

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 4943-04
Bill No.: HCS for HB 2225
Subject: Agriculture and Animals; Property, Real and Persona
Type: Original
Date: March 29, 2010

Bill Summary: Amends the requirements for release or killing of wild or feral swine.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Animal Health Fund	Unknown	Unknown	Unknown
Total Estimated Net Effect on <u>Other</u> State Funds	Unknown	Unknown	Unknown

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

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Total Estimated Net Effect on FTE	0	0	0

☐ Estimated Total Net Effect on All funds expected to exceed \$100,000 savings or (cost).

☐ Estimated Net Effect on General Revenue Fund expected to exceed \$100,000 (cost).

ESTIMATED NET EFFECT ON LOCAL FUNDS			
FUND AFFECTED	FY 2011	FY 2012	FY 2013
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials from the **Office of State Courts Administrator, Department of Natural Resources** and **Department of Conservation** assume there will be no fiscal impact to their agency.

Officials from the **Department of Corrections (DOC)** assume currently, the DOC cannot predict the number of new commitments which may result from the creation of the offense(s) outlined in this proposal. An increase in commitments depends on the utilization by prosecutors and the actual sentences imposed by the court.

If additional persons are sentenced to the custody of the DOC due to the provisions of this legislation, the DOC will incur a corresponding increase in operational cost through supervision provided by the Board of Probation and Parole (FY09 average of \$3.71 per offender, per day or an annual cost of \$1,354 per offender).

In summary, supervision by the DOC through probation would result in some additional costs, but it is assumed the impact would be \$0 or a minimal amount that could be absorbed within existing resources.

Officials from the **Department of Agriculture (AGR)** assume this legislation will require the Department of Agriculture to promulgate rules and regulations for fencing and health standards for Russian and European wild boar and wild-caught swine held alive on private land, create a database to maintain records on permits issued on owners of the animals mentioned in this legislation. The department would be required to work with local authorities and other state agencies as situations arise involving said animals. This agency feels that the proposed legislation would require additional staff to provide adequate implementation of the proposed legislation and any costs to implementing this legislation would fall under General Revenue because the amount of funds from the permits issued is unknown.

To implement the provisions of the proposed legislation, the department assumes that the following FTE's would be required to begin carrying out the provisions of the proposed legislation:

2.00 Animal Health Officers – responsible for enforcement of state and federal animal health statutes and regulations. Conduct investigations of alleged violations of the proposed legislation. Work with program participants, general public, law enforcement agencies, other state agencies and states concerning program issues as well as illegal activities.

ASSUMPTION (continued)

As noted to carry out the responsibility of this proposed legislation there will be program costs for travel, training, vehicles, office/field supplies and vehicles. These figures would be driven by the number of new positions authorized and the scope of the program's responsibilities.

General Revenue will be needed to cover all program costs during the first year of operation (FY11). Fees and penalties are expected to be able to pick up one-third of the program costs in the second and succeeding fiscal years.

Oversight assumes the Department of Agriculture could absorb the cost of these FTE within their current appropriation level. If fees and penalties increase the need for additional personnel, the Department of Agriculture could request funding through the appropriation process.

<u>FISCAL IMPACT - State Government</u>	FY 2011 (10 Mo.)	FY 2012	FY 2013
ANIMAL HEALTH FUND			
<u>Revenue - Department of Agriculture</u> License Fees	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
ESTIMATED NET EFFECT ON ANIMAL HEALTH FUND	<u>Unknown</u>	<u>Unknown</u>	<u>Unknown</u>
 <u>FISCAL IMPACT - Local Government</u>	 FY 2011 (10 Mo.)	 FY 2012	 FY 2013
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

Yes – will require any person that meets this proposed legislation to register and pay an application fee in order to obtain a permit from the Department of Agriculture.

FISCAL DESCRIPTION

This bill changes the laws regarding wild or feral swine. The Director of the Department of Agriculture is authorized to establish rules regarding the fencing and health standards for Russian and European wild boars or wild-caught swine held alive on private land. Any person holding these swine on private land must annually obtain a permit from the department. The capture and possession of feral hogs on public land and the transport of live Russian and European wild boars or wild-caught swine through or on public land is prohibited. The transport of live Russian and European wild boars or wild-caught swine for any purpose other than to slaughter requires a permit from the department unless he or she is issued an exemption permit by the department. Any person in violation of these provisions will be guilty of a class A misdemeanor and may be assessed an administrative penalty of up to \$1,000 per violation.

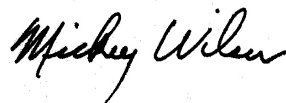
Any person who knowingly releases any swine on public or private land to live in a wild or feral state without adequate fencing will be subject to an administrative penalty of up to \$1,000 per swine released for a first offense, \$2,000 per swine released for a second offense, and \$3,000 per swine released for any subsequent offense.

The Animal Health Fund is created which will consist of all fees and administrative penalties collected by the department. Moneys appropriated from the fund must be used to administer the provisions of the bill.

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 Conservation
Office of State Courts Administrator
Department of Corrections
Department of Natural Resources
Department of Agriculture



L.R. No. 4943-04
Bill No. HCS for HB 2225
Page 6 of 6
March 29, 2010

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March 29, 2010