

LEGISLATIVE BUDGET BOARD

Austin, Texas

FISCAL NOTE, 82ND LEGISLATIVE REGULAR SESSION

Revision 3

May 18, 2011

TO: Honorable Ryan Guillen, Chair, House Committee on Culture, Recreation & Tourism

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

IN RE: SB252 by Jackson (Relating to the management, breeding, and destruction of deer and to procedures regarding certain deer permits.), **Committee Report 2nd House, Substituted**

No significant fiscal implication to the State is anticipated.

The bill would amend portions of the Parks and Wildlife Code regarding the review, notice and hearing requirements associated with breeder deer permits. The bill would allow TPWD to refuse to issue or renew the following types of permits under certain conditions: Trap, Transport and Transplant (TTT) permit; Trap, Transport, and Process (TTP) permit; Deer Breeder permit; and Deer Management permit.

The bill would provide that the venue for an appeal from TPWD refusing to renew a permit, revoking, or suspending a permit would be a new trial in a district court in the county where the permitted facility is located, or the county where the permittee resides, or Travis County. TPWD reports this portion of the bill may result in additional costs in staff time and travel expenses for travel to the new venue for an estimated 10 appeals each fiscal year, but this analysis assumes these costs would be absorbed within TPWD's existing resources. The Office of the Attorney General (OAG) reports that representing TPWD in 10 appeals of permit decisions each fiscal year in district courts statewide would result in additional costs. However, this analysis assumes such costs would be absorbed within the OAG's existing resources.

The bill would amend portions of the Parks and Wildlife Code to allow the deer breeder permit issuance/renewal to be valid for one year, three years, or five years at the discretion of the person applying. According to the Texas Parks and Wildlife Department (TPWD), there is not fiscal impact to the department from these provisions. TPWD reports that currently permits are issued for one year at a cost of \$400, with an option of this permit fee being reduced, if 85 percent of birth/death reports and transfer permit activations per year are made through an online database rather than manual paper. TPWD would issue a three-year permit for \$1,200 (\$400 x 3) or five-year permit for \$2,000 (\$400 x 5) for persons agreeing to submit certain required annual reports electronically.

The bill would amend the Parks and Wildlife Code relating to deer destruction and removal. The bill would require the Texas Parks and Wildlife Department (TPWD) to notify a deer breeder in writing when they have reason to believe the deer breeder possess deer that may pose a risk, after inspection of a deer breeder facility. The bill would provide that a deer in the custody of a deer breeder/permittee may only be destroyed upon orders from the Executive Director of the Texas Animal Health Commission (TAHC), after the TAHC has conducted an assessment and provided written notice, as described. The bill would provide that the full cost of destroying deer, as needed, will be paid for by the deer breeder/permittee, with reimbursements to TPWD, and the TAHC for each agency's respective expenses. The bill would allow the TPW Commission to adopt rules relating to the bill's provisions.

To the extent the bill would amend provisions relating to permits and notices for breeder deer, or deer destruction or removal, no significant fiscal implication to TAHC, TPWD or the state is anticipated. The bill would take effect September 1, 2011.

Local Government Impact

No fiscal implication to units of local government is anticipated.

Source Agencies: 802 Parks and Wildlife Department, 302 Office of the Attorney General

LBB Staff: JOB, KM, SD, TB, SZ, ZS, JM