

COMMITTEE ON LEGISLATIVE RESEARCH
OVERSIGHT DIVISION

FISCAL NOTE

L.R. No.: 0273-01
Bill No.: HB 115
Subject: Agriculture and Animals, Agriculture Department, Conservation Department
Type: Original
Date: January 26, 2011

Bill Summary: Assigns responsibility to the Department of Conservation for damage caused by wild elk.

FISCAL SUMMARY

ESTIMATED NET EFFECT ON GENERAL REVENUE FUND			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on General Revenue Fund	\$0	\$0	\$0

ESTIMATED NET EFFECT ON OTHER STATE FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Conservation Commission 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 5 pages.

ESTIMATED NET EFFECT ON FEDERAL FUNDS			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
Total Estimated Net Effect on <u>All</u> Federal Funds	\$0	\$0	\$0

ESTIMATED NET EFFECT ON FULL TIME EQUIVALENT (FTE)			
FUND AFFECTED	FY 2012	FY 2013	FY 2014
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 2012	FY 2013	FY 2014
Local Government	\$0	\$0	\$0

FISCAL ANALYSIS

ASSUMPTION

Officials at the **Department of Conservation (MDC)** assumes the exact fiscal impact is unknown. This proposed legislation establishes a precedent to hold MDC liable for damage caused by other wildlife. The proposed legislation would specifically place ownership of elk and liability for any damages caused by elk with MDC. Since the state is not currently liable for such damages, we have no previous experience on which to rely. Experiences of other eastern states with elk show that damages (i.e., personal or property) by free-ranging elk is infrequent. In the neighboring state of Arkansas, elk vehicle collisions are rare and the annual number of pasture complaints is small. However, since other eastern states with elk are not held liable for damages caused by elk, we are unable to use them for comparison to any potential future damage costs in Missouri.

In estimating the potential fiscal impact of this proposed legislation MDC considered potential liability exposure for possible personal injury and property damage. Consideration was given to the mandatory liability limits present under Missouri law Sections 303.030, 303.190 RSMo. Missouri law requires minimum automobile liability insurance coverage in the amounts of \$50,000 bodily injury, \$50,000 uninsured motorists and \$10,000 property damage per accident, a total minimum coverage required of \$110,000 per accident. Additionally, in a 2008 report released by the U.S. Bureau of Justice Statistics, the primary statistical agency of the U.S. Department of Justice, it was noted that 17.7% of all motor vehicle accident awards were greater than \$50,000 and 5.4% of awards were greater than \$250,000. It is plausible to conclude that, in the case of an accident, the cost could exceed \$100,000 annually if a personal injury occurs.

Officials at the **Office of the Attorney General** state, pursuant to Section 105.716.1 RSMo, the Department of Conservation would handle its own representation in any cases resulting from the proposal. Therefore, the Office of the Attorney General assumes that any potential costs arising from this proposal can be absorbed with existing resources.

Officials at the **Department of Agriculture** and **Office of State Courts Administrator** assumes there is no fiscal impact from this proposed legislation.

<u>FISCAL IMPACT - State Government</u>	FY 2012 (10 Mo.)	FY 2013	FY 2014
CONSERVATION FUND			
<u>Cost - Damage Caused by Wild Elk</u>	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
ESTIMATED NET EFFECT ON CONSERVATION FUND	<u>(Unknown)</u>	<u>(Unknown)</u>	<u>(Unknown)</u>
<u>FISCAL IMPACT - Local Government</u>	<u>FY 2012</u> <u>(10 Mo.)</u>	<u>FY 2013</u>	<u>FY 2014</u>
	<u>\$0</u>	<u>\$0</u>	<u>\$0</u>

FISCAL IMPACT - Small Business

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

FISCAL DESCRIPTION

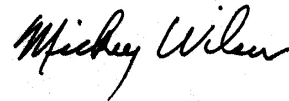
This bill specifies that the Department of Conservation will have ownership and title to all wild elk in Missouri. Any person taking possession or killing a wild elk is deemed to consent that the title of the elk will be and will remain in the department for the purpose of control management, restoration, conservation, and regulation of wild elk.

The department will be financially responsible for any damage caused by wild elk including, but not limited to, crops and pasture, livestock, fencing and other private property, and motor vehicles. Landowners are allowed to destroy wild elk that have caused any damage to their property.

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
Department of Agriculture
Office of the Attorney General
Office of State Courts Administrator



Mickey Wilson, CPA
Director
January 26, 2011