in 2009; new figures are not out yet for 2010). For all claims arising out of a single accident or occurrence, the maximum would be \$2,525,423.

**COA - Division of Facilities Management, Design and Construction (FMDC)** officials state increased access to the Capitol Dome area would require the COA to make extensive modifications to the space because access to this area was not designed for heavy traffic. There are more than 300 caged steps and no ventilation system, which could cause problems for anyone with health issues. This creates serious accessibility issues in the case of a medical emergency and medical-related evacuation. In addition, there is no way to get emergency equipment to the upper dome area. The state could incur costs to fix roofs and other structures and there is insufficient protection to visitors above the existing wall surrounding the area.

During FY 08, the FMDC conducted a study to determine the feasibility of access to the Whispering Gallery. The proposal will impact the state's Capital Improvement budget as design

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ASSUMPTION (continued)

and construction costs to the Gallery and Dome are estimated at \$2,590,000. This estimate includes the addition of appropriate heating, ventilation and air conditioning equipment for the space. Required modifications include the design of safe entrances and exists, protection of building electrical components and other safety features, but does not include asbestos abatement or wheelchair accessibility.

The proposal will also impact FMDC's operating appropriation for the costs associated with heating, cooling, maintenance, and cleaning of the space on an on-going basis. The FMDC is unable to estimate these costs until construction is finalized.

Finally, the COA would incur additional costs to duplicate 197 keys, but these costs could be covered with existing resources.

In summary, providing expanded access to the State Capitol Dome could increase the state's liability in the event of a claim more than \$2.5 million per incidence; design and construction costs to the Whispering Gallery and Dome are estimated at \$2.59 million. There are also other unknown costs associated with the proposal, including asbestos removal, wheelchair access and annual heating, cooling, maintenance and cleaning costs.

**Oversight** assumes the proposal is only mandating the provision of keys to the legislators and, as a result, is not presenting the COA's Legal Expense Fund or design and construction costs.

All Properties

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

Lottery and Cape Girardeau Property

Officials at the **Office of Administration** assume no fiscal impact on OA- Facilities Management, Design and Construction. Their understanding is the City of Cape Girardeau is giving the state comparable property in exchange for the conveyance and a trade of easements is happening at the Lottery Headquarters.

Officials at the **Missouri Veterans Commission** assume that there is no fiscal impact from this proposal.

Officials at the Missouri Lottery, the City of Cape Girardeau, Cape Girardeau County and Cole County did not respond to **Oversight's** request for fiscal impact.

ASSUMPTION (continued)

Maryville Airport Hanger Property

Officials at the **Office of Administration Facilities Management, Design and Construction** assume no fiscal impact on OA. FMDC estimates the land and hanger value at \$240,000.

Officials at the **City of Maryville** assume that the City would have to expend funds to fix up the dilapidated hanger to bring it up to code and make the necessary improvements. Overall, though it would not hurt the City but rather help in the long term provide the City with an additional revenue source at the airport.

Officials at the County of Nodaway did not respond to **Oversight's** request for fiscal impact.

**Oversight** assumes this conveyance will be handled just like all state conveyances and will not have an effect on the state.

Franklin County Property

Officials at the **Office of Administration Facilities Management, Design and Construction** assume no fiscal impact on OA. FMDC estimates the land value at \$250,000.

Officials at the Franklin County did not respond to **Oversight's** request for fiscal impact.

**Oversight** assumes this conveyance will be handled just like all state conveyances and will not have an effect on the state.

Mental Health Properties

Officials at the **Department of Mental Health** defers to the Office of Administration for its response.

Officials at the **St. Louis County** assume assume that there is no fiscal impact from this proposal.

Officials at the **City of Nevada** assume the impact to be neutral. The proposed purchase price and appraised value is unknown. However; a long term savings may be realized as any costs incurred to purchase or improve the property will offset the potentially greater costs associated with the purchase and development of an alternate location intended to meet the City's need for expanded municipal facilities. Additionally, the City may choose to partner with other public or private entities to improve the site. In that case these costs may be recaptured or additional savings gained by the City through a development or intergovernmental agreement.

ASSUMPTION (continued)

Church Farm and Warden Residence at Boonville Correctional Center

Officials at the **Department of Corrections (DOR)** assume Missouri Vocational Enterprises (MVE) within the DOC's Division of Offender Rehabilitative Services (DORS) currently leases out the land in the Church Farm Bottoms. The Working Capital Revolving Fund would sustain a loss of revenue generated by this lease if the land was conveyed. The fiscal impact is Unknown. General Revenue is not fiscally impacted as it pertains to DOC.

Mental Health Properties, Church Farm and Warden Residence at Boonville Correctional Center, Sunrise State School Property and the Nevada Rehabilitation Center Property

Officials at the **Office of Administration** assume the value of the properties is as follows:

Church Farm	\$1.5 million
Mental Health Center KC	\$50,000
New Ballwin Mental Health Group Home	\$150,000
Warden Residence	\$60,000
Franklin County property	\$400,000 - \$500,000
State School	Unknown
Bellefontaine Habilitation Center	Unknown

Officials at the **City of Marshfield** assume that there is no fiscal impact from this proposal.

Officials at the Cooper County, Jackson County, St. Francois County, Vernon County, Webster County, Boonville, Farmington, and Kansas City did not respond to **Oversight's** request for fiscal impact.

**Oversight** assumes that the State will handle these conveyances so they have no negative impact on the state.

Senate Amendment 1

Officials at the **Department of Mental Health (DMH)** assume this amendment pertains to the Nevada Habilitation Center, as specifically described herein. The authorization includes the lease-purchase of one portion and sale of the remainder of the property. DMH defers to OA/FMD&C

Officials at the **Office of Administration** assume the Nevada Habilitation Center's impact is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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<u>FISCAL IMPACT - Local Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
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	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
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FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

This act authorizes the Governor to convey several state properties.

This act contains an emergency clause.

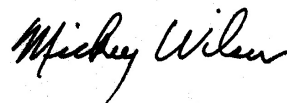
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

**SOURCES OF INFORMATION**

City of Maryville  
City of Marshfield  
City of Nevada  
Department of Corrections  
Department of Mental Health  
Department of Public Safety  
    Director's Office  
Office of the Attorney General  
Office of Administration -  
    Division of General Services/Risk Management  
    Division of Facilities Management, Design and Construction  
Missouri House of Representatives  
Missouri Senate  
Missouri Veterans Commission  
St. Louis County

**Not Responding**

City of Boonville  
City of Cape Girardeau  
City of Farmington  
City of Jefferson City  
City of Kansas City  
Cape Girardeau County  
Cole County  
Cooper County  
Franklin County  
Jackson County  
Missouri Lottery  
Nodaway County  
Office of the Governor  
St. Francois County  
Vernon County  
Webster County

A handwritten signature in black ink, appearing to read "Mickey Wilson". The signature is written in a cursive, flowing style.



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Mickey Wilson, CPA  
Director  
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