

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 0704-01  
Bill No.: HB 375  
Subject: Agriculture and Animals: Aircraft and Airports; Bonds - General Obligation and Revenue; Crimes and Punishment  
Type: Original  
Date: March 10, 2015

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Bill Summary: This proposal changes the laws regarding property owner liability.

**FISCAL SUMMARY**

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

<b>ESTIMATED NET EFFECT ON OTHER STATE FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
Road Fund	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)	(Unknown greater than \$100,000)
Highway Fund	(Unknown)	(Unknown)	(Unknown)
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>Unknown to (Greater than \$100,000)</b>	<b>Unknown to (Greater than \$100,000)</b>	<b>Unknown to (Greater than \$100,000)</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 10 pages.

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

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

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
FUND AFFECTED	FY 2016	FY 2017	FY 2018
<b>Local Government</b>	<b>(Unknown)</b>	<b>(Unknown)</b>	<b>(Unknown)</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

#### **§301.010 - Definitions**

Officials at the **Department of Revenue** assume the proposed legislation expands the definition of a "local log truck" and "local log truck tractor" by adding "any form or type" of harvested forest products. These definitions also expand the radius they can operate from 100 to 200 miles. Administratively, the proposed language will require procedure changes by a Management Analyst Specialist I at a cost of \$890.

**Oversight** assumes the cost from this proposal can be absorbed by the Department of Revenue.

#### **§304.180 - Livestock Hauling**

Officials at the **Missouri Department of Transportation (MoDOT)** assume an unknown negative impact from the increased cost from additional wear and tear to the highways and bridges by increasing the weight limit. MoDOT also anticipates a cost of \$75,000 to develop a computer system to issue the \$25 permits. The Department expects a small unknown positive impact from the \$25 fee but does not believe the money generated will cover the computer system cost.

Officials at the **Department of Revenue** assume the revenue impact of this legislation broadens the definition of a "local log truck" and a "local log truck tractor". The registration fee for a local log truck or truck tractor is less than that of a standard local property-carrying commercial motor vehicle registered at 72,000 lbs and above. Due to the fact that this legislation broadens what qualifies for a local log truck or truck tractor, there may be a slight decrease in registration fees. After discussing this proposal with the Missouri Department of Transportation, it's not clear how many trucks will be considered a local log truck or local log truck tractor. Any decrease in revenue is a loss to the Missouri Department of Transportation's highway funding.

**Oversight** assumes the \$25 fee collected for trucks weighing more the 80,000 lbs would be a minimal income to the Road Fund. Since it is unknown how many permits will be sold, Oversight will estimate the income to the Road Fund as unknown. Since it is also unknown how many trucks will be considered a local log truck or local log truck tractor, Oversight will estimate the negative fiscal impact of unknown to the Highway Fund. Oversight will also estimate a cost to the Road Fund of unknown greater than \$100,000 since there is no way to quantify the dollar amount of additional wear and tear to the highways and bridges for additional maintenance.

ASSUMPTION (continued)

§578.018 - Confiscated Animals

Officials at the **Department of Agriculture (MDA)** currently have no authority to confiscate animals. The fiscal impact from this proposal on the MDA is unknown with a potential cost of up to \$4.6 million to build and maintain an animal care facility if the MDA is designated as the third party approved by the court or required in any way to care for animals confiscated under this proposal.

**Oversight** assumes under current law, AGR, along with local law enforcement, facilitate the removal and placement of animals subject to a warrant and seizure. This proposal requires an initial disposition hearing within the first 10 days of the confiscation by the authority through which the warrant was issued. Oversight assumes this proposal requires reasonable bond or security by the animal owner to be posted within 72 hours of the disposition hearing for all animal board costs while the animal is held in custody until final disposition or dismissal of the case. Upon conviction the animal owner is liable for all costs related to the removal and care of the animal.

Oversight assumes any confiscated animal care costs, should the animal owner be acquitted, has an inability to pay before the initial disposition hearing, or upon conviction, would be incurred by veterinarians, local government dog pounds, animal shelters, animal rescue facilities, or another third party with existing animal care facilities approved by the court. For the purpose of the fiscal note, Oversight will assume an unknown cost to local government dog pounds, shelters, and rescues as a result of this proposal.

Officials at the **City of Kansas City** assume the City would incur costs relating to the care of the animal at the animal shelter which is operated by a city contractor during the pendency of the charges when the owner is acquitted. Currently, the City does not have to reimburse those costs. The amount of the costs is difficult to estimate at this time. However, if the City had to provide an estimate, it would be around \$10,000.

