

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0674H.02P
Bill No.: Perfected HCS for HB 784
Subject: General Assembly; Law Enforcement Officers and Agencies
Type: Original
Date: March 2, 2021

Bill Summary: This proposal modifies provisions relating to capitol security.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue*	Less than (\$139,254) to could exceed (\$323,476))	(\$78,180) to could exceed (\$270,920)	(\$78,905) to could exceed (\$273,333)
Total Estimated Net Effect on General Revenue	Less than (\$139,254) to could exceed (\$323,476))	(\$78,180) to could exceed (\$270,920)	(\$78,905) to could exceed (\$273,333)

*Oversight has ranged the fiscal impact of the marshals portion of the bill from \$0 (the Senate and the House of Representatives do not appoint marshals (bill is permissive) or the Senate and the House of Representatives appoint current members/employees to act as marshals without material additional compensation) to an amount that could exceed approximately \$190,000, which represents the cost of one (1) additional FTE in **each** the House and the Senate. Also, each chamber may decide to hire more than one additional marshal ("could exceed").

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Department of Public Safety (transfer from)*	\$1,843,752	\$1,843,752	\$1,843,752
Capitol Police Board (transfer to)*	(\$1,843,752)	(\$1,843,752)	(\$1,843,752)
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

*Reallocation of funds and FTE from DPS to Capitol Police Board nets to zero.
Numbers within parentheses: () indicate costs or losses.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
General Revenue	1 FTE to could exceed 3 FTE	1 FTE to could exceed 3 FTE	1 FTE to could exceed 3 FTE
Department of Public Safety (transfer from)*	-40 FTE	-40 FTE	-40 FTE
Capitol Police Board (transfer to)*	40 FTE	40 FTE	40 FTE
Total Estimated Net Effect on FTE	1 FTE to could exceed 3 FTE	1 FTE to could exceed 3 FTE	1 FTE to could exceed 3 FTE

*Reallocation of funds and FTE nets to zero.

- ☒ Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.
- ☐ Estimated Net Effect (savings or increased revenues) expected to exceed \$250,000 in any of the three fiscal years after implementation of the act or at full implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2022	FY 2023	FY 2024
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri House of Representatives (MHR)** state they are unsure at this time if the legislation requires additional staff. If a need arises to hire additional staff who will perform the duties of a law enforcement officer, MHR expects that it would be approximately \$62,500 PS (personal service) per new FTE and E&E (expense and equipment) of approximately \$12,500. This does not include fringe benefits.

Officials from **the Missouri Senate (SEN)** state they are unsure if the need to hire a Marshall will be necessary. If the need arises, the SEN anticipates a minimum of 1 extra FTE (PS of \$65,000 annually per FTE) and approximately \$2,000 in EE per FTE.

Oversight notes the proposal allows the leaders of the MHR and SEN to appoint marshals. Oversight assumes the HCS spells out qualifications the marshals must have, including at least five years' prior experience as a law enforcement officer and possess and maintain a valid peace officer license for the duration of his or her employment. Oversight notes the proposal is permissive. Therefore, Oversight will reflect a fiscal impact range of \$0 (neither the Senate nor the House of Representatives appoint marshals (bill is permissive), or the Senate and the House of Representatives appoint current members/employees to act as marshals without material additional compensation). Oversight will also reflect the possibility of the Senate and/or the House of Representatives hiring additional FTE marshals and will utilize the estimated expense provided by the MHR. Oversight notes either or both chambers may decide to hire more than 1 marshal, therefore, Oversight will include the phrase "could exceed" to the cost estimate

House Amendment 3 Capitol Police Board:

§§8.010, 8.111, 8.170, 8.172, 8.177, and 8.178 – Capitol Police Board

In response to a similar proposal (HCS for HB 785), officials from the **Department of Public Safety - Capitol Police (CP)** stated the transfer from the Department of Public Safety to the "Capitol Police Board" will incur a fiscal impact to the Capitol Police. Costs associated with the reorganization are for the replacement of uniforms, department logos, and department patches. The potential transfer would require Capitol Police to replace all uniform and equipment items that display the current department logo. The words "Department of Public Safety" would be removed from all uniforms and equipment items that display the old department patch/logo/decals. The redesign of CP's department logo would have to reflect the reorganization from under DPS to the "Capitol Police Board." In addition, unknown costs will be incurred to change documents, policies, plans and other department information to reflect the appointing authority change.

