

LEGISLATIVE BUDGET BOARD
Austin, Texas

FISCAL NOTE, 87TH LEGISLATIVE REGULAR SESSION

April 7, 2021

TO: Honorable DeWayne Burns, Chair, House Committee on Agriculture & Livestock

FROM: Jerry McGinty, Director, Legislative Budget Board

IN RE: HB3289 by González, Mary (Relating to the penalties for a violation of a quarantine or rule to protect pecans or pecan trees from diseases or pests; increasing civil and criminal penalties.), **As Introduced**

Estimated Two-year Net Impact to General Revenue Related Funds for HB3289, As Introduced : a negative impact of (\$333,611) through the biennium ending August 31, 2023.

The revenue implications of increasing the amount of civil penalties cannot be determined because the number of penalties and the amount that would be assessed by the Texas Department of Agriculture is unknown.

General Revenue-Related Funds, Five- Year Impact:

<i>Fiscal Year</i>	<i>Probable Net Positive/(Negative) Impact to General Revenue Related Funds</i>
2022	(\$186,814)
2023	(\$146,797)
2024	(\$146,797)
2025	(\$146,797)
2026	(\$146,797)

All Funds, Five-Year Impact:

<i>Fiscal Year</i>	<i>Probable Savings/(Cost) from General Revenue Fund 1</i>	<i>Change in Number of State Employees from FY 2021</i>
2022	(\$186,814)	2.0
2023	(\$146,797)	2.0
2024	(\$146,797)	2.0
2025	(\$146,797)	2.0
2026	(\$146,797)	2.0

Fiscal Analysis

The bill would increase the penalties for violating provisions of the Agriculture Code related to the protection of pecans or pecan trees from disease or pests by increasing the criminal punishment for such violations from a Class C misdemeanor to a Class B misdemeanor. The bill would also increase the civil penalties range from \$250-\$10,000 to \$500-\$20,000.

The bill would take effect September 1, 2021.

Methodology

Based on information provided by the Texas Department of Agriculture, this analysis assumes the agency would need three additional positions to implement the bill's provisions. This includes 1.0 FTE for an Inspector III position (\$37,914 in annual salary plus \$12,330 in benefits) for the new inspection requirements, and 0.5 FTE for a Program Specialist III position (\$27,801 in annual salary plus \$9,040 in benefits) and 0.5 FTE for an Attorney position (\$36,395 in annual salary plus \$11,836 in benefits) for preparing cases for penalties and rulemaking within the agency's Enforcement division. In addition, this estimate assumes an additional \$40,016 in fiscal year 2022 for initial start-up costs and \$9,950 in annual operational costs each year.

Based on the analysis of the Comptroller of Public Accounts, the revenue implications of increasing the amount of civil penalties cannot be estimated because the number of penalties and the amount that would be assessed by the Texas Department of Agriculture is unknown.

Based on the analysis of the Office of Court Administration, increasing the criminal punishment for violations of the Agriculture Code as defined in the bill from a Class C to a Class B misdemeanor would not have a significant fiscal impact to the State court system.

Local Government Impact

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

Source Agencies: 212 Office of Court Admin, 304 Comptroller of Public Accounts, 551 Department of Agriculture

LBB Staff: JMc, AJL, MW, GDZ, CMA