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## FISCAL IMPACT REPORT

SPONSOR Roch ORIGINAL DATE 02/23/15  
LAST UPDATED \_\_\_\_\_ HB 468  
SHORT TITLE State Sovereignty Over State Land Trust Wildlife Act SB \_\_\_\_\_  
ANALYST Sanogo

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	Undetermined See "Fiscal Implications"					

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files  
Department of Game and Fish (DGF)  
State Land Office (SLO)

### SUMMARY

HB 468 affirms that the state and the Department of Game and Fish (DGF) possess the sole regulatory authority to govern the management of the lesser prairie chicken (LPC) within the state. The bill would affirm that the LPC is neither governed by the federal Endangered Species Act of 1973 (ESA), nor any federal regulation or executive action pertaining to the ESA. Furthermore, HB 468 would permit a county or district attorney to seek injunctive relief against any federal agent or employee of the United States from enforcing any federal regulations relating to the LPC within the state.

HB 468 contains both a severability and an emergency clause.

### FISCAL IMPLICATIONS

HB 468 may impact future funding received by the Department of Game and Fish (DGF) pursuant to Section 6 of the federal ESA of 1973 (Title 16 USC, Parts 1531-1544) if the Secretary of Interior determines that, pursuant to requirement language within the federal statute, the state program is not in accordance with ESA. Currently the Department receives approximately \$250,000 of Section 6 funding each year.

### SIGNIFICANT ISSUES

Citing Article 4 of the Constitution of the United States, the Department of Game and Fish (DGF) argues that HB 468 would be in direct conflict with federal supremacy: state laws cannot take precedence over federal law. Under the federal ESA of 1973, any species may be

determined to be endangered and protected by federal regulation, regardless of state statute.

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