Under the proposed legislation, it is unknown if the Capitol Police would need to increase the current number of FTE based on the duties set forth by the Capitol Police Board.

Capitol Police will incur costs associated with outfitting 37 officers with new uniform shirts and winter coats with the new department patch. The purchase of new uniform shirts and winter coats are due to the possible redesign of the department patch to remove the words "Department of Public Safety" inscribed on the upper portion of the CP's patch/logo/decals. CP anticipates purchasing at least 2,000 new patches at a cost of \$4,000. However, the price may increase due to its size, shape, and how detailed it is after the redesign.

Each uniformed member of Capitol Police will receive three (3) long sleeve and three (3) short sleeve shirts, which equates to 222 shirts (37*3*3), each requiring replacement patches. The winter coats (a total of 37) have an outer shell and an inner liner that also functions as a jacket. Winter coats require six (6) patches in all, two (2) department patches, and one (1) police badge on the outer shell and the same for the inner liner jacket.

To remove and replace all department patches at one-time would be difficult and costly. The redesigned patch may not cover the old stitching leaving small holes in the uniform item and some residual binding adhesive. The uniform may also become damaged during the removal process requiring the purchase of a new uniform item. It would also be difficult for an alterations shop to remove and replace all department patches and provide quality service within a specific time frame. It is more efficient and practical to purchase new shirts and winter coats with the redesigned patch sewn on by a police uniform vendor. Total uniform replacement cost is estimated at \$32,301.

Capitol Police will need to replace vehicle decals displayed on six (6) of the seven (7) police vehicles as they also display the words "Department of Public Safety" in the upper portion of the decal. CP estimates the cost to replace vehicle decals to be approximately \$8,400.

Uniform and equipment items needed for the proposed reorganization has an initial cost of \$44,701 (\$4,000 + \$32,301 + \$8,400).

The following equipment items and costs will be considered a one-time expense:

Vehicle/office emblems	\$700 per emblem x 12	= \$ 8,400
Long-sleeve police uniform shirts	\$98 per shirt x 111 shirts	= \$10,878
Short-sleeve police uniform shirts	\$69 per shirt x 111 shirts	= \$ 7,659
2,000 replacement uniform patches	\$2 per patch x 2,000	= \$ 4,000
Replacement of winter coats	\$362 per coat x 37 coats	= \$13,394
Patches for winter coats and liners	\$5 per patch x 74	= \$ 370
Total Cost		\$44,701

Capitol Police consulted with the Office of Administration/Information and Technology Systems Division (OA/ITSD) to determine technology-related costs associated with the bill. CP has not received a response for costs associated with IT requirements for FY 2022 and cannot determine final estimates at this time. However, in FY20, CP responded to similar legislation which moved Capitol Police under a Capitol Police Board. Below is the FY20 response and statement from Paul Moyer with OA/ITSD:

“CP would need more information to determine an ITSD cost. It is unknown if CP would receive ITSD support from the House ITSD or OA/ITSD?”

OA/ITSD has indicated in the past there is a cost associated with moving Capitol Police information and programs from the Department of Public Safety to a new server under the Capitol Police Board. A cost estimate for the proposal is unknown at this time.

It looks like OA/ITSD coded \$65,000 to the project that moved several departments out of the Department of Economic Development (DED) last year. If ITSD continues to support CP, the cost to make the changes wouldn't be as much as DED. It would depend on what needs to change. Moreover, if CP moves under the support of the House, determining cost becomes more difficult as more variables could be in play.”

Oversight notes the one-time costs as outlined by Capitol Police to replace existing emblems, department patches, uniforms, vehicle and office emblems that would need to be replaced to reflect the name change. Additionally, Oversight notes OA/ITSD is unable to provide an estimate of the cost associated with moving the information and programs from the Department of Public Safety to a new server under the Board; however, for fiscal note purposes, Oversight will utilize an estimated cost of Less than \$30,000 for this process.

Additionally, Oversight assumes the CP will be able to administer the duties within the proposal with existing resources. However, if additional duties require increased staffing, the CP may request additional funding through the appropriations process.

