

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 85TH LEGISLATIVE REGULAR SESSION

May 25, 2017

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

FROM: Ursula Parks, Director, Legislative Budget Board

IN RE: HB2817 by González, Mary (Relating to the prosecution of, punishment for, and deterrence of certain offenses involving cattle, bison, or horses; authorizing an administrative penalty; authorizing an assessment; increasing a criminal penalty.), **As Passed 2nd House**

No significant fiscal implication to the State is anticipated.

The bill would amend Texas Agriculture Code by adding Chapter 153 regarding the prevention and investigation of cattle theft. The bill would require the Texas Department of Agriculture (TDA) to establish a cattle inspection program by rule to discourage and investigate property crimes involving cattle if the Texas and Southwestern Cattle Raisers Association requests such a program, or if a similar program authorized by federal law is canceled, suspended, repealed, or otherwise scheduled for discontinuation. If the program were to be established, TDA would be required to establish an advisory committee to recommend program rules; program rules would authorize special rangers and other association employees designated by special rangers to inspect and record brands and other identifying characteristics of cattle at livestock auction markets; program rules would also establish a per-head regulatory assessment in an amount necessary to reimburse the association for costs incurred by the program, to be determined by TDA. These assessments would not be required to be deposited to the state treasury. The bill would authorize administrative penalties if the regulatory assessment is not remitted to the association in a timely manner. TDA would be required to review and approve the association's budget for the program each year within a specified time frame. TDA or the State Auditor's Office (SAO) would be allowed to inspect the association's financial records related to the program at any time.

The bill would amend the Penal Code as it relates to the punishment for the offense of criminal mischief involving the death of a head of cattle or bison or horse. Under the provisions of the bill, criminal mischief involving the death of one or more of certain animals would be punishable as a third degree felony. The bill would apply only to an offense committed on or after the effective date of the Act. The bill would take effect immediately if it receives a vote of two-thirds of all members elected to each house, or September 1, 2017.

TDA estimates that any costs associated with rulemaking or with the program could be absorbed using existing resources. The Comptroller estimates that any increase in state revenue from administrative penalties cannot be determined.

The Office of Court Administration and the Texas Department of Criminal Justice indicate they do not anticipate a significant fiscal impact.

This analysis assumes the provisions of the bill addressing felony sanctions for criminal offenses would not result in a significant impact on state correctional agencies.

Local Government Impact

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

Source Agencies: 405 Department of Public Safety, 551 Department of Agriculture

LBB Staff: UP, SD, SZ, MSO