

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 4373-01  
Bill No.: HB 1798  
Subject: Agriculture; Animals  
Type: Original  
Date: January 10, 2020

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Bill Summary: This proposal modifies provisions relating to feral swine.

**FISCAL SUMMARY**

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
General Revenue	(Less than \$110,643)	(Less than \$126,055)	(Less than \$126,576)
<b>Total Estimated Net Effect on General Revenue</b>	<b>(Less than \$110,643)</b>	<b>(Less than \$126,055)</b>	<b>(Less than \$126,576)</b>

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>Other</u> State Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Total Estimated Net Effect on <u>All</u> Federal Funds</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<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.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2021	FY 2022	FY 2023
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

## **FISCAL ANALYSIS**

### **ASSUMPTION**

Officials from the **Department of Agriculture (MDA)**, **Missouri Department of Conservation**, **Office of the State Courts Administrator** and **Department of Public Safety - Missouri Highway Patrol** each assume the proposal will have no fiscal impact on their respective organizations.

**Oversight** notes that the agencies mentioned above have stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for these agencies.

**Oversight** inquired of MDA as to if they have collected any administrative penalties from the provisions of Section 270.260, RSMo. MDA has not collected any funds from administrative penalties.

Officials from the **Department of Corrections (DOC)** assume this proposal modifies provisions relating to feral swine. It enhances the penalties for recklessly or knowingly releasing any swine to live in a wild or feral state upon any public or private land and for possessing or transporting live feral swine to a class E felony.

For each new non-violent class E felony, the department estimates one person will be sentenced to prison and two to probation. The average sentence for a non-violent class E felony offense is 3.4 years, of which 2.1 years will be served in prison with 1.4 years to first release. The remaining 1.3 years will be on parole. Probation sentences will be 3 years.

The cumulative operational impact for both felonies under Section 270.260 and Section 270.270 is estimated to be 4 additional offenders in prison and 15 on field supervision by FY 2024.

ASSUMPTION (continued)

	# to prison	Cost per year	Total Costs for prison	# of offenders to Probation & Parole	Costs for more P&P officers	Grand Total of Costs to DOC
Year 1	2	(\$6,386)	(\$10,643)	4	\$0	(\$10,643)
Year 2	4	(\$6,386)	(\$26,055)	8	\$0	(\$26,055)
Year 3	4	(\$6,386)	(\$26,576)	14	\$0	(\$26,576)
Year 4	4	(\$6,386)	(\$27,107)	15	\$0	(\$27,107)
Year 5	4	(\$6,386)	(\$27,650)	15	\$0	(\$27,650)
Year 6	4	(\$6,386))	(\$28,203)	15	\$0	(\$28,203)
Year 7	4	(\$6,386)	(\$28,767)	15	\$0	(\$28,767)
Year 8	4	(\$6,386)	(\$29,342)	15	\$0	(\$29,342)
Year 9	4	(\$6,386)	(\$29,929)	15	\$0	(\$29,929)
Year 10	4	(\$6,386)	(\$30,527)	15	\$0	(\$30,527)

**Oversight** does not have any information to the contrary in regards to DOC's assumptions; therefore, Oversight will reflect DOC's costs on the fiscal note.

For the purpose of this proposed legislation, officials from the **Office of State Public Defender (SPD)** state they cannot assume that existing staff will provide effective representation for any new cases arising where indigent persons are facing enhanced penalties for releasing swine to live on public land; a new Class E felony. The Missouri State Public Defender System is currently providing legal representation in caseloads in excess of recognized standards.

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 where the right to counsel attaches.

**Oversight** notes over the last three fiscal years, the SPD has lapsed a total of \$153 of General Revenue appropriations (\$2 out of \$28.0 million in FY 2017; \$150 out of \$42.5 million in FY 2018; and \$1 out to \$46.0 million in FY 2019). Therefore, Oversight assumes the SPD is at maximum capacity and the increase in workload resulting from this bill cannot be absorbed within SPD's current resources.

ASSUMPTION (continued)

Adding one additional Assistant Public Defender 1 (APD) with a starting salary of \$47,000, will cost approximately \$74,500 per year in personal service and fringe benefit costs. One additional APD II (\$52,000 per year; eligible for consideration after 1 year of successful performance at APD I) will cost the state approximately \$81,000 per year in personal service and fringe benefit costs. When expense and equipment costs such as travel, training, furniture, equipment and supplies are included, Oversight assumes the cost for a new APD could approach \$100,000 per year.

Oversight assumes the SPD cannot absorb the additional caseload that may result from this proposal within their existing resources and, therefore, will reflect a potential additional cost of (Less than \$100,000) per year to the General Revenue Fund.

Officials from the **Office of Prosecution Services (OPS)** assume the proposal will have no measurable fiscal impact. 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.

**Oversight** notes that OPS has stated the proposal would not have a direct fiscal impact on their organization. Oversight does not have any information to the contrary. Therefore, Oversight will reflect a zero impact on the fiscal note for this agency.

<u>FISCAL IMPACT - State Government</u>	FY 2021 (10 Mo.)	FY 2022	FY 2023
<b>GENERAL REVENUE FUND</b>			
<u>Cost</u> - potential additional attorney for SPD due to enhanced penalties for releasing feral swine on public land	(Less than \$100,000)	(Less than \$100,000)	(Less than \$100,000)
<u>Cost</u> - DOC - potential increase in the number of offenders under supervision	<u>\$0 to (\$10,643)</u>	<u>\$0 to (\$26,055)</u>	<u>\$0 to (\$26,576)</u>
<b>ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>(Less than <u>\$110,643</u>)</b>	<b>(Less than <u>\$126,055</u>)</b>	<b>(Less than <u>\$126,576</u>)</b>

FISCAL IMPACT - Local Government

FY 2021  
(10 Mo.)

FY 2022

FY 2023

\$0

\$0

\$0

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, any person who knowingly or recklessly releases any swine to live in the wild or possesses or transports certain live wild boar without a permit from the Department of Agriculture is guilty of a class A misdemeanor. This bill changes the penalties to a class E felony. The bill also changes the term "feral hog" to "feral swine" and specifies that any person who kills a feral swine outside without the consent of the landowner or not in compliance with certain requirements is guilty of a class A misdemeanor.


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  
Missouri Department of Conservation  
Department of Public Safety - Missouri Highway Patrol  
Office of the State Courts Administrator  
Department of Corrections  
Office of the State Public Defender  
Office of Prosecution Services



Julie Morff  
Director  
January 10, 2020



Ross Strobe  
Assistant Director  
January 10, 2020