

COMMITTEE ON LEGISLATIVE RESEARCH  
OVERSIGHT DIVISION

**FISCAL NOTE**

L.R. NO.: 0868-02  
BILL NO.: Perfected HCS for HB's 205, 323 and 549  
SUBJECT: Forestry; Feral Hogs; Deer Restitution; Hunting Permits; Elk  
TYPE: Original  
DATE: February 19, 2001

**FISCAL SUMMARY**

<b>ESTIMATED NET EFFECT ON STATE FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
Conservation Commission Fund	(Unknown) to \$912,500	(Unknown) to \$1,095,000	(Unknown) to \$1,095,000
<b>Total Estimated Net Effect on <u>All</u> State Funds</b>	<b>(Unknown) to \$912,500</b>	<b>(Unknown) to \$1,095,000</b>	<b>(Unknown) to \$1,095,000</b>

<b>ESTIMATED NET EFFECT ON FEDERAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
None	\$0	\$0	\$0
<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 LOCAL FUNDS</b>			
FUND AFFECTED	FY 2002	FY 2003	FY 2004
<b>Local Government</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>

Numbers within parentheses: ( ) indicate costs or losses.

This fiscal note contains 6 pages.

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**FISCAL ANALYSIS**

ASSUMPTION

**Assumptions in reference to the component of the proposal addressing forestry**

In response to HCS for HB's 205, 323 & 549, officials from the **Department of Agriculture** and the **Department of Natural Resources** assume the proposed legislation would have no fiscal impact on their agencies.

In response to HCS for HB's 205, 323 & 549, officials from the **Department of Conservation** assume the proposed legislation does not mandate that the commission administer cost-share programs beyond those already being offered. Officials stated that landowner cost-share incentive programs to promote sustainable forestry on private lands are already in place.

**Assumptions in reference to the component of the proposal addressing feral hogs**

In response to a similar proposal (HB 323), officials from the **Office of Prosecution Services**, **Department of Transportation** and the **Department of Elementary and Secondary Education** assume the proposed legislation would have no fiscal impact on their agencies.

In response to a similar proposal from the 2000 session (HB 1806), officials from the **Office of Attorney General** assume the proposed legislation would have no fiscal impact on their agency.

In response to a similar proposal (HB 323), officials from the **Department of Corrections** assume the proposed legislation would have \$0/minimal impact on their agency and can be absorbed with existing resources.

In response to a similar proposal (HB 323), officials from the **Office of State Public Defender** (SPD) assume that existing staff could provide representation for those one to five cases arising where indigent persons were charged with releasing pigs into the wild. However, the passage of more than one similar bill would require the SPD System to request increased appropriations to cover cumulative costs of representing the indigent accused in the additional cases.

In response to HCS for HB's 205, 323 & 549, officials from the **Department of Conservation**, **Department of Agriculture** and the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agencies.

In response to HCS for HB's 205, 323 & 549, officials from the **University of Missouri** assume  
ASSUMPTION (continued)

the proposed legislation would have little or no fiscal impact on the university.

In response to HCS for HB's 205, 323 & 549, officials from the **Department of Natural Resources** (DNR) assume at this point in time, feral hogs do not present a threat to Missouri's state parks. Therefore, this bill will not cause a fiscal impact to the DNR.

If, in the future, feral hogs cause a problem, additional funds may be necessary to eradicate the problem.

In addition, Section 271.400.3. allows any person to take or kill feral hogs on public land with the consent of the landowner. State park rules do not allow hunting in the parks, unless special controlled hunts are necessary to preserve deer population. Therefore, anyone other than state park personnel will not be allowed to take or kill feral hogs on state park property.

**Assumptions in reference to the component of the proposal addressing deer restitution and hunting permits**

In response to a similar proposal (HB 549), officials from the **Department of Revenue** assume the proposed legislation would have no fiscal impact on their agency.

In response to a similar proposal (HB 549), officials from the **Office of Administration - Division of Budget and Planning** assume the proposed legislation would have no fiscal impact on their agency. Officials noted that there could be impact on total state revenue.

In response to HCS for HB's 205, 323 & 549, officials from the **Office of State Courts Administrator** assume the proposed legislation would have no fiscal impact on their agency.

In response to HCS for HB's 205, 323 & 549, officials from the **Department of Conservation** (MDC) assume this proposed legislation would credit restitution monies for illegal deer to the commission fund. The impact to the commission could be positive after the expense of scoring antlers. The amount of impact is unknown.