Oversight notes this proposal would transfer the Capitol Police from the Department of Public Safety to the Capitol Police Board. The Capitol Police has been the primary law enforcement agency for the 72-acre state office building campus known as the Capitol Complex since 1983. Officers patrol the buildings and grounds in their jurisdiction 24 hours a day, seven days a week. Patrols are made on foot, by vehicle and on bicycle. Criminal investigations, medical emergencies, traffic accidents, security and fire alarms and security escorts are only a few of the many incidents and calls for service officers provide to over 15,000 state employees and over 200,000 annual visitors to the seat of government. Using the Budget Request Book for FY 2022, Oversight will show a transfer of \$1,843,752 and 40 FTE from the Department of Public Safety to the Capitol Police Board.

In response to a similar proposal (HCS for HB 785), officials from the **Missouri House of Representatives (MHR)** assumed a transfer would take place of the current budget and FTE for

the Capitol Police from the Department of Public Safety to the Capitol Police Board. The total of the transfer would be \$1,843,752 and 40 FTE.

The MHR defers to the Capitol Police on any costs associated with IT services and equipment, rebranding of the Capitol Police patch, and vehicle maintenance and repair costs.

Additionally, since the legislation states that the Board will be assigned to the MHR for budget and reporting needs, MHR estimates the need for human resource support to the board. The MHR would need one (1) additional Human Resource Analyst II at an annual salary of \$46,000 plus \$4,000 for expense and equipment needs.

Oversight does not have any information contrary to that provided by MHR. Therefore, Oversight will reflect MHR's impact for fiscal note purposes.

In response to similar legislation from 2020 (HCS HB 1521), officials from the **Governor's Office (GOV)** stated section 8.111 establishes the "Capitol Police Board" which will consist of five members: the Governor or their designee, the Speaker of the House of Representatives or their designee, the President pro tempore of the Senate or their designee, the Chief Justice of the Missouri Supreme Court or their designee, and the chair of the State Capitol Commission. There should be no added cost to the Governor's Office as a result of this measure.

In response to a similar proposal (HB 785), officials from **the Office of Administration – Facility Management Design and Construction (OA/FMDC)** stated FMDC currently pays for security services at multiple facilities statewide. FMDC's three-year average cost (2018 – 2020) for security services was approximately \$943,991. FMDC assumes that this cost would be transferred to the Capitol Police Board. Therefore, there would be a potential savings to FMDC as a result of this bill. However, the overall impact to the state would be \$0.

Oversight notes this proposal does not include §8.115 which provides for armed security guards for state-owned or leased facilities. Therefore, the expense of security services as noted in OA/FMDC's response at a three-year cost of approximately \$943,991 will remain with OA/FMDC and will not transfer to the Capitol Police Board.

In response to a similar proposal (HCS for HB 785), officials from the **Department of Public Safety - Office of the Director**, the **Missouri Department of Transportation**, and the **Office of the State Courts Administrator** each assumed the proposal will have no fiscal impact on their respective organizations.

In response to a similar proposal (HB 785), officials from the **Missouri Senate** assumed the proposal will have no fiscal impact on their organization.

Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact in the fiscal note for these agencies.

<u>FISCAL IMPACT – State Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
GENERAL REVENUE			
Costs – MHR §21.495 (Marshal)	\$0 or could exceed...	\$0 or could exceed...	\$0 or could exceed...
Personal Service	(\$52,083)	(\$63,125)	(\$63,756)
Fringe Benefits	(\$27,528)	(\$33,245)	(\$33,458)
Expense & Equip.	(\$12,500)	\$0	\$0
Total Costs – MHR	\$0 or could exceed (\$92,111)	\$0 or could exceed (\$96,370)	\$0 or could exceed (\$97,214)
FTE Change - MHR	0 or could exceed 1 FTE	0 or could exceed 1 FTE	0 or could exceed 1 FTE
Costs – SEN §21.496 (Marshal)	\$0 or could exceed...	\$0 or could exceed...	\$0 or could exceed...
Personal Service	(\$52,083)	(\$63,125)	(\$63,756)
Fringe Benefits	(\$27,528)	(\$33,245)	(\$33,458)
Expense & Equip.	(\$12,500)	\$0	\$0
Total Costs – SEN	\$0 or could exceed (\$92,111)	\$0 or could exceed (\$96,370)	\$0 or could exceed (\$97,214)
FTE Change - SEN	0 or could exceed 1 FTE	0 or could exceed 1 FTE	0 or could exceed 1 FTE
<u>Costs – CP (§8.177)</u> One-time costs to replace emblems, uniforms, patches (HA3)	(\$44,701)	\$0	\$0
<u>Costs – OA/ITSD</u> (§8.177) Moving CP information and programs from DPS to Capitol Police Board (HA3)	Less than (\$30,000)	\$0	\$0

