

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 81ST LEGISLATIVE REGULAR SESSION

May 21, 2009

TO: Honorable Joe Straus, Speaker of the House, House of Representatives

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

IN RE: HB3391 by Harper-Brown (Relating to the continuation and functions of the Parks and Wildlife Department; changing the elements of an offense.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend the Parks and Wildlife Code to do the following: 1) Require the Texas Parks and Wildlife Department (TPWD) to create a list of aquatic plants that may be imported and possessed within Texas without a permit; 2) Require state agencies that receive TPWD's comments on proposed projects or permits to respond to TPWD on the disposition of those comments; 3) Establish an Internal Affairs Office in statute, requiring the Office to report to the Texas Parks and Wildlife (TPW) Commission, and granting the Commission authority to initiate cases; 4) Authorize the TPW Commission to join the Interstate Wildlife Violator Compact on behalf of the State; 5) Instruct TPWD and the Texas Youth Commission (TYC) to jointly seek representation by the Office of the Attorney General (OAG) to pursue a modification of the Parrie Haynes Trust to designate TPWD as the state agency responsible for the Parrie Haynes Ranch and Trust; 6) Add emergency rulemaking authority for the TPWD executive director in cases of Governor declared disasters; 7) Clarify that starlings, sparrows, and rock doves may be killed in any manner, and adds pigeons to the definition of 'pen-reared birds' for purposes of private bird hunting areas; 8) Permit the sale of feathers, bones, or feet of game birds other than migratory game birds and the sale of feathers of migratory game birds as permitted by federal law. Also allow the sale of the hair, hide, antlers, bones, hooves, horns, skulls, or sinew of pronghorn antelopes, deer, desert bighorn sheep, javelina, and red and grey squirrels; and 9) Continue TPWD for 12 years. The bill would take effect September 1, 2009.

The bill would have a cost of \$80,107 in fiscal year 2010 and \$22,997 in fiscal year 2011 and each year thereafter from the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9. TPWD indicates it could absorb the costs associated with the bill within its current resources. An analysis of the expected costs to be absorbed is as follows:

SECTION 5: Authorizes deposit of private contributions, grants, donations and federal funds into the General Revenue-Dedicated State Parks Account No. 64. This should not have a fiscal impact as it merely authorizes the deposit of funds that TPWD is already receiving.

SECTION 9: Provides that money in the General Revenue-Dedicated Texas Recreation and Parks Account No. 467 may be used for planning, acquisition, operation, and development of outdoor recreation and conservation, and administrative expenses related to the management of federal programs. This Section authorizes deposit of private contributions, grants, donations and federal funds into the Texas Recreation and Parks Account No. 467; clarifies that the existing statutory formula regarding the distribution of funds in the Large County and Municipality Recreation and Parks Account applies only to state funds in the account; specifies that money in the Large County and Municipality Recreation and Parks Account may be used for administrative expenses related to the management of federal programs; and authorizes deposit of private contributions, grants, donations and federal funds into the Large County and Municipality Recreation and Parks Account. This Section would not have a fiscal impact as it merely authorizes the use of funds for expenses related to the purpose of the funds and allows deposit of funds into accounts.

SECTION 14: Requires the TPWD to create a list of exotic aquatic plants that may be imported and possessed within Texas without a permit. The Section establishes that a person may not import or possess an exotic aquatic plant that is not on the approved list without a permit. The Section requires TPWD to develop a process to evaluate the potential harm that may be caused by importation of aquatic plants and establishes the parameters of that process. This Section will have a fiscal implication to TPWD which will have a one-time cost of an estimated \$50,000 in fiscal year 2010 to hire a consultant to help compile the list of approved aquatic plants. (Note TPWD has existing fee authority for permits under its prohibited list for exotic aquatic plants that could be used to charge fees for permits under this section.) Also, the Section makes permissive the requirement to deposit federal revenue into the General Revenue-Dedicated State Land and Water Conservation Account No. 223. This Section would not have a fiscal impact as it merely authorizes the deposit of any funds that TPWD is already receiving.

SECTION 16: Authorizes the TPW Commission to join the Interstate Wildlife Violator Compact. The Section provides that the Commission may also withdraw from the Compact if necessary to protect the interests of the State. Authorizing TPWD to join the Interstate Wildlife Violator Compact would have a first year fiscal impact to the State of an estimated \$30,100 in fiscal year 2010, with subsequent annual fiscal costs of about \$23,000 from the General Revenue-Dedicated Game, Fish and Water Safety Account No. 9.

The TPWD would incur these costs from personnel costs to monitor and upload information into the Compact's database. The Board of Wildlife Violator Compact Administrators does not charge a fee to states to join Interstate Wildlife Violator Compact (IWVC), does not make an annual assessment, and member states are not charged to access or upload information into the IWVC database. However, this analysis assumes TPWD would need to redirect the job duties of clerk half-time to monitor the database and may incur minor costs to modify its information technology systems to report violations to the Compact's database and to query the database during issuance of hunting and fishing licenses. TPWD estimates that the half-time base salary for this position is \$17,292 and with benefits, equipment, and other costs, the total first-year cost will be \$30,107 and subsequent years will cost \$23,000. TPWD may incur minor costs to modify its information technology systems to report and query the Compact's database. The TPWD does budget for computer system changes, and could incorporate the changes required by this recommendation into its routine maintenance schedule and reprioritize its existing workload.

SECTION 17: Instructs TPWD and TYC to jointly seek representation by the OAG to pursue a modification of the Trust terms and purposes of the Parrie Haynes Trust to designate TPWD as the state agency responsible for the Parrie Haynes Ranch and Trust. No fiscal impact is expected for this provision since it directs the agencies to pursue a judicial judgment on the disposition of the Ranch and is not binding on the agencies. However, if the court decides to transfer the property to TPWD, then TYC would lose \$48,000 a year in lease payments from TPWD. However, TPWD would not have to expend that money every year, resulting in a revenue neutral fiscal impact to the State. In addition, although some state funds may be expended by the OAG in pursuing a judicial judgment for transfer, the Charitable Trust Section of the OAG's office is charged to work on such cases, and already receives appropriations for this purpose.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 116 Sunset Advisory Commission, 802 Parks and Wildlife Department

LBB Staff: JOB, SD, TB, SZ, ZS, KK