ASSUMPTION (continued)

Bill as a Whole

Officials at the **Office of the State Public Defender (SPD)** stated they cannot assume existing staff will provide competent, effective representation for any cases where indigent persons are charged with the proposed new crime of allowing the euthanasia, or intentionally sterilizes an animal prior to a disposition hearing of the charges against the owner. This would be a new Class B misdemeanor and subsequent offense would be a Class A misdemeanor. While the number of new cases may be too few or uncertain to request additional funding for this specific proposal, 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 **Office of the Secretary of State (SOS)** stated 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 **Office of the Attorney General** assume that any potential costs arising from this proposal can be absorbed with existing resources.

ASSUMPTION (continued)

Officials at the **Department of Corrections**, the **Department of Conservation**, the **Department of Natural Resources**, the **Department of Public Safety's Missouri Highway Patrol**, the **Office of the State Courts Administrator**, the **Office of Prosecution Services**, the **Joint Committee on Administrative Rules** and the **Department of Economic Development's Division of Energy** each assume no fiscal impact to their respective agencies from this proposal.

Officials at **St. Louis County**, the **Platte County Board of Election Commission** and the **Springfield Police Department** each assume no fiscal impact to their respective entities from this proposal.

<u>FISCAL IMPACT - State Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>ROAD FUND</b>			
<u>Income - MoDOT</u> (§304.180) - \$25 fee for trucks over 80,000 lbs	Unknown	Unknown	Unknown
<u>Cost - MoDOT</u> (§304.180) - Increased Maintenance, Tracking for Increased Weight Limits, Signage and Computer cost	(Unknown greater than <u>\$100,000</u> )	(Unknown greater than <u>\$100,000</u> )	(Unknown greater than <u>\$100,000</u> )
<b>ESTIMATED NET EFFECT ON ROAD FUNDS</b>	<b>(Unknown greater than <u>\$100,000</u>)</b>	<b>(Unknown greater than <u>\$100,000</u>)</b>	<b>(Unknown greater than <u>\$100,000</u>)</b>
<b>HIGHWAY FUNDS</b>			
<u>Loss - MoDOT</u> (§304.180) - registration fees for log trucks or truck tractors are less than a standard local property-carrying commercial motor vehicle	( <u>Unknown</u> )	( <u>Unknown</u> )	( <u>Unknown</u> )
<b>ESTIMATED NET EFFECT ON HIGHWAY FUNDS</b>	<b>(<u>Unknown</u>)</b>	<b>(<u>Unknown</u>)</b>	<b>(<u>Unknown</u>)</b>

<u>FISCAL IMPACT - Local Government</u>	FY 2016 (10 Mo.)	FY 2017	FY 2018
<b>LOCAL POLITICAL SUBDIVISIONS</b>			
<u>Revenue - Animal Rescue Facilities</u>			
(§578-018) - Bond or security for animal care costs from the animal owner	Unknown	Unknown	Unknown
<u>Cost - Animal Rescue Facilities</u>			
(§578.018) - Care of animals held till final disposition of charges and acquittal or inability to pay	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>ESTIMATED NET EFFECT ON LOCAL POLITICAL SUBDIVISIONS</b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>	<b><u>(Unknown)</u></b>

FISCAL IMPACT - Small Business

This proposal would provide small business livestock farmers, livestock facilities, and livestock auction markets an expanded limited liability for livestock activities, which may lower their insurance rates and provide them protection in a lawsuit.

FISCAL DESCRIPTION

Currently, local log trucks and local log truck tractors may only transport harvested forest products within a 100-mile radius of the forested site. This bill expands the distance in which the trucks can be operated to a 200-mile radius. Currently, the total gross weight of a vehicle or combination of vehicles hauling livestock on specified highways in the state cannot exceed 85,500 pounds with the exception of vehicles operated on the Dwight D. Eisenhower System of Interstate and Defense Highways. The bill removes the specified highways and applies this weight limitation to any vehicle hauling livestock or agricultural products, not including local log trucks, on any highway of this state with the specified exception.

Any business operating a vehicle hauling livestock or agricultural products weighing more than 80,000 pounds must apply to the Department of Transportation yearly for a permit and must receive a permit upon paying a \$25 fee. Upon renewal of the permit, the applicant must submit to the department a list of roads traveled and the number of miles traveled on each road during the year.

