

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

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

**May 11, 2005**

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

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

**IN RE: SB804** by Averitt (Relating to the liability of license deputies for sales money held in trust for the Parks and Wildlife Department.), **As Engrossed**

<b>No fiscal implication to the State is anticipated.</b>
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The bill would designate funds collected for licenses, permits and stamps by license deputies as funds held in trust by such deputies on behalf of the Texas Parks and Wildlife Department (TPWD). License deputies would be liable for the full amount of sales, less the sales commission, until such funds are transferred to the State Treasury. If the license deputy is not an individual, each officer, director, or owner of the license deputy would be personally liable to the department for the full amount of money held in trust.

Currently, license deputies (primarily retail outlets that sale sporting goods) sell TPWD hunting and fishing licenses and stamps, retain a 5 percent commission, and all remaining sales receipts are swept to the State Treasury on a weekly basis. To the extent that interest income that would otherwise accrue to the State Treasury is not collected, the current practice of transferring funds on a weekly basis impacts revenue collections. However, this bill if adopted, would have no significant impact on agency operations or revenue collections.

**Local Government Impact**

No fiscal implication to units of local government is anticipated.

**Source Agencies:** 802 Parks and Wildlife Department

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