

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0841-02
Bill No.: Truly Agreed To and Finally Passed SCS for HB 260
Subject: Animals; Civil Penalties; Department of Conservation
Type: Original
Date: June 5, 2019

Bill Summary: This proposal imposes civil penalties for poaching certain animals.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
General Revenue	Less than \$2,095,000	Less than \$2,095,000	Less than \$2,095,000
Total Estimated Net Effect on General Revenue	Less than \$2,095,000	Less than \$2,095,000	Less than \$2,095,000

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Conservation Commission (0609)*	\$0	\$0	\$0
State School Moneys (0616)*	\$0	\$0	\$0
Total Estimated Net Effect on <u>Other</u> State Funds	\$0	\$0	\$0

*Revenues/Transfers In and Costs/Transfers Out net to zero

Numbers within parentheses: () indicate costs or losses.

This fiscal note contains 6 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Total Estimated Net Effect on FTE	0	0	0

Estimated Net Effect (expenditures or reduced revenues) expected to exceed \$100,000 in any of the three fiscal years after implementation of the act.

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Missouri Department of Conservation (MDC)** assume the proposal will have no fiscal impact on their organization. MDC notes the following violations were issued in CYs 2017 & 2018:

Type of Animal Poached	Number of Violations CY 2017	Number of Violations CY 2018	New Proposed Restitution
Wild Turkey	273	274	Between \$500 and \$1,000
Paddlefish	42	16	Between \$500 and \$1,000
White-tailed Deer	2,362	2,369	Between \$1,000 and \$5,000
Black Bear	1	0	Between \$10,000 and \$15,000
Elk	0	0	Between \$10,000 and \$15,000

Source: MDC

Oversight notes from MDC’s website that a point system is used to assist staff in identifying serious and repeat offenders of the Wildlife Code. Points are assigned to offenses based on the severity of the violation. When a violation occurs, an MDC agent will issue a ticket. If there is a conviction, the court may assess a fine (which goes to the county) and/or time in jail. Oversight will use the information in the table below to estimate the amount of civil penalty revenue the state may collect from these provisions

Type of Animal Poached	Assumed Number of Violations	Minimum Fine Amount	Assumed Amount of Fine Revenue
Wild Turkey	274	\$500	\$137,000
Paddlefish	16	\$500	\$8,000
White-tailed Deer	2,369	\$1,000	\$2,369,000
Black Bear	0	\$10,000	\$0
Elk	0	\$10,000	\$0
Total			\$2,514,000

ASSUMPTION (continued)

Oversight assumes a court may or may not assess the fines listed in the proposal. Additionally, the new civil penalty amounts may deter people from poaching these animals. Oversight notes there were 1,349 misdemeanor charges issued in FY 2018 for taking wildlife illegally (§252.040).

Based on the information provided in the table above, Oversight assumes the amount of fine revenue will be less than \$2,514,000 and will reflect that on the fiscal note.

While the foundation formula was fully funded in FY 2018, and is anticipated to be fully funded in FY 2019. Oversight is unable to predict whether it will be fully funded in future fiscal years. Oversight notes that if the foundation formula is fully funded an increase in the State School Moneys fund would be offset by a reduction in General Revenue and have no impact on school districts.

If the foundation formula is not fully funded then an increase in the State School Moneys fund would not necessarily be offset by a reduction in General Revenue. If there is not a corresponding decrease in General Revenue, then an increase in the State Schools Money fund would result in an increase to the school districts.

Oversight will reflect the new civil penalty revenue as a savings to General Revenue due to the foundation formula currently being fully funded.

Oversight notes Senate Amendment 1 specified that white-tailed deer include only antlered white-tailed deer, and excludes does. Therefore, Oversight assumes the deer totals presented on page 3 and included in the fiscal impact on page 5 could be overstated. Officials from the MDC assume the majority of the deer poached are antlered; and therefore, the amounts presented would not be materially altered by Senate Amendment 1. Due to the prospect of these civil penalties being effective in deterring poaching, Oversight will reflect revenue from this proposal as “less than” the totals from page 3.

Officials from the **Office of the State Courts Administrator** assume the proposal will have no fiscal impact on their organization.

<u>FISCAL IMPACT - State Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
GENERAL REVENUE FUND			
<u>Savings</u> - restitution for poaching certain animals (not transferred to local school districts because foundation formula is fully funded)	Less than <u>\$2,095,000</u>	Less than <u>\$2,514,000</u>	Less than <u>\$2,514,000</u>
ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND	<u>Less than</u> <u>\$2,095,000</u>	<u>Less than</u> <u>\$2,514,000</u>	<u>Less than</u> <u>\$2,514,000</u>
CONSERVATION COMMISSION FUND			
<u>Revenue</u> - MDC - Restitution for poaching certain animals	Less than \$2,095,000	Less than \$2,095,000	Less than \$2,095,000
<u>Transfer Out</u> - to State School Moneys Fund	Less than <u>(\$2,095,000)</u>	Less than <u>(\$2,095,000)</u>	Less than <u>(\$2,095,000)</u>
ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>
STATE SCHOOL MONEYS FUND			
<u>Transfer In</u> - from Conservation Commission Fund for restitution for poaching	Less than \$2,095,000	Less than \$2,095,000	Less than \$2,095,000
<u>Loss</u> - savings to the General Revenue Fund due to the foundation formula being fully funded	Less than <u>(\$2,095,000)</u>	Less than <u>(\$2,095,000)</u>	Less than <u>(\$2,095,000)</u>
ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

<u>FISCAL IMPACT - Local Government</u>	FY 2020 (10 Mo.)	FY 2021	FY 2022
	<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.

FISCAL DESCRIPTION

This bill specifies that the court may require any person found guilty of chasing, pursuing, taking, transporting, killing, processing, or disposing of certain wildlife in violation of the Missouri Conservation Commission's rules and regulations to make restitution to the state. The moneys collected will be transferred to the State School Moneys Fund.

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

Missouri Department of Conservation
Office of the State Courts Administrator



Kyle Rieman
Director
June 5, 2019

Ross Strobe
Assistant Director
June 5, 2019