

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5159-03
Bill No.: HCS for HB 1309
Subject: Fees; Motor Vehicles; Crimes and Punishment
Type: Original
Date: February 12, 2014

Bill Summary: This proposal changes the laws regarding the Brain Injury Fund.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Brain Injury Fund*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

* Income and expenditures unknown but net to \$0.

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2015	FY 2016	FY 2017
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 2015	FY 2016	FY 2017
Local Government*	\$0	\$0	\$0

* Income and transfers to the state's Brain Injury Fund unknown but net to \$0.

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Revenue** assume the proposal will have no fiscal impact on their organization.

In response to a previous version, officials from the **Office of the State Courts Administrator** the **Department of Public Safety - Missouri Highway Patrol** and the **Office of the State Treasurer** each assumed the proposal would have no fiscal impact on their respective organizations.

In response to a previous version, officials from the **Department of Health and Senior Services (DHSS)** stated Section 304.028 of this proposal would require the DHSS, Adult Brain Injury (ABI) Program to provide coverage for comprehensive brain injury day rehabilitation therapy. If passed, the ABI Program would be the only state program to provide medical therapies for adults. FY 14 ABI Program participants currently experience a waiting period of 533 days for provider rehabilitation services. Additional revenue to the Brain Injury Fund is unknown, although DHSS estimates the cost of providing day rehabilitation services will exceed the increase in revenue. In addition, adding day rehabilitation services is likely to increase the number of brain injured individuals seeking services through the ABI Program.

DHSS estimates that with the accompanied increase of participants and insufficient revenues, the number of individuals and time spent on the waiting list will significantly increase. Studies have shown provision of rehabilitation services are more effective if provided in a timely manner, resulting in greater improvements to brain injured individuals. In addition, participants waiting for brain injury services have a greater chance of creating more costs for the state (correction stays, nursing home services, etc.) than if they were able to receive the services in a timely manner. DHSS assumes that existing transitional home and community support services through the ABI Program will fulfill the requirement proposed in Section 304.028.1.

In response to a similar proposal from this year (HB 1229), officials from the **City of Kansas City (City)** stated based on current citation numbers, it is estimated that this would result in the City collecting about \$202,000 per year in fees. The fees would be paid to the State Treasury for the Brain Injury Fund. The City would not retain any revenue.

ASSUMPTION (continued)

Oversight assumes an Unknown amount of revenue will be collected by counties and municipalities for violations of county and municipal ordinances under the provisions of this proposal. This revenue will be transferred from the local governments to the credit of the Brain Injury Fund. Oversight further assumes program expenditures by the DHSS for comprehensive brain injury day rehabilitation therapy programs will be limited to the increase in revenue from the \$2 surcharge

<u>FISCAL IMPACT - State Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
BRAIN INJURY FUND			
<u>Transfer-in - Local Governments</u> \$2 surcharge on criminal or traffic violations (§304.028)	Unknown	Unknown	Unknown
<u>Costs - DHSS (§304.028)</u> Increase in rehabilitation therapy program expenditures	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO THE BRAIN INJURY FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2015 (10 Mo.)	FY 2016	FY 2017
LOCAL GOVERNMENTS COUNTIES AND MUNICIPALITIES			
<u>Income - Counties and Municipalities</u> \$2 surcharge collected on criminal and traffic violations	Unknown	Unknown	Unknown
<u>Transfer-out - Brain Injury Fund</u> Transfer of surcharge fees collected	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT TO THE LOCAL GOVERNMENTS COUNTIES AND MUNICIPALITIES	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

This could impact small businesses only if they pay for county or municipal violations of employees by adding a two dollar surcharge to the cost of the infraction.

FISCAL DESCRIPTION

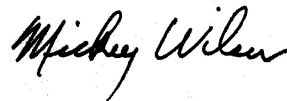
This proposal specifies that in all criminal cases including violations of any county or municipal ordinance or any violation of criminal or traffic laws of this state, including an infraction, there must be assessed as costs a surcharge of \$2. The surcharge must not be waived, except the surcharge will not be collected in a proceeding involving a violation of an ordinance or state law when the proceeding or defendant has been dismissed by the court or when costs are to be paid by the state, county or municipality. The proceeds from the surcharge will be paid to the state treasury to the credit of the Brain Injury Fund.

The proposal specifies that the fund must be used for the transition, integration, and provision of community-based services in comprehensive brain injury day rehabilitation therapy programs, home and community supports, and social and educational activities for the purposes of outreach and support to enable individuals with brain injury and their families to live in the community.

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 the State Treasurer
Department of Health and Senior Services
Office of the State Courts Administrator
Department of Public Safety
Department of Revenue
City of Kansas City

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive, flowing style.

Mickey Wilson, CPA
Director
February 12, 2014

Ross Strobe
Assistant Director
February 12, 2014