

Fiscal Note & Local Impact Statement

127th General Assembly of Ohio

Ohio Legislative Service Commission
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BILL: **H.B. 153** DATE: **June 27, 2007**
STATUS: **As Enacted – Effective October 18, 2007** SPONSOR: **Rep. Latta**
LOCAL IMPACT STATEMENT REQUIRED: **No — No local cost**
CONTENTS: **To direct the Chief of the Division of Natural Resources to enter into the Wildlife Violators Compact and to authorize the Chief to enter into agreements with law enforcement agencies outside of this state for joint enforcement operations**

State Fiscal Highlights

STATE FUND	FY 2008	FY 2009	FUTURE YEARS
Wildlife Fund (Fund 015)			
Revenues	Potential loss, if any, in hunting and fishing license revenue	Potential loss, if any, in hunting and fishing license revenue	Potential loss, if any, in hunting and fishing license revenue
Expenditures	Potential increase, if any, in administrative expenses to implement the provisions of the Compact	Potential increase, if any, in administrative expenses to implement the provisions of the Compact	Potential increase, if any, in administrative expenses to implement the provisions of the Compact

Note: The state fiscal year is July 1 through June 30. For example, FY 2006 is July 1, 2005 – June 30, 2006.

- **Potential loss in hunting and fishing revenue.** The Ohio Department of Natural Resources (ODNR) may experience a reduction in the number of hunting and fishing licenses issued if other states have a rise in license suspensions. If another state were to notify Ohio of a violator's license suspension in that state, Ohio would be notified, and, under terms of the Wildlife Violators Compact, would not issue a hunting or fishing license to the same person if he or she applied for one in Ohio. An estimate of such a loss in revenue, if any, is unknown at this time.
- **Potential increase in administrative expenses to implement the Compact's provisions.** Depending on the actual provisions in the rules adopted by the Department, like other states, ODNR could possibly experience costs such as additional staff hires, computer programming costs, form development, notification costs, and record-keeping costs. An estimated range of such costs, if any, is unknown at this time.



Local Fiscal Highlights

LOCAL GOVERNMENT	FY 2008	FY 2009	FUTURE YEARS
Counties and Municipalities			
Revenues	- 0 -	- 0 -	- 0 -
Expenditures	Possible savings, if any, from reduced wildlife violator processing	Possible savings, if any, from reduced wildlife violator processing	Possible savings, if any, from reduced wildlife violator processing

Note: For most local governments, the fiscal year is the calendar year. The school district fiscal year is July 1 through June 30.

- Local court and jail savings.** It is possible that since the provisions of the Compact (as indicated by other states' implementing legislation) would generally allow wildlife officers to: (1) mail citations rather than complete an arrest and booking of a violator, and (2) allow nonresident violators to be cited rather than incarcerated pending the posting of a bond, the local court systems and local jail systems may experience a reduction in violator processing. The level of such a reduction and/or the corresponding savings, if any, is unknown.

Detailed Fiscal Analysis

The bill directs the Chief of the Division of Wildlife to adopt rules to enter into a reciprocal agreement with participating states for the enhancement of compliance with hunting, fishing, and other wildlife laws. The agreement is known as the Wildlife Violators Compact.

The Wildlife Violators Compact

The Wildlife Violators Compact is a multi-state agreement to enforce hunting and fishing wildlife laws. Currently, there are 22 states that have enacted authorizing legislation to enter into the Compact. These states include: Arizona, California, Colorado, Georgia, Idaho, Indiana, Iowa, Kansas, Maryland, Michigan, Minnesota, Missouri, Montana, Nevada, New Mexico, New York, North Dakota, Oregon, South Dakota, Utah, Washington, and Wyoming.

Generally, based on other states' enactment of legislation that outlines provisions regarding the Compact, if an individual is convicted of a wildlife violation and his or her hunting, fishing, and/or trapping license is suspended in his or her home state, then his or her privileges would also be suspended in all Wildlife Violators Compact participating states. Also, the Compact is designed so a nonresident violator in a participating state would be treated as a resident of that state if that violator makes an offense in a participating state. In this case all citations, offenses, and procedures applicable to Ohio residents would be the same for nonresidents. If the violator fails to comply with those procedures (i.e., fails to pay a citation or appear in court), the home state is notified and may in turn suspend the poacher's hunting, fishing, and trapping privileges until the terms of the citation are met. All participating states are then notified of the suspension and are directed not to issue a license to the violator in their state until notified that the violator is in compliance and/or the suspension has been lifted. The Compact would also allow wildlife officers to mail citations rather than complete an arrest and booking of a violator. Also, the Compact would allow nonresident violators to be cited rather than incarcerated pending the posting of a bond.

State fiscal effects

Since the bill only authorizes the Division of Wildlife to adopt rules to enter into the Wildlife Violators Compact, it is unknown what these rules will be. Presumably, Ohio's rules will closely mirror the outline of other participating states' rules, thus the state fiscal impact in other states could be similar in Ohio. Working under this assumption, the Department of Natural Resources could experience several costs related to the implementation of the Compact. These costs are explained in the following paragraphs.

Survey of the fiscal impact in other states. LSC surveyed some states that currently participate in the Compact and reviewed the fiscal analysis of the implementing legislation in these states. Some states such as Michigan and Missouri stated that there would be no fiscal impact on state funds.

The fiscal analysis of Maryland's implementing legislation noted that the requirements could be handled with existing budgeted resources and that fine revenue is expected to remain constant.

The Wisconsin Legislative Fiscal Bureau reported that its state could experience costs up to \$120,000 annually. These costs would include hiring one additional staff person, data updating, sending notifications to participating states, updating records to reflect violations, and significant programming and database development costs for the state's automated licensing system.

Estimated fiscal impact on the Ohio Department of Natural Resources (ODNR). Whether or not Ohio will incur no fiscal impact or whether Ohio will incur costs similar to Wisconsin is unknown at this time. Overall, it is reasonable to assume that ODNR may incur costs to educate wildlife officers, court officers, and other officials regarding the provisions of the Compact.

ODNR may also see a reduction in the number of hunting and fishing licenses if other states have a rise in license suspensions. For example, if other states notify Ohio of a violator's license suspension in their states, Ohio would be notified, and in turn, is expected not to issue a hunting or fishing license to the same person if he or she applied for one in Ohio. An estimate of such a loss in revenue, if any, is unknown at this time.

Furthermore, it is unknown if such a revenue loss would affect the overall operations of the Division of Wildlife, or whether the Division could absorb any additional costs within its existing budget. The most significant costs ODNR may experience are computer programming and database development costs similar to the costs in Wisconsin. Whether or not ODNR can perform some of these programming functions in-house or whether they will have to be contracted out is unknown at this time. It is possible some of these potential costs may be offset from the time savings involved in processing a wildlife violator.

Local fiscal effects

It is possible that since the provisions of the Compact (as indicated by other states' implementing legislation) would generally allow wildlife officers to (1) mail citations rather than complete an arrest and booking of a violator, and (2) allow nonresident violators to be cited rather than incarcerated pending the posting of a bond, local court systems and local jail systems may experience a reduction in wildlife violator processing. The level of such a reduction and/or the corresponding savings is unknown.

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