<u>Costs - MHR (§8.177)</u>			
Personal Services	(\$38,333)	(\$46,460)	(\$46,925)
Fringe Benefits	(\$22,887)	(\$27,620)	(\$27,777)
Equipment and Expense	(\$3,333)	(\$4,100)	(\$4,203)
<u>Total costs - MHR</u>	<u>(\$64,553)</u>	<u>(\$78,180)</u>	<u>(\$78,905)</u>
FTE Change – MHR (HA 3)	1 FTE	1 FTE	1 FTE
ESTIMATED NET EFFECT TO THE GENERAL REVENUE FUND	<u>Less than (\$139,254) to could exceed (\$323,476)</u>	<u>(\$78,180) to could exceed (\$270,920)</u>	<u>(\$78,905) to could exceed (\$273,333)</u>
Estimated Net FTE Change to the General Revenue Fund	1 FTE to could exceed 3 FTE	1 FTE to could exceed 3 FTE	1 FTE to could exceed 3 FTE
DEPARTMENT OF PUBLIC SAFETY			
<u>Reallocation – CP funding and 40 FTE from DPS to Capitol Police Board</u>	<u>\$1,843,752</u>	<u>\$1,843,752</u>	<u>\$1,843,752</u>
ESTIMATED NET EFFECT TO THE DEPARTMENT OF PUBLIC SAFETY	<u>\$1,843,752</u>	<u>\$1,843,752</u>	<u>\$1,843,752</u>
CAPITOL POLICE BOARD			
<u>Reallocation – CP funding and 40 FTE into the Commission</u>	<u>(\$1,843,752)</u>	<u>(\$1,843,752)</u>	<u>(\$1,843,752)</u>
ESTIMATED NET EFFECT TO THE CAPITOL POLICE BOARD	<u>(\$1,843,752)</u>	<u>(\$1,843,752)</u>	<u>(\$1,843,752)</u>

<u>FISCAL IMPACT – Local Government</u>	FY 2022 (10 Mo.)	FY 2023	FY 2024
	<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

This bill authorizes the Speaker of the House of Representatives and the President Pro Tem of the Senate to appoint "House marshals" or "Senate Marshals" to serve their respective chamber of the General Assembly. Marshals may provide physical security, serve papers, and otherwise assist members as deemed appropriate. Marshals shall have at least five years' experience as a law enforcement officer and maintain a peace officer license. Together with the sergeant-at-arms, marshals may serve process, wear a concealable firearm, and make arrests based upon state law.

The Missouri House of Representatives and the Missouri Senate are authorized to commission peace officers to serve as sergeant-at-arms, deputy sergeant-at-arms, or house marshals. Such officers must take and subscribe an oath of office before an officer authorized to administer oaths. The oath will be filed in the office of the Clerk of the House or the office of the Secretary of the Senate. The Clerk of the House or the Secretary of the Senate will give each appointed officer a certificate of appointment, which will empower the officer with the same authority to maintain order, preserve peace, and make arrests as is now held by law enforcement officers.

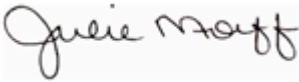
This bill also establishes the Capitol Police Board which shall consist of the Governor, the Speaker of the House, the President Pro Tem of the Senate, the minority Floor Leader of the House, the minority Floor Leader of the Senate, and the Chief Justice of the Missouri Supreme Court, or their designees, and the chair of the State Capitol Commission. This board shall be housed in the House of Representatives for administration purposes and provide for public safety at the seat of government and for the safety and security of elected officials, government employees, and their guests as needed outside the seat of government. The board shall hire a chief of police and promulgate all necessary rules and regulations.

The bill specifies the Circuit Court of Cole County has authority to enforce the traffic or parking regulations of the Capitol Police Board.

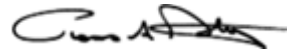
This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Department of Public Safety
Missouri Department of Transportation
Missouri House of Representatives
Missouri Senate
Office of Administration
Office of the Governor
Office of the State Courts Administrator



Julie Morff
Director
March 2, 2021



Ross Strobe
Assistant Director
March 2, 2021