

**LEGISLATIVE BUDGET BOARD**  
**Austin, Texas**

**FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION**

**April 12, 2005**

**TO:** Honorable Harvey Hilderbran, Chair, House Committee on Culture, Recreation, & Tourism

**FROM:** John S. O'Brien, Deputy Director, Legislative Budget Board

**IN RE: HB1257** by Campbell (Relating to depredation caused by deer; providing a penalty.), **As Introduced**

**Estimated Two-year Net Impact to General Revenue Related Funds** for HB1257, As Introduced: a negative impact of (\$721,940) through the biennium ending August 31, 2007.

The bill would make no appropriation but could provide the legal basis for an appropriation of funds to implement the provisions of the bill.

The bill would establish an emergency period for protection from depredating deer from the effective date through fiscal year 2006, if the bill takes effect immediately with two-thirds vote of the members of each house (see Subchapter S). During the emergency protection period, an individual must notify the Texas Parks and Wildlife Department (TPWD) of the intent to hunt depredating deer three days prior to the hunting period. Prior to the requested hunting period, TPWD must verify with the Texas Cooperative Extension (TCE) that the identified deer are located on property typically used to cultivate crops susceptible to deer depredation. Individuals hunting depredating deer under this provision would be exempt from normal hunting license requirements. Also, each time a deer is killed under the depredation law, a TPWD employee must be contacted to collect the carcass for donation to an appropriate recipient. During the emergency protection period, TCE would be required to determine the length of time crops susceptible to depredation would be protected, to post notice of protection periods in local offices and county courthouses, to document data on producers and crops, and to provide certifications to TPWD.

The emergency protection period required by Subchapter S would be enacted only if the bill takes immediate effect. Regardless of whether the bill takes immediate effect, the bill would require the TPWD to establish a deer overpopulation and depredation reduction program by September 1, 2006. The program would have three objectives: 1) educate the public on how to minimize accidents involving motor vehicles and deer; 2) prevent significant economic damage from deer depredation; and 3) allow individuals suffering significant economic damage from deer depredation an exemption from normal hunting license requirements. The bill would require TPWD to submit a study of program findings no later than January 1 of each odd-numbered year to the governor and certain members of the legislature.

**General Revenue-Related Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</b>
2006	(\$721,940)
2007	\$0
2008	\$0
2009	\$0
2010	\$0

**All Funds, Five-Year Impact:**

<b>Fiscal Year</b>	<b>Probable Savings/(Cost) from GENERAL REVENUE FUND 1</b>	<b>Probable Savings/(Cost) from GAME, FISH, WATER SAFETY AC 9</b>
2006	(\$721,940)	(\$369,288)
2007	\$0	(\$98,000)
2008	\$0	\$0
2009	\$0	\$0
2010	\$0	\$0

**Fiscal Analysis**

The cost from General Revenue would be \$721,940 in fiscal year 2006 for TCE; the cost from the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 in fiscal year 2006 would be \$369,288 in fiscal year 2006 and \$98,000 in fiscal year 2007 for TPWD.

Under the bill, the emergency protection period expires September 1, 2006 (see Supchapter S). Accordingly, this estimate assumes that immediate costs to TCE and TPWD for the emergency protection period would end with the expiration date of Subchapter S. This estimate assumes that as part of its regular duties, TPWD could absorb costs for a study to be prepared for the governor and legislature by January 1, 2007 and each odd-numbered year thereafter. Additionally, this estimate assumes that any ongoing costs for the Deer Overpopulation and Depredation Reduction Program after fiscal year 2007 could be absorbed by TPWD within existing resources.

**Methodology**

Methodology: TCE reports that 75 counties in Texas are largely affected by deer overpopulation and depredation. TCE reports the growing season in these counties is 4.5 months. Assuming the bill takes immediate effect, estimated costs for an emergency protection period implemented in these counties in fiscal year 2006 are shown below. This estimate assumes that costs of the emergency protection period could be absorbed by TPWD and TCE in the remaining 179 counties for fiscal year 2006. Other expenses in fiscal year 2007 are TPWD costs associated with statewide public education.

TCE expenses for emergency protection period in fiscal year 2006:

To assist 76 extension agents in 75 counties,

- ◆ 75 temporary workers employed for a growing season of 4.5 months, or 28.0 FTEs. Note that for temporary employees to count towards the FTE cap, they must be employed for at least half the working days in the prior 12-month work period;
- ◆ \$594,000 in wages, or \$7,920 for 4.5 months (99 days) per worker (\$80/day), based upon the salary of a Demonstration Technician paid \$21,214 annually;
- ◆ \$45,440 in benefit costs, estimated at 7.65 percent of salary. This estimate assumes temporary wage workers would not be eligible for state group insurance and retirement;
- ◆ \$75,000 for \$1,000 in fuel costs per worker, for average travel expenses of 100 miles/day/county over 4.5 months to compile data on producers and crops required to evaluate depredation and provide certifications to TPWD. This estimate assumes vehicles for temporary workers would be available in local extension offices;
- ◆ \$7,500 in other operating expenses to supply temporary workers and meet posting requirements in 75 county courthouses and extension offices (\$50 per worker and per county).

TPWD expenses for emergency protection period in fiscal year 2006:

To assist an estimated 150 game wardens in 75 counties,

- ◆ 38 temporary workers employed for a growing season of 4.5 months, or 14.0 FTEs in fiscal year 2006. Note that for temporary employees to count towards FTE cap they must be employed for at least 6 months of the prior 12-month work period;
- ◆ \$278,388 in wages, or \$7,326 for 4.5 months (99 days) per worker (\$74/day), based upon the salary of a Fish and Wildlife Technician paid \$19,452 annually;
- ◆ \$21,300 in benefit costs, estimated at 7.65 percent of salary. This estimate assumes temporary wage workers would not be eligible for state group insurance and retirement;

- ◆ \$38,000 for \$1,000 in fuel costs per worker, for average travel expenses of 100 miles/day/two counties over 4.5 months to retrieve and deliver carcasses to cold storage and eventual recipients. This estimate assumes TPWD could redirect vehicles from other jurisdictions for temporary workers over the 4.5 month period;
- ◆ \$1,900 in other operating expenses to supply temporary workers (\$50 per worker).
- ◆ \$29,700 in costs of cold storage for carcasses (6 deer/day, with 60 deer on average in cold storage for 4.5 months –99 days –at \$5/day).

TPWD expenses for establishment of Deer Overpopulation and Depredation Reduction Program in fiscal year 2007:

- ◆ \$50,000 for radio and TV public service announcements to educate the public on minimizing accidents involving motor vehicles and deer;
- ◆ \$30,000 for production of 900,000 brochures, at \$0.03/per brochure, to publicize program objectives in areas with crops susceptible to deer depredation;
- ◆ \$18,000 to distribute 900,000 brochures, at \$0.02/per brochure.

### **Technology**

This estimate assumes that with current resources TCE and TPWD can absorb any additional technology costs associated with bill implementation.

### **Local Government Impact**

No significant fiscal implication to units of local government is anticipated.

**Source Agencies:** 555 Texas Cooperative Extension, 802 Parks and Wildlife Department

**LBB Staff:** JOB, WK, ZS, TB, JMI