

COMMITTEE ON LEGISLATIVE RESEARCH
 OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 2774-01
Bill No.: HB 1307
Subject: Boats and Watercraft; Water Patrol.
Type: Original
Date: February 1, 2002

FISCAL SUMMARY

ESTIMATED NET EFFECT ON STATE FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
General Revenue	(\$28,638)	(\$2,955)	(\$7,448)
Total Estimated Net Effect on <u>All State Funds</u>	(\$28,638)	(\$2,955)	(\$7,448)

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
None			
Total Estimated Net Effect on <u>All Federal Funds</u>	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2003	FY 2004	FY 2005
Local Government	\$0	\$0	\$0

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

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Department of Public Safety - Missouri State Water Patrol (MWP)** assume the additional manpower to support the new law will necessitate 1 additional Sergeant (at \$47,100), a Clerk Typist III (at \$23,184) and a Clerk Typist II (at \$20,472). The Sergeant is necessary to administer the mandatory education program and the Clerk Typist III & II are needed to process clerical information for the Safety Education Program. A total of 3 additional FTE's and the necessary E&E are estimated by MWP to cost \$168,818 in FY 2003, \$201,894 in FY 2004 and \$178,267 in FY 2005. Certain expenses were based on equipment needed to replace an officer in the field who would be moved to headquarters as a result of the proposal.

MWP states that the number of watercraft registrations for a year does not reflect the age group that is targeted in this legislation. The revenue for the license that would be received for the successful completion of the Boating Safety course would not be recognized until after the Mandatory Education Program was established. MWP states they cannot absorb the impact of establishing this new program under its present budget conditions and startup funds will be necessary to establish this program.

The MWP states they do not know how many persons will apply for this operators license, but state that initially there would be a many requests, and then eventually the demand would decrease to a relatively stable amount. MWP estimates that in the first years there would be approximately 30,000 persons applying for the certificate, with the number of persons decreasing. MWP also estimated that they would need to charge roughly \$7.50 per license to cover the cost of the requested FTEs and the other expenses of administering the program.

Oversight assumes MWP may charge a fee for the card that does not substantially exceed the costs of administrating this section. According to the Department of Revenue (DOR) 2000 Comprehensive Annual Financial Report, the Department of Revenue processed 119,405 watercraft registrations in 2002, 113,504 in 1999 and 116,500 in 1998. This was based on a 3-year renewal, so the assumption is made that there are actually 349,409 marine vessels currently registered in Missouri. In a fiscal note for similar legislation in a previous year, Oversight utilized the number of boat registrations to estimate the number of persons that would be issued the identification card each year. This year, however, Oversight has received the estimate by MWP regarding the number of possible applicants (30,000 initially) and the prospective fee (\$7.50) to be charged, and have utilized these estimates.

Since the application is a one-time occurrence with no renewal, **Oversight** assumes the volume of cards issued will decrease in subsequent years. For purposes of this fiscal note, Oversight assumes fee revenue to MWP based on \$7.50 per card issued. In response to previous legislation, the

ASSUMPTION (continued)

Department of Revenue assumed the state would incur an expense of \$1.90 per card to produce these identification cards.

I.D. Production Costs 30,000 x \$1.90 = \$57,000
Fees received 30,000 x \$7.50 = \$225,000

Oversight assumes if volumes are not as anticipated or if production costs vary significantly, the MWP would adjust fee charged for the card accordingly.

Officials from the **Office of Prosecution Services (OPS)** state because this proposal creates a new crime, it could increase the caseloads of prosecutors, but the increase should be below \$100,000. Passage of numerous bills creating new crimes could have a fiscal impact.

In response to similar legislation from last year, OPS assumes that expenses to prosecutors could be absorbed with existing resources, therefore, **Oversight** has not reflected a fiscal impact to the local prosecutors.

