

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 5330-02
Bill No.: SCS for HB 1539
Subject: Firearms and Fireworks
Type: Original
Date: May 9, 2014

Bill Summary: This proposal modifies provisions related to public safety.

FISCAL SUMMARY

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

* Oversight assumes the Department of Public Safety will charge fees to cover the anticipated annual expenditures of approximately \$55,000

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

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 8 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

* Losses and Savings that should net to zero.

FISCAL ANALYSIS

ASSUMPTION

Sections 84.340, 571.030, and 590.750 - Department of Public Safety licenses corporate security advisors:

Officials from the **Department of Public Safety - Office of the Director (DPS)** state this requires DPS to regulate and license all corporate Security Advisors. DPS will have to promulgate rules to implement the provisions of the law and shall oversee the licensing of Security Advisors. The addition of the program will necessitate the hiring of a Program Representative II. DPS assumes the total cost for this additional FTE to be approximately \$55,000 per year.

Officials from the St. Louis Metropolitan Police Department did not respond to our request for fiscal impact.

Officials from **Kansas City** assume the proposal would not fiscally impact their city.

Oversight assumes DPS will be able to charge fees for the licensing and renewal of licenses for corporate security advisors. Oversight does not know the number of corporate security advisors that are licensed each year by the St. Louis Metropolitan Police Department and the Kansas City Police Department. In the Code of State Regulations (17 CSR 10-2.040), the Board of Police Commissioners of Kansas City, Missouri has established the following fee schedule:

Annual Company License	\$300
Class A - Armed License	\$145
Class A - Armed License Renewal	\$ 90
Replacement of Lost/Stolen License	\$ 65
Rescheduling Fee	\$ 85

Oversight doesn't know how many licenses DPS will need to issue, or what fees DPS will charge; therefore, we will reflect an unknown amount of revenue into the General Revenue Fund for these fees. However, Oversight assumes DPS will charge fees sufficient to cover their costs of administering this license.

Oversight will also reflect a loss of fees to the local political subdivisions as well as a savings for not having to administer the licensing. Oversight will assume the two will offset.

This part of the proposal has an emergency clause.

RAS:LR:OD

ASSUMPTION (continued)

Officials from the **Office of the State Courts Administrator** assume the proposal would not fiscally impact the courts.

In response to similar provisions from this year, officials from the **Office of the Secretary of State (SOS)** provided that many bills considered by the General Assembly include provisions allowing or requiring agencies to submit rules and regulations to implement the act. The SOS is provided with core funding to handle a certain amount of normal activity resulting from each year's legislative session. The fiscal impact for this fiscal note to the SOS for Administrative Rules is less than \$2,500. The SOS recognizes that this is a small amount and does not expect that additional funding would be required to meet these costs. However, we also recognize 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 our office can sustain with our core budget. Therefore, we reserve the right to request funding for the cost of supporting administrative rules requirements should the need arise based on a review of the finally approved bills signed by the governor.

Oversight assumes the SOS could absorb the costs of printing and distributing regulations related to this proposal. If multiple bills pass which require the printing and distribution of regulations at substantial costs, the SOS could request funding through the appropriation process.

Officials from the **Joint Committee on Administrative Rules** state this legislation is not anticipated to cause a fiscal impact beyond its current appropriation.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal would not have a fiscal impact on their agency. The creation of a new crime creates additional responsibilities for county prosecutors which may, in turn, result in additional costs which are difficult to determine.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are charged with the proposed new crime of acting as a corporate security advisor without a license from the Department of Public Safety (a new class A misdemeanor).

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 effective representation in all cases where the right to counsel attaches.

Oversight assumes the SPD can absorb the additional caseload that may result from this

ASSUMPTION (continued)

proposal.

Officials from the **Department of Corrections (DOC)** state penalty provisions for violations, the component of the bill to have potential fiscal impact for DOC, is for a class A misdemeanor. Currently, 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 through supervision provided by the Board of Probation and Parole (FY13 average of \$5.07 per offender, per day or an annual cost of \$1,851 per offender).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

§ 563.031- defense of property if not the owner:

In response to a similar proposal from this year (HB 2126), officials from the **Department of Public Safety - Missouri Highway Patrol, Office of the State Public Defender, Office of the State Courts Administrator, Office of Prosecution Services**, and the **Department of Corrections** each assumed the proposal would not fiscally impact their respective agencies.

§ 571.111- concealed carry permit changes:

Oversight assumes changes to this section will not fiscally impact the state or local political subdivisions.

<u>FISCAL IMPACT - State Government</u>	FY 2015	FY 2016	FY 2017
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GENERAL REVENUE FUND

<u>Income</u> - DPS - licensing fees, renewal fees, and other fees for corporate security officers (§§ 84.340, 571.303 & 590.750)	At least \$61,510	At least \$55,316	At least \$55,878
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Cost - DPS

Personal Service (1 FTE)	(\$35,844)	(\$36,202)	(\$36,564)
Fringe Benefits	(\$18,282)	(\$18,465)	(\$18,649)
Expense and Equipment	(\$7,384)	(\$649)	(\$665)
<u>Total Costs</u> - DPS (§§ 84.340, 571.303 & 590.750)	<u>(\$61,510)</u>	<u>(\$55,316)</u>	<u>(\$55,878)</u>

ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND

	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
Estimated Net FTE Change for General Revenue Fund	1 FTE	1 FTE	1 FTE

<u>FISCAL IMPACT - Local Government</u>	FY 2015	FY 2016	FY 2017
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LOCAL POLITICAL SUBDIVISIONS

<u>Savings</u> - Kansas City and St. Louis Police Departments - no longer regulating corporate security advisors (§§ 84.340, 571.303 & 590.750)	Unknown	Unknown	Unknown
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<u>Loss</u> - Kansas City and St. Louis Police Departments - no longer collecting fees for regulating corporate security advisors (§§ 84.340, 571.303 & 590.750)	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
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ESTIMATED NET EFFECT TO LOCAL POLITICAL SUBDIVISIONS

	<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

§§ 84.340, 571.303 & 590.750 - moves the authority to regulate corporate security advisors from the Board of Police Commissioners to the Department of Public Safety. This part of the proposal contains an emergency clause.

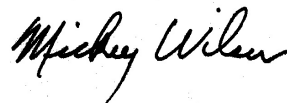
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Office of the Director
Missouri Highway Patrol
Office of the State Public Defender
Office of Prosecution Services
Office of the State Courts Administrator
Department of Corrections
Office of the Secretary of State
Joint Committee on Administrative Rules
City of Kansas City

Not Responding:

St. Louis Metropolitan Police Department



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Director
May 9, 2014

L.R. No. 5330-02
Bill No. SCS for HB 1539
Page 8 of 8
May 9, 2014

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