



LEGISLATIVE FISCAL OFFICE
Fiscal Note

Fiscal Note On: **HB 655** HLS 21RS 969
 Bill Text Version: **ORIGINAL**
 Opp. Chamb. Action:
 Proposed Amd.:
 Sub. Bill For.:

Date: May 4, 2021 8:20 AM **Author:** BROWN, CHAD
Dept./Agy.: Wildlife and Fisheries **Analyst:** Patrice Thomas
Subject: Enforcement, Recovery of Civil Fines; Reclassify Violations

WILDLIFE/ENFORCEMENT OR +\$1,145,563 SD RV See Note Page 1 of 1
 Provides for the removal of criminal penalties and reclassify certain wildlife violations and provide for enforcement and recovery of civil fines by the Department of Wildlife and Fisheries
Proposed law removes the criminal penalties from all Class 1 and Class 2 violations. Proposed law divides Class 2 violations into Class 2-A and Class 2-B violations, provides that penalties for Class 2-A violations include civil fines and penalties for Class 2-B violations include civil fines, forfeiture, and the revocation of privileges granted by the LA Dept. of Wildlife and Fisheries (LDWF). Proposed law reclassifies Class 3 violations as Class 2-B violations, which are not subject to criminal penalties under present law. Proposed law provides for new classification of the following violations as Class 2-B violations: (1) License possession; menhaden; (2) Operation of a commercial fishing vessel without a license; and (3) Temporary transfer of commercial gear licenses. Instead of violations being heard in district courts, proposed law authorizes LDWF to bring civil or administrative proceedings for the recovery of penalties assessed for wildlife violations and provides for the venue, notice and hearing procedures, appeals, and final judgment, attorneys fees, and dedication of penalties recovered.

EXPENDITURES	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$367,444	\$367,444	\$367,444	\$367,444	\$367,444	\$1,837,220
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$367,444	\$367,444	\$367,444	\$367,444	\$367,444	\$1,837,220

REVENUES	<u>2021-22</u>	<u>2022-23</u>	<u>2023-24</u>	<u>2024-25</u>	<u>2025-26</u>	<u>5 -YEAR TOTAL</u>
State Gen. Fd.	\$0	\$0	\$0	\$0	\$0	\$0
Agy. Self-Gen.	\$0	\$0	\$0	\$0	\$0	\$0
Ded./Other	\$1,145,563	\$1,145,563	\$1,145,563	\$1,145,563	\$1,145,563	\$5,727,815
Federal Funds	\$0	\$0	\$0	\$0	\$0	\$0
Local Funds	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>	\$0
Annual Total	\$1,145,563	\$1,145,563	\$1,145,563	\$1,145,563	\$1,145,563	\$5,727,815

EXPENDITURE EXPLANATION

Proposed law will increase expenditures from the Conservation Fund in the LA Department of Wildlife and Fisheries (LDWF) for the cost of the adjudicatory hearing by the Division of Administrative Law (DAL). The current DAL rates are \$139.60 per judicial hour and \$70.66 per clerical hour. The LDWF estimates 1,310 civil actions annually. The DAL estimates each civil action brought by LDWF would require 1.66 judicial hours and 0.69 clerical hours at a total cost of \$367,444 (\$303,574 = \$139.60 x 1.66 hours x 1,310 civil actions and \$63,870 = \$70.66 x 0.69 clerical hours x 1,310 civil actions).

REVENUE EXPLANATION

Proposed law is anticipated to increase revenue in the LA Department of Wildlife and Fisheries (LDWF) by \$1,145,449 as a result of reclassification of violations, including removing criminal penalties, as well as civil suits for recovery of fines through adjudicatory hearings. The proposed law creates Class 2A and 2B, removes all criminal penalties for Class 1, Class 2A, and Class 2B violations, reclassifies certain Class 3 violations to Class 2B, adds violations, and allows revocation of permit or license. Also, the proposed law authorizes the LDWF to bring a civil action to recover penalties by adjudicatory hearing with the Division of Administrative Law. Any recovery of civil penalties will be deposited into the Conservation Fund.

The LDWF anticipates revenue increase of \$1,123,725 from reclassification of violations and civil action. Currently, the LDWF is averaging \$12,800 in revenue from court settlements. The net estimated penalty revenue under this measure is \$1,111,100 (\$1,123,900 new revenue - \$12,800 existing revenue).

In addition to civil penalties, except for the first offense of Class 1 violations, attorney fees and the cost of the hearing will be paid by violators. Based on the average number of citations in FY 19 (14,405) and (15,881), the LDWF anticipates bringing 1,310 civil actions annually to adjudicatory hearings, which is 10% of the average minus existing civil action cases (1,514 average citations - 204 existing civil action cases). Of the 1,310 civil actions, LDWF estimates 627 will receive judgments from the adjudicatory hearing and 143 cases (23% of 627) will pay the \$241 court fee imposed by LDWF, providing total estimated revenue of \$34,463 (\$241 court fees x 143 cases).

	Average Citations	Minimum Fine	Total Revenue
Class 1	7,855	\$50	\$392,750
Class 2A	7,274	\$100	\$727,400
Class 2B	15	\$250	<u>\$3,750</u>
New Revenue			\$1,123,900
Current Revenue			<u>\$12,800</u>
Penalty Revenue			\$1,111,100
Court Fee Revenue			<u>\$34,463</u>
Total Revenue			\$1,145,563

Senate Dual Referral Rules
 13.5.1 >= \$100,000 Annual Fiscal Cost {S & H}
 13.5.2 >= \$500,000 Annual Tax or Fee Change {S & H}

House
 6.8(F)(1) >= \$100,000 SGF Fiscal Cost {H & S}
 6.8(G) >= \$500,000 Tax or Fee Increase or a Net Fee Decrease {S}

Alan M. Boxberger
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Staff Director