Officials from the **Office of Secretary of State (SOS)** assume there would be costs due to additional publishing duties related to the Missouri State Water Patrol's authority to promulgate rules, regulations, and forms. SOS estimates the division could require approximately 4 new pages of regulations in the Code of State Regulations at a cost of \$27.00 per page, and 6 new pages in the Missouri Register at a cost of \$23.00 per page. Costs due to this proposal is estimated to be \$246, however, the actual fiscal impact would be dependent upon the actual rule-making authority and may be more or less. Financial impact in subsequent fiscal years would depend entirely on the number, length, and frequency of the rules filed, amended, rescinded, or withdrawn. SOS does not anticipate the need for additional staff as a result of this proposal; however, the enactment of more than one similar proposal may, in the aggregate, necessitate additional staff.

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. Any decisions to raise fees to defray costs would likely be made in subsequent fiscal years.

Officials from the **Department of Revenue** state this proposal would not impact their agency.

Officials from the **Office of the State Public Defender** assumes that existing staff could provide representation for those 20-25 cases arising where indigent persons were charged with operating a

ASSUMPTION (continued)

boat without a license. However, passage of more than one similar bill would require the State

Public

Defender System to request increased appropriations to cover cumulative cost of representing the indigent accused in the additional cases.

Officials from the **Office of State Courts Administrator (CTS)** assume this proposal would require persons under twenty-one to obtain what amounts to a license to operate a motorboat. Violations would be a misdemeanor. Violators must complete a boating safety education course and file proof of completion with the courts. The proposal would also increase to 16 the age at which a person may operate a motorboat without supervision.

CTS assumes that depending on the degree of enforcement, there could be an impact on some courts. However, CTS assumes that after a period of adjustment, there will be substantial compliance and therefore, no long-term workload impact.

<u>FISCAL IMPACT - State Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
GENERAL REVENUE FUND			
<u>Income - Missouri Water Patrol (MWP)</u>			
I.D. Fees	\$187,500	\$225,000	\$225,000
<u>Costs - Missouri Water Patrol (MWP)</u>			
Personal Service (3 FTE)	(\$75,861)	(\$93,308)	(\$95,641)
Fringe Benefits	(\$27,318)	(\$33,600)	(\$34,440)
Expense and Equipment	(\$65,459)	(\$44,047)	(\$45,367)
I.D. Production	<u>(\$47,500)</u>	<u>(\$57,000)</u>	<u>(\$57,000)</u>
<u>Total Costs - MWP</u>	<u>(\$216,138)</u>	<u>(\$227,955)</u>	<u>(\$232,448)</u>
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	<u>(\$28,638)</u>	<u>(\$2,955)</u>	<u>(\$7,448)</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2003 (10 Mo.)	FY 2004	FY 2005
	<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.

DESCRIPTION

This proposal requires any person born after August 28, 1981, to possess a boating safety identification card in order to operate a vessel or personal watercraft. The Missouri State Water Patrol will issue the card. The card will be issued to persons who:

- (1) have successfully completed a boating safety course approved by the National Association of State Boating Law Administrators and certified by the Missouri State Water Patrol;
- (2) have passed an equivalency examination prepared and administered by the Missouri Water Patrol; or
- (3) hold a valid master's, mate's, or operator's license issued by the United States Coast Guard.

The Water Patrol may charge a fee for the card that does not substantially exceed the administrative cost of this provision. The proposal lists various persons to whom this proposal would not apply, such as operators of a vessel or personal watercraft only on a private lake or pond that is not classified as waters of the state.

The proposal also requires that any person convicted of certain boating offenses must enroll and complete a boating safety education course which meets the Water Patrol's minimum standards, file proof of successful completion of the course with the court, and not operate a vessel until filing proof.

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 Water Patrol
Office of the State Courts Administrator
Department of Revenue
Office of Prosecution Services
Office of the State Public Defender
Office of the Secretary of State

RS:LR:OD (12/01)

A handwritten signature in black ink that reads "Mickey Wilson". The signature is written in a cursive style with a large initial "M".

Mickey Wilson, CPA
Acting Director

February 1, 2002