

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1307-01
Bill No.: HB 607
Subject: Agriculture and Animals; Crimes and Punishment; Water Resources and Water Districts
Type: Original
Date: March 17, 2015

Bill Summary: This proposal creates the crime of unlawful placement of sediment.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on General Revenue	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
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 2016	FY 2017	FY 2018
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Oversight was unable to receive some of the agency responses in a timely manner due to the short fiscal note request time. Oversight has presented this fiscal note on the best current information that we have or on prior year information regarding a similar bill. Upon the receipt of agency responses, Oversight will review to determine if an updated fiscal note should be prepared and seek the necessary approval of the chairperson of the Joint Committee on Legislative Research to publish a new fiscal note.

§ 577.074 - Unlawful Placement of Sediment:

Officials from the **Department of Natural Resources (DNR)** assume this proposal would create a class B misdemeanor for unlawful placement of sediment into waters of this state.

DNR assume this proposal would not affect DNR as unlawful placement of sediment into waters of the state is already a violation of the Missouri Clean Water Law, according to section 644.082, RSMo. DNR currently inspects and pursues enforcement action against parties that place unpermitted sediment into waters of the state.

DNR would not anticipate a direct fiscal impact from this proposal.

Officials at the **Office of Prosecution Services (OPS)** assumes no measurable fiscal impact to OPS. The creation of a new crime creates additional responsibilities for county prosecutors. This may in turn result in additional costs which are difficult to determine.

Oversight assumes OPS and county prosecutors can absorb any costs related to this proposal.

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 clients are faced with the proposed new crime of unlawful placement of sediment. The penalty would become a new Class B misdemeanor.

ASSUMPTION (continued)

SPD assumes while the number of new cases 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.

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

Officials from the **Public Water Supply District #2 of St. Charles County (PWSD)** state if PWSD is not allowed to continue its permitted practice of discharging water treatment residuals to the Missouri River, PWSD would be required to make capital improvements of approximately (\$1,000,000). PWSD estimates an additional (\$200,000) or more each fiscal year for operational costs.

Oversight assumes PWSD is permitted by the Missouri Clean Water Commission to discharge water treatment residuals to the Missouri River as allowed by section 644.082.

Oversight assumes this proposal would not result in a direct fiscal impact to PWSD or any other water district.

Officials from the **Department of Corrections** and the **Department of Agriculture** each assume the proposal would not fiscally impact their respective agencies.

In response to similar legislation from 2014 (SB 914), officials from the **Missouri State Highway Patrol**, and the **Office of State Courts Administrator** each assumed the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
	<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.

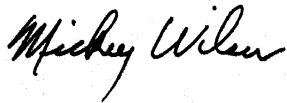
FISCAL DESCRIPTION

The proposed legislation appears to have no direct fiscal impact.

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 Natural Resources
Department of Corrections
Department of Agriculture
Office of State Courts Administrator
Missouri State Highway Patrol
Office of Prosecution Services
State Public Defender's Office
Public Water Supply District #2 of St. Charles County



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March 17, 2015

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March 17, 2015