

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 3284-05
Bill No.: SCS for SB 665 & 757
Subject: Conservation Department; Crimes and Punishment
Type: Original
Date: February 27, 2006

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

Numbers within parentheses: () indicate costs or losses.
This fiscal note contains 4 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2007	FY 2008	FY 2009
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator** assume this proposal would have no fiscal impact on their organizations.

Poaching While Trespassing

Officials from the **Department of Conservation** (MDC) stated they are not able to estimate the incidence of poaching while trespassing, and assume the additional penalties for poaching while trespassing would have no fiscal impact on their organization.

Oversight assumes there would be a limited number of convictions for poaching while trespassing and that additional fines deposited to local governments would be minimal.

Trophy Deer Restitution

Officials from the **Department of Conservation** officials assume the proposed restitution to the state for illegally taking trophy deer could result in unknown additional revenues to the State School Moneys Fund, and an unknown additional cost to the Conservation Commission.

ASSUMPTION (continued)

Officials from the **Department of Elementary and Secondary Education (DESE)** assume that there is no state cost to the foundation formula associated with this proposal. Should the new crimes and amendments to current law result in additional fines or penalties, DESE cannot know how much additional money might be collected by local governments or the Department of Revenue to distribute to schools. To the extent fine revenues exceed 2004-2005 collections, any increase in this money distributed to schools would increase the deduction in the foundation formula the following year. Therefore the affected districts would see an equal decrease in the amount of funding received through the formula the following year; unless the affected districts are hold-harmless, in which case the districts will not see a decrease in the amount of funding received through the formula (any increase in fine money distributed to the hold-harmless districts will simply be additional money). An increase in the deduction (all other factors remaining constant) reduces the cost to the state of funding the formula.

Oversight assumes there would be a minimal additional cost to the Department of Conservation for extra documentation, including antler scoring for certain poaching cases. Oversight assumes MDC could assume the additional cost with existing resources; additional or unexpected costs could be addressed through the budget process. Oversight also assumes that the amount of additional revenue to the State School Moneys Fund from restitution for commercial poaching would be variable and unpredictable, and not financially significant.

<u>FISCAL IMPACT - State Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2007 (10 Mo.)	FY 2008	FY 2009
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

No direct fiscal impact to small businesses would be expected as a result of this proposal.

DESCRIPTION

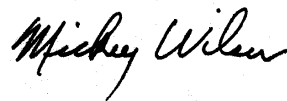
This proposal would increase penalties for poaching.

- Any person convicted of taking, killing, possessing, or disposing of a deer with the intent to sell any part of such deer in violation of methods, seasons, and limits as defined and permitted by Department of Conservation rules and regulations, may be required to provide restitution to the state.
- Any person convicted of illegally hunting while trespassing on private property would be subject to a fine of \$500 and restitution for any damage resulting in a lower property value. If the violator did not pay the fines and restitution ordered by the court, the court would submit the individual's name to the Conservation Commission and their permit to hunt could be suspended or revoked.

This legislation is not federally mandated, would not duplicate any other program and would not require additional capital improvements or rental space.

SOURCES OF INFORMATION

Office of State Courts Administrator
Department of Conservation
Department of Elementary and Secondary Education



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Director
February 27, 2006