

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. No.: 1837-01  
Bill No.: SB 356  
Subject: Animals; Civil Penalties; Department of Conservation  
Type: #Updated  
Date: April 24, 2019  
#Updated to show savings to General Revenue rather than a transfer to local school districts.

Bill Summary: This proposal provides that any person found guilty of poaching a wild turkey, paddlefish, white-tailed deer, black bear or elk may be required to provide restitution to the state.

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON GENERAL REVENUE FUND</b>			
FUND AFFECTED	FY 2020	FY 2021	FY 2022
#General Revenue	Could exceed \$2,060,312	Could exceed \$2,472,375	Could exceed \$2,472,375
<b>#Total Estimated Net Effect on General Revenue</b>	<b>Could exceed \$2,060,312</b>	<b>Could exceed \$2,472,375</b>	<b>Could exceed \$2,472,375</b>

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

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

Numbers within parentheses: ( ) indicate costs or losses.  
This fiscal note contains 6 pages.

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

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

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

<b>ESTIMATED NET EFFECT ON LOCAL FUNDS</b>			
<b>FUND AFFECTED</b>	<b>FY 2020</b>	<b>FY 2021</b>	<b>FY 2022</b>
<b>#Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

**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:

<b>Type of Animal Poached</b>	<b>Number of Violations CY 2017</b>	<b>Number of Violations CY 2018</b>	<b>New Proposed Restitution</b>
Wild Turkey	273	274	Between \$375 and \$750
Paddlefish	42	16	Between \$500 and \$1,000
White-tailed Deer	2,362	2,369	Between \$1,000 and \$2,000
Black Bear	1	0	Between \$2,500 and \$5,000
Elk	0	0	Between \$2,500 and \$5,000

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

<b>Type of Animal Poached</b>	<b>Assumed Number of Violations</b>	<b>Minimum Fine Amount</b>	<b>Assumed Amount of Fine Revenue</b>
Wild Turkey	273	\$375	\$102,375
Paddlefish	16	\$500	\$8,000
White-tailed Deer	2,362	\$1,000	\$2,362,000
Black Bear	0	\$2,500	\$0
Elk	0	\$2,500	\$0
<b>Total</b>			<b>\$2,472,375</b>

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 could exceed \$2,472,375 and will reflect that on the fiscal note.

#While the foundation formula was fully funded in FY 2018, 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 to the State School Moneys Fund (such as an increase in restitution monies from poaching) would be offset by a reduction in monies from 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.

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
<b>#GENERAL REVENUE FUND</b>			
#Savings - restitution for poaching certain animals (not transferred to local school districts because foundation formula is fully funded)	Could exceed <u>\$2,060,312</u>	Could exceed <u>\$2,472,375</u>	Could exceed <u>\$2,472,375</u>
<b>#ESTIMATED NET EFFECT ON THE GENERAL REVENUE FUND</b>	<b>Could exceed <u>\$2,060,312</u></b>	<b>Could exceed <u>\$2,472,375</u></b>	<b>Could exceed <u>\$2,472,375</u></b>

<u>FISCAL IMPACT - State Government</u> (continued)	FY 2020 (10 Mo.)	FY 2021	FY 2022
<b>CONSERVATION COMMISSION FUND</b>			
<u>Revenue</u> - MDC - Restitution for poaching	Could exceed \$2,060,312	Could exceed \$2,472,375	Could exceed \$2,472,375
<u>Transfer Out</u> - to State School Moneys Fund	Could exceed <u>(\$2,060,312)</u>	Could exceed <u>(\$2,472,375)</u>	Could exceed <u>(\$2,472,375)</u>
<b>ESTIMATED NET EFFECT ON THE CONSERVATION COMMISSION FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
<b>STATE SCHOOL MONEYS FUND</b>			
<u>Transfer In</u> - from Conservation Commission Fund for restitution for poaching	Could exceed \$2,060,312	Could exceed \$2,472,375	Could exceed \$2,472,350
<u>Costs</u> - Distribution to School Districts	Could exceed <u>(\$2,060,312)</u>	Could exceed <u>(\$2,472,375)</u>	Could exceed <u>(\$2,472,375)</u>
<b>ESTIMATED NET EFFECT ON STATE SCHOOL MONEYS FUND</b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>
 <u>#FISCAL IMPACT - Local Government</u>	 FY 2020 (10 Mo.)	 FY 2021	 FY 2022
	<b><u>\$0</u></b>	<b><u>\$0</u></b>	<b><u>\$0</u></b>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

Currently, any person pursuing, taking, killing, possessing, or disposing of wildlife illegally is guilty of a misdemeanor. Under this act, any person found guilty of chasing, pursuing, killing, processing, or disposing of a wild turkey, paddlefish, white-tailed deer, black bear, or elk illegally may also be required to provide restitution to the state as set forth in the act. Such restitution collected shall be transferred to the State School Moneys Fund and distributed to public schools.

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  
April 24, 2019

Ross Strope  
Assistant Director  
April 24, 2019