

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 1835-04
Bill No.: SCS for SB 371
Subject: Agriculture and Animals; Agriculture Department
Type: Original
Date: April 22, 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)

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

FISCAL ANALYSIS

ASSUMPTION

§ 261.100 - Funding for Operating Animal Export Inspection Facilities:

Officials from the **Department of Agriculture (AGR)** state the export inspections in this proposal would be conducted by the United States Department of Agriculture. The proposal as written would have no fiscal impact on AGR.

Oversight assumes this proposal changes the word "that" to "this" in referring to funding for operating animal export inspection facilities, and will have no direct fiscal impact on state or local government funds.

§ 267.655 - Missouri Livestock Disease Control and Eradication Law

In response to similar legislation from 2013 (HCS for SCS for SB 9), officials from **Office of Administration - Division of Budget and Planning**, stated this section imposes a civil penalty of up to \$1,000 for violations of the Missouri Livestock Disease Control and Eradication Law. This could increase Total State Revenue by an unknown amount.

In response to similar legislation from 2013 (HCS for SCS for SB 9), officials from the **Department of Agriculture** stated 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.

§ 570.030 - Stealing Livestock:

Officials at the **Department of Corrections (DOC)** assumes the penalty provisions, the component of the bill to have potential fiscal impact for DOC, is for up to 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.

ASSUMPTION (continued)

DOC states 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 of direct offender costs either through incarceration (FY12 average of \$17.06 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 \$4.96 per offender, per day or an annual cost of \$1,810 per offender).

DOC assumes the narrow scope of the crime will not encompass a large number of offenders.

DOC states supervision by the DOC through probation or incarceration would result in unknown additional costs. 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 a \$100,000 per year for the DOC.

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 stealing any animal considered livestock. The penalty would become class B felony.

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.

In response to similar legislation from 2013 (HCS for SCS for SB 9), 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)

Bill as a Whole:

Officials from the **Department of Public Safety - Missouri State Highway Patrol**, Office of the Attorney General, Office of State Courts Administrator each assume the proposal would not fiscally impact their respective agencies.

Officials from numerous Cole County did not respond to **Oversight's** request for fiscal impact.

<u>FISCAL IMPACT - State Government</u>	FY 2014 (10 Mo.)	FY 2015	FY 2016
GENERAL REVENUE FUND			
<u>Costs - DOC</u>	(Less than	(Less than	(Less than
§ 570.030 - Stealing Livestock	<u>\$100,000</u>	<u>\$100,000</u>	<u>\$100,000</u>
ESTIMATED NET EFFECT ON THE 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

No direct fiscal impact to small businesses would be expected as a result of this proposal.

FISCAL DESCRIPTION

§ 570.030 - Stealing Livestock:

This proposal modifies the penalty of the Missouri Livestock Disease Control and Eradication Law by adding a penalty of not more than \$1,000 per incidence with provisions for the Cole County Circuit Court to enforce and collect the penalty. This proposal also increases the penalty for stealing livestock from a Class C felony to 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 Public Safety - Missouri State Highway Patrol
Department of Corrections
State Public Defender's Office
Office of State Courts Administrator
Office of the Attorney General
Office of Prosecution Services

Not Responding:

Cole County



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