In response to HB 1342 from the 2000 session, MDC indicated that the number of convictions in FY99 for illegal taking of deer was 195. MDC did not provide information as to whether the convictions related to antlerless or antlered deer, nor could they provide information as to the score of the antlers. **Oversight** assumes the number of convictions (195) would remain consistent. Oversight arbitrarily assumes 75% of the total convictions would be antlered deer.  
ASSUMPTION (continued)

This equates to 146 convictions. Therefore, Oversight used this figure and the restitution

amounts indicated in the proposal to estimate the fiscal impact for FY's 2002 through 2004.

Oversight notes that this restitution assessed, in addition to already imposed penalties, could encourage compliance. Therefore, the fiscal impact could result in less revenue generated than what is reflected in our fiscal note estimate.

**Assumptions in reference to the component of the proposal addressing elk (House Amendment #2)**

Officials from the **Department of Conservation** assume the amendment referencing experimentally reintroduced elk could have some fiscal impact on MDC funds because the department would be financially responsible for certain types of damages caused by such elk. The amount of fiscal impact is unknown.

<u>FISCAL IMPACT - State Government</u>	FY 2002 (10 Mo.)	FY 2003	FY 2004
<b>CONSERVATION COMMISSION FUND</b>			
<u>Income - Department of Conservation</u>			
Restitution Assessed	\$182,500 to \$912,500	\$219,000 to \$1,095,000	\$219,000 to \$1,095,000
<u>Cost - Department of Conservation</u>			
Expense - Damages caused by elk	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<b>Estimated Net Effect on CONSERVATION COMMISSION FUND</b>	<b><u>(Unknown) to \$912,500</u></b>	<b><u>(Unknown) to \$1,095,000</u></b>	<b><u>(Unknown) to \$1,095,000</u></b>
 <u>FISCAL IMPACT - Local Government</u>			
	FY 2002 (10 Mo.)	FY 2003	FY 2004
	<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.

DESCRIPTION

This proposal allows the Missouri Conservation Commission to establish a cost-share incentive program to promote sustainable forestry practices on tracts of at least 40 acres. The program may reimburse landowners for up to 50% of the costs of forest management activities that do not generate an immediate profit, do protect water quality and do ensure efficient use and continued availability of forest resources. No individual may receive more than \$5,000 per year from the program. Lands designated as forest croplands are not eligible.

This proposal makes it a class A misdemeanor to knowingly release swine to live in a wild state on public or unfenced private land. Free-roaming hogs not conspicuously identified by ear tags may be killed without liability on public lands or on private lands with the permission of the landowner, although during the firearms deer and turkey hunting season the regulations of the Missouri Wildlife Code shall apply.

No person except a landowner or the landowner's agent on such landowner's property shall take or kill a feral hog with the use of an artificial light.

In addition to the existing misdemeanor charge, this proposal requires anyone convicted of taking, killing, possessing or disposing of a deer in violation of methods, seasons and limits as defined and permitted by commission rules and regulations, to remit to the credit of the conservation commission an amount ranging from \$1,500 to \$7,500, depending on the deer's certified Boone & Crockett score. The commission may allocate up to 25% of the funds for grants to promote anti-poaching activities.

A resident landowner is not required to pay such restitution to the state for the taking, killing, possessing or disposing of deer in violation of commission rules and regulations on the landowner's property, provided that no part of the deer is removed from such property.

Additionally, this proposal states that if any person fails to appear at a hearing or fails to pay a fine imposed for any violation of section 252.040, the court shall notify the commission of such person's actions for the commission's consideration of the suspension, revocation, or denial of such person's permit or privilege to pursue, take, kill, possess or dispose of wildlife.

Finally, this proposal makes the Department of Conservation financially responsible for DESCRIPTION (continued)

verifiable damage to crops, livestock, fencing, motor vehicles, and other private property caused by elk reintroduced into the wild by the department.

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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

Department of Agriculture  
Department of Conservation  
Department of Corrections  
Department of Elementary and Secondary Education  
Department of Natural Resources  
Department of Revenue  
Department of Transportation  
Office of Administration - Division of Budget and Planning  
Office of Attorney General  
Office of Prosecution Services  
Office of State Courts Administrator  
Office of State Public Defender  
University of Missouri



Jeanne Jarrett, CPA  
Director

February 19, 2001