FISCAL DESCRIPTION (continued)

Currently, the sponsoring individuals and organizations have limited liability for injuries or death from accidents associated with equine activities. This bill expands the limited liability to a livestock sponsor, a livestock owner, a livestock facility and a livestock auction market for injuries or death from accidents associated with livestock activities. Livestock activities include grazing, herding, feeding, branding, milking, or other activities that involve the care and maintenance of livestock; a livestock show, fair, competition, or auction; a livestock training or teaching activity; boarding livestock; and inspecting or evaluating livestock.

This bill includes trapping, paddle sports, aviation activities for personal or private use and not for a commercial event or gathering, and swimming to the activities included under the definition of "recreational use" as it applies to the provisions regarding landowners' liability for recreational use of land and specifies liability is not limited for a landowner who intentionally injures a participant, knowingly provides unsafe equipment or devices, or fails to use a degree of care that an ordinary person would use.

The bill also changes the laws regarding the confiscation of animals. In its main provisions, the bill:

- (1) Removes a public health official from the individuals authorized to seek a warrant to enter property to inspect, care for, or confiscate neglected or abused animals;
- (2) Requires a person acting under the authority of a warrant to appear at a disposition hearing before the court through which the warrant was issued within 30 days of the filing of the request, for the purpose of granting immediate disposition of the animals. An animal cannot be sterilized before the completion of the disposition hearing unless it is necessary to save life or relieve suffering;
- (3) Allows a third party approved by the court to care for confiscated animals;
- (4) Specifies that the owner of any animal that has been confiscated cannot be responsible for the animal's care and keeping prior to a disposition hearing if the owner is acquitted or there is a final discharge without conviction;
- (5) Requires a reasonable bond or security to be posted within 72 hours of the disposition hearing in an amount sufficient to provide for the care of the animal and consistent with the fair market cost of boarding the animal in an appropriate retail boarding facility if the owner, custodian, or any person claiming an interest in an animal that has been confiscated because of neglect or abuse would like to prevent disposition of the animal while the case proceeds. Currently, the owner, custodian, or any person claiming an interest in an animal that has been impounded because of neglect or abuse may prevent disposition of the animal by posting bond or security in an amount sufficient to provide for the animal's care for at least 30 days, inclusive of the date on which the animal was taken into



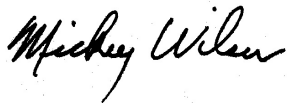
FISCAL DESCRIPTION (continued)

- custody;
- (6) Specifies that all animals confiscated must receive proper care as determined by state law and regulations. Any facility or organization must be liable to the owner for damages for any negligent acts or abuse of the animal which occurs while the animal is in its care, custody, and control;
  - (7) Allows an owner to demand the return of the animal held in custody if he or she posted a sufficient bond and is acquitted or there is a final discharge without a conviction unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence. Any entity with care, custody, and control of the animal must immediately return it to the owner upon demand and proof of the acquittal or final discharge without conviction. The animal owner is not liable for any costs incurred relating to the placement and care of the animals while the charges were pending unless there is a settlement agreement, consent judgment, or a suspended imposition of sentence;
  - (8) Specifies that any person or entity that intentionally euthanizes, other than as permissible under the provisions of the bill, or intentionally sterilizes an animal prior to a disposition hearing or during any period for which a reasonable bond was secured for the animal's care will be guilty of a class B misdemeanor and is liable to the owner for damages including the actual value of the animal. Each individual animal for which a violation occurs is a separate offense. Any second or subsequent violation is a class A misdemeanor, and any entity licensed under state law will be subject to licensure sanction by its governing body; and
  - (9) Includes dogs confiscated by any member of the State Highway Patrol or other law enforcement officer that were involved in dog fighting to those animals covered under these provisions. The provisions relating to the increased weight limits for hauling livestock and other agricultural products will only become effective upon the approval by the voters of a constitutional amendment authorizing an additional sales and use tax, the proceeds of which are to be used for transportation purposes.

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 Revenue  
Missouri Department of Transportation  
Department of Agriculture  
City of Kansas City  
Office of the State Public Defender  
Office of the Secretary of State  
Office of the Attorney General  
Department of Corrections  
Department of Conservation  
Department of Natural Resources  
Department of Public Safety  
    Missouri Highway Patrol  
Office of the State Courts Administrator  
Office of Prosecution Services  
Joint Committee on Administrative Rules  
Department of Economic Development  
    Division of Energy  
St. Louis County  
Platte County Board of Election Commission  
Springfield Police Department



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