

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0234-11
Bill No.: Truly Agreed To and Finally Passed CCS #2 for HCS for SCS for SB 9
Subject: Education, Higher; Boards, Commissions, Committees, Councils; Agriculture and
Animals; Agriculture Department; Crimes and Punishment; Criminal Procedure;
Education, Elementary and Secondary; Elementary and Secondary Education
Department
Type: Original
Date: June 5, 2013

Bill Summary: This proposal modifies provisions relating to agriculture.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
General Revenue	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
Total Estimated Net Effect on General Revenue Fund	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 9 pages.

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2014	FY 2015	FY 2016
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 2014	FY 2015	FY 2016
	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

§ 178.550 - Career and Technical Education Advisory Council

Officials from the **Department of Elementary and Secondary Education** state that, until the make up of the council is determined, they cannot estimate costs; however, they do not anticipate significant costs.

Officials from **Linn State Technical College** indicated an unknown fiscal impact.

Oversight assumes any fiscal impact to community colleges would only relate to participation on the advisory council which would be minimal and could be absorbed with existing resources.

Officials from the **Department of Higher Education, Department of Labor and Industrial Relations, Office of the Governor, Kansas City Metropolitan Community College, University of Central Missouri, and Missouri State University** each assume this section of the proposal would not fiscally impact their respective agencies.

In response to similar language contained in SB 17, officials from the **Department of Economic Development - Division of Workplace Development, the Missouri Senate, and Northwest Missouri State University** each assumed the proposal would not fiscally impact their respective agencies and institutions.

A response was not received from **Southeast Missouri State University**. The proposal relates to their participation on the advisory council and Oversight assumes any costs associated with such participation would be minimal.

§ 262.598 - University of Missouri Extension Councils

Officials from the **Platte County Board of Election Commissioners** assume there would be costs for an election for any county conducting an election. Costs per election would range from \$50,000 to \$60,000, depending upon the number of other participants involved in any specific election, as costs would be pro-rated based upon the number of registered voters within each district.

In response to the introduced bill, officials from the **Kansas City Election Board (KCEB)** stated the cost to conduct a city-wide general municipal election can range up to \$350,000

ASSUMPTION (continued)

depending on the number of entities participating and the number of registered voters in each jurisdiction requesting the election. The KCEB would need more information about the size and locations of these "districts" before they could give a more accurate estimate of these costs.

Oversight assumes this proposal is discretionary and would have no local fiscal impact without action by the governing body.

Officials from the **Department of Higher Education, Department of Revenue, State Tax Commission, Office of State Courts Administrator**, and the **University of Missouri System** each assume this section of the proposal would not fiscally impact their respective agencies.

In response to the House Committee Substitute for this bill, officials from the **Office of Administration - Division of Budget and Planning, Office of Secretary of State - Elections Division**, and **St. Louis County** each assumed this section of the proposal would not fiscally impact their respective agencies.

§ 267.655 - Missouri Livestock Disease Control and Eradication Law

According to officials from **Office of Administration - Division of Budget and Planning**, since this section imposes a civil penalty of up to \$1,000 for violations of the Missouri Livestock Disease Control and Eradication Law it could increase Total State Revenue by an unknown amount.

According to officials from the **Department of Agriculture**, any monies collected through civil penalties would be deposited into the County School Fund.

Oversight assumes the number of cases resulting in additional civil penalties impacting total state revenue would be minimal and, for fiscal note purposes only, show no direct fiscal impact from this section of the proposal.

§§ 442.571 & 442.576 - Alien or foreign business ownership of agricultural land

Officials from the **Department of Agriculture, Missouri State Tax Commission, Office of State Courts Administrator**, and **Office of Attorney General** each assume the proposal would not fiscally impact their respective agencies.

ASSUMPTION (continued)

§§ 570.030; 578.009; 578.011; 578.012 - Crimes against animals

According to officials from the **Department of Corrections (DOC)**, the penalty provision component of this bill (§570.030) resulting in potential fiscal impact for DOC, is for a class B felony. 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 direct offender cost either through incarceration (FY12 average of \$17.059 per offender, per day, or an annual cost of \$6,227 per inmate) or through supervision provided by the Board of Probation and Parole (FY12 average of \$4.960 per offender, per day, or an annual cost of \$1,810 per offender).

In summary, supervision by the DOC through probation or incarceration would result in additional unknown costs to the department. Seventeen persons would have to be incarcerated per each fiscal year to exceed \$100,000 annually. Due to the narrow scope of this new crime, it is assumed the impact would be less than \$100,000 per year for the DOC.

For the purpose of this proposed legislation, officials at the **Office of State Public Defender (SPD)** could not assume that existing staff will provide effective representation for any new cases arising where indigent persons charged with the proposed new crime of animal trespassing, a new class C 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.

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

In response to the House Committee Substitute for this bill, officials from the **Office of Prosecution Services (OPS)** assumed 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.

ASSUMPTION (continued)

Also in response to the House Committee Substitute, officials from the **Office of Administration - Division of Budget and Planning** assume §578.011 creates the crime of animal trespass as an infraction upon the first conviction and for additional each offense punishable by a fine not to exceed \$200, and a class C misdemeanor by imprisonment or a fine not to exceed \$500. Currently similar offenses could be considered animal neglect. The first conviction is punishable by a fine not to exceed \$500 and fines for subsequent convictions are not to exceed \$1,000. These changes could have an unknown impact to Total State Revenue.

Oversight assumes the number of cases resulting in additional fine revenue impacting total state revenue would be minimal and, for fiscal note purposes only, will show no direct fiscal impact from this section of the proposal.

Officials from the **Office of the Secretary of State (SOS)** assume 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 Secretary of State's Office 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** and the **Office of State Courts Administrator** each assume the proposal would not fiscally impact their respective agencies.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE FUND			
<u>Costs - DOC - Incarceration/supervision expenses (\$570.030)</u>	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
ESTIMATED NET EFFECT ON GENERAL REVENUE FUND	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)	(Less than <u>\$100,000</u>)
<u>FISCAL IMPACT - Local Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

§262.598 - University of Missouri Extension Councils - In the event a tax is approved, any small business in the area that approves a tax for an extension district would be affected.

FISCAL DESCRIPTION

§ 570.030 - Stealing of livestock

This section makes the stealing of any animal considered livestock, as defined in the act, a Class B felony.

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 Agriculture
Department of Economic Development
 Division of Workforce Development
Department of Revenue
Office of Secretary of State
 Administrative Rules Division
 Elections Division
Joint Committee on Administrative Rules
Office of Administration
 Division of Budget and Planning
Missouri State Tax Commission
Department of Elementary and Secondary Education
Department of Higher Education
Department of Natural Resources
Office of Governor
Department of Labor and Industrial Relations
Department of Corrections
Office of State Courts Administrator
Office of Prosecution Services
Office of State Public Defender
Office of the Senate
Office of Attorney General
Colleges and Universities
 Northwest Missouri State University
 Linn State Technical College
 Missouri State University
 University of Central Missouri
 University of Missouri System
Local Election Boards
 Platte County Board of Election Commissions
 Kansas City Election Board



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