

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 79TH LEGISLATIVE REGULAR SESSION

May 19, 2005

TO: Honorable Kenneth Armbrister, Chair, Senate Committee on Natural Resources

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

IN RE: HB2026 by Hilderbran (Relating to the recovery of certain enforcement-related costs, the operation of certain accounts in the Parks and Wildlife Department, the penalties for certain criminal offenses involving certain animals, and the taking and possession of certain wildlife or eggs, including requirements related to taxidermy and tanning and to harmful aquatic plants; imposing penalties.), **As Engrossed**

Estimated Two-year Net Impact to General Revenue Related Funds for HB2026, As Engrossed: an impact of \$0 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.

General Revenue-Related Funds, Five-Year Impact:

Fiscal Year	Probable Net Positive/(Negative) Impact to General Revenue Related Funds
2006	\$0
2007	\$0
2008	\$0
2009	\$0
2010	\$0

All Funds, Five-Year Impact:

Fiscal Year	Probable Revenue Gain/(Loss) from GAME, FISH, WATER SAFETY AC 9
2006	\$179,890
2007	\$52,190
2008	\$52,190
2009	\$52,190
2010	\$52,190

The bill would amend various sections of the Parks and Wildlife Code, including amendments concerning the disposition of confiscated game, separate offenses, non-resident license requirements, license privileges, game breeder's licenses, alligators, provisions generally applicable to hunting, and licenses and regulations for fur-bearing animals. The bill removes the requirement for a separate alligator-hunting license for both residents and non-residents.

The bill would authorize the Texas Parks and Wildlife Department (TPWD) to sell confiscated game. Also, the bill would authorize TPWD to recover actual investigation costs, reasonable attorney's fees and reasonable expert witness fees incurred as a result of pursuing a case against any person who illegally kills, catches, takes, possesses or injures any fish, shellfish, reptile, amphibian, bird or animal.

The bill would require TPWD to conduct a study of revenue and uses of the General Revenue-Dedicated State Parks Account No. 64 and Texas Recreation and Parks Account No. 467. TPWD indicates that the agency would hire a contractor to review the two funds at a cost of \$100,000 in professional fees over 2006-07 (1,000 hours at \$100/hour). However, this estimate assumes this cost could be absorbed by TPWD within existing resources.

Fiscal Analysis

The net fiscal impact of all provisions of the bill would be a net revenue gain to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 of \$179,890 in fiscal year 2006 and \$52,190 in fiscal year 2007 and each year thereafter.

Methodology

Removing requirement for separate alligator license: Currently a person hunting alligators is not required to own a general hunting license, a person can hunt alligators with only the appropriate alligator-hunting license. TPWD indicates that in the most current complete license year, 795 Resident Alligator hunting licenses were sold at \$42 each (\$31,720.50), and 22 Non-resident Alligator hunting licenses were sold at \$360 each (\$7,524) for a potential revenue loss of \$39,245 per year.

TPWD indicates that of the 795 resident alligator license purchasers, 136 did not also hold a general hunting license. A resident hunting license is currently priced at \$23, and this change could result in additional sales of \$2,972 per year. Of the Non-resident alligator license purchasers, 19 did not hold a non-resident general hunting license. The non-resident hunting license is priced at \$300, which would result in additional sales of \$5,415 per year. Total revenue gain due to sale of additional general hunting licenses would be \$8,387 per year.

Note: These figures reflect a reduction for the 5 percent fee retained by license deputies.

Sale of Confiscated Game: TPWD indicates that based on estimates of the number of confiscations per year, approximately 400 deer would be confiscated in the first year of the legislation. Current civil restitution rates are at \$881.50 for bucks and \$273.50 for does. An estimated 25% of all deer confiscated are bucks and the remainder are does. TPWD indicates the total revenue generated from the first year could be approximately \$170,200. It is assumed that confiscations would decline after the first year of implementation due to the public's awareness of the regulation. Using 100 deer confiscated for every year thereafter, approximately \$42,550 would be generated in new revenue. TPWD indicates that while it is likely that this provision will result in additional revenue to the department, these estimates are highly speculative given the different variables involved in the legislation.

Recovery of investigation costs and attorneys fees: TPWD indicates the most likely types of cases to which these provisions would apply are seismic activities and bird kills. Historical information indicates we can expect about 4 seismic cases per year at an average investigative cost of approximately \$8,444 for a total of \$33,776. For bird kills (all of them are poisoning cases) the average investigation cost is \$1,693. Assuming approximately 4 such cases per year results in an additional \$6,772 per year. The bill would enable TPWD to recover the costs associated with these and other types of cases, resulting in an estimated revenue gain to the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9 of \$40,548 in fiscal year 2006 and each year thereafter.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department

LBB Staff: JOB, WK, ZS, TB