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FISCAL IMPACT REPORT

SPONSOR: Jennings DATE TYPED: 03/8/03 HB _____

SHORT TITLE: Game & Fish Liability for Property Damage SB 709

ANALYST: Valenzuela

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
	NFI		\$100.0 to \$500.0	Recurring	Big Game Depredation Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Department of Game and Fish

SUMMARY

Synopsis of Bill

Senate Bill 709 proposes a new section to the statutes governing wildlife depredation complaints that requires the Department of Game and Fish to propose a solution within 90 days after a wildlife depredation complaint is received. It also holds the Department liable for any damage “described in the complaint” and all other property damage caused by the game animal within the 90-day timeframe.

Significant Issues

The Legislature created the Big Game Depredation Fund to fund efforts to mitigate wildlife depredation on private property. With this funding, DGF enters into forage leases or fencing projects with private landowners as prevention efforts. Annual revenues into the fund approximate at \$500.0. However, DGF’s Wildlife Depredation and Nuisance Abatement program has annual expenditures of more than \$930.0, where the Game Protection Fund absorbs the added cost of the program.

DGF reports its concern that the bill does not prohibit the number of times a landowner may claim damage, so they may continue to claim damage at every ninety-day intervals.

FISCAL IMPLICATIONS

Senate Bill 709 does not contain an appropriation. However, it could have a tremendous fiscal impact.

Based on DGF data, it received 743 depredation complaints last year, which reflects a 16% decrease. Based on 200 elk complaints received last year with average cost between \$500.00 to \$2,500.00 worth of damages, the revenue impact could range from \$100.0 to \$500.0 in addition to the current cost of the depredation program.

TECHNICAL ISSUES

DGF reports the following concern:

The [Attorney General] has advised that payment cannot be made for past compensation and the Department cannot assume liability. This is contrary to the State Constitution's Anti-donation Clause (Article IX, Section 14) and the immunities the State has from tort claims.

MFV/sb