

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0048-06
Bill No.: SB 138
Subject: Agriculture and Animals; Agriculture Dept; Crimes and Punishment; Law Enforcement Officers and Agencies;
Type: Original
Date: March 1, 2011

Bill Summary: This proposal creates the Nonhuman Primate Act.

FISCAL SUMMARY

| ESTIMATED NET EFFECT ON GENERAL REVENUE FUND | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2012 | FY 2013 | FY 2014 |
| | | | |
| | | | |
| Total Estimated Net Effect on General Revenue Fund | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON OTHER STATE FUNDS | | | |
|---|------------|------------|------------|
| FUND AFFECTED | FY 2012 | FY 2013 | FY 2014 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>Other</u> State Funds | \$0 | \$0 | \$0 |

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 7 pages.

| ESTIMATED NET EFFECT ON FEDERAL FUNDS | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2012 | FY 2013 | FY 2014 |
| | | | |
| | | | |
| Total Estimated Net Effect on <u>All</u> Federal Funds | \$0 | \$0 | \$0 |

| ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE) | | | |
|---|----------------|----------------|----------------|
| FUND AFFECTED | FY 2012 | FY 2013 | FY 2014 |
| | | | |
| | | | |
| 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 2012 | FY 2013 | FY 2014 |
| Local Government | \$0 | \$0 | \$0 |

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Agriculture (AGR)** state the department does not currently deal with non-human primates as described in 578.700 and has no law enforcement authority.

AGR assumes that the legislation does not require inspection of the non-human primate facility but does require individuals with non-human primates to register with AGR.

AGR states, this legislation will require AGR to promulgate rules and regulations for the possession of non-human primates, and create a database to maintain records on permits issued. The department would be required to work with local authorities, humane societies, other state agencies and other states as situations arise involving said animals.

AGR states, an additional 1.5 FTE are needed to provide adequate implementation of the proposed legislation. Any cost to implementing this legislation would fall under General Revenue because the amount of funds from the permits issued is unknown.

AGR requests 1.00 Animal Health Officer (AHO) - responsible for the enforcement of state and federal animal health statutes and regulations. The AHO would conduct investigations of alleged violations of the proposed legislation. Work with program participants, general public, humane societies, law enforcement agencies, other state agencies and states concerning program issues as well as illegal activities.

AGR requests .5 Office Support Assistant who would serve as support to the program coordinator. Assist with the development of program forms, database, issuance of permit and annual renewal process and procedures. Direct program participants and general public to proper destinations; receive and distribute program information.

AGR states, there will be program costs for travel, training, vehicle, and office/field supplies. These figures would be driven by the number of new positions authorized and the scope of the program's responsibilities.

Oversight assumes the number of non-human primates living in the state of Missouri in non-exempt facilities is minimal.

Oversight assumes AGR could absorb the costs related to implementation of rules and regulations for the possession of non-human primates.

ASSUMPTION (Continued)

Oversight assumes all enforcement, administrative and travel costs related to this proposal could be absorbed with existing appropriation. If AGR becomes aware of a significant number of non-human primates living in the state or a measurable increase in the number of non-human primates living in the state occurs, the department may seek additional appropriation at that time.

Officials from the **Department of Corrections** (DOC) stated that they could not predict the number of new commitments which could result from the creation of the offense(s) outlined in the proposal. An increase in commitments would depend on the utilization of prosecutors and the actual sentences imposed by the courts. If additional persons were sentenced to the custody of the DOC due to the provisions of this legislation, the DOC would incur a corresponding increase in operational costs either through incarceration (FY 2010 average \$16,397 per inmate,

per day or an annual cost of \$5,985) or through supervision provided by the Board of Probation and Parole (FY 2010 average \$3.92 per offender, per day or an annual cost of \$1,431).

The following factors contribute to DOC's minimal assumption:

- DOC assumes the narrow scope of the crime will not encompass a large number of offenders.
- The low felony status of the crime enhances the possibility of plea-bargaining or imposition of a probation sentence.
- The probability exists that offenders would be charged with a similar but more serious offense or that sentences may run concurrent to one another.

In summary, supervision by the DOC through probation or incarceration would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

ASSUMPTION (Continued)

Officials from the **Office of the Secretary of State (SOS)** state 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 SOS 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, the SOS also recognizes 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 the office can sustain with the core budget. Therefore, the SOS reserves 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 at the **State Public Defender's Office** assumes for the purpose of the proposed legislation, and as a result of excessive caseloads, the Office of the State Public Defender cannot assume existing staff will provide competent, effective representation for any new cases where indigent persons are charged with the proposed new crimes of possession of a non-human primate without a permit would be a class A misdemeanor. Releasing a non-human primate into the wild would be a new class D Felony. The Missouri State Public Defender System is currently operating in a crisis mode with caseloads far in excess of any recognized standard.

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

Officials at the **Office of the Attorney General** assumes that the number of nonhuman primates would be minimal and that any related costs could be absorbed with existing resources. If AGO receives significant referrals from the Department of Agriculture as a result of the proposal, it may request additional future appropriation.

ASSUMPTION (Continued)

Officials at the **State Treasurer's Office, Office of Prosecution Services, Office of State Courts Administrator, Missouri State Highway Patrol, Columbia Police Department and Boone County Sheriff's Department** assumes there is no fiscal impact from this proposed legislation.

No other local police or sheriff's department responded to Oversight's request for fiscal impact.

| <u>FISCAL IMPACT - State Government</u> | FY 2012 (10 Mo.) | FY 2013 | FY 2014 |
|---|---------------------|------------|------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

| <u>FISCAL IMPACT - Local Government</u> | <u>FY 2012</u> <u>(10 Mo.)</u> | <u>FY 2013</u> | <u>FY 2014</u> |
|---|-----------------------------------|----------------|----------------|
| | <u>\$0</u> | <u>\$0</u> | <u>\$0</u> |

FISCAL IMPACT - Small Business

Direct fiscal impact to small businesses who have a non-human primate would be expected as a result of this proposal.

FISCAL DESCRIPTION

The proposed legislation appears to have no 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

Office of Prosecution Services
Department of Corrections
Office of Secretary of State
State Treasurer's Office
Office of State Courts Administrator
State Public Defender's Office
Columbia Police Department
Boone County Sheriff's Department
Missouri State Highway Patrol
Office of the Attorney General



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Director
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