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FISCAL IMPACT REPORT

SPONSOR: Boykin DATE TYPED: 02/26/03 HB 430/aHENRC
 SHORT TITLE: Official State Reptile & Amphibian SB _____
 ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			Insignificant		

(Parenthesis () Indicate Expenditure Decreases)

Conflicts/Relates to HB13

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Office of Cultural Affairs, Natural History Museum
 Department of Game and Fish

SUMMARY

Synopsis of HENRC Amendment

The House Energy & Natural Resources Committee amendment adds the Sandia hairstreak as the official butterfly of New Mexico.

Significant Issues of Amendment

This bill incorporates the intentions of House Bill 13 which also proposed to adopt the “Land of Enchantment” as the official nickname of New Mexico and the Sandia hairstreak as the official butterfly of New Mexico.

The Department of Agriculture states the scientific name *Callophrys macfarlandi* should be referenced to assure the identity of the Sandia hairstreak is maintained.

The 2002 legislature passed House Joint Memorial 1 recommending that New Mexico consider naming the Sandia Hairstreak the official state butterfly

The Office of Cultural Affairs notes the following: “While several states do have official state butterflies, New Mexico does not as yet have a butterfly within its healthy family of state symbols. There exist several rationales for naming an official state butterfly, such as benefiting tourism through publicity efforts, possible educational opportunities, and enhancing the awareness of the importance of butterflies within our ecosystem. These are all valid contributions. The Sandia Hairstreak has special characteristics meaningful to New Mexico. It is a New Mexico native, does not migrate, and remains in the environment year-round. Also significant – the Sandia Hairstreak has not been designated the official butterfly of any other state.”

Identifying an official butterfly would add credibility to New Mexico among professional entomologists and may encourage additional scientific research in the state.

Synopsis of Original Bill

House Bill 430 designates (1) “The Land of Enchantment” as the official nickname of New Mexico, (2) The New Mexico whiptail lizard as the official reptile of New Mexico, and (3) the New Mexico spadefoot toad, as the official amphibian of New Mexico.

Significant Issues

New Mexico's state symbols include the official flower, bird, tree, fish, animal, vegetable, gem, grass, fossil, cookie, insect, and question. Additionally, a nickname has been designated, although due to technicalities it needs to be included in legislation adding more state symbols.

According to the Office of Cultural Affairs, the designations of *Cnemidophorus neomexicanus* as the state reptile and *Spea multiplicata* as the state amphibian are appropriate. Both species are typical of New Mexico and are considered distinct species by all biologists. Note that these scientific names should be italicized in accordance with normal scientific protocol

FISCAL and ADMINISTRATIVE IMPLICATIONS

Any expected fiscal and administrative impact associated with updating the New Mexico Blue Book and other informational and promotional state publications is expected to be minimal.

CONFLICT, RELATIONSHIP

See technical issues below.

TECHNICAL ISSUES

House Bill 13 proposes to adopt the “Land of Enchantment” as the official nickname of New Mexico and the Sandia hairstreak as the official butterfly of New Mexico.

Both House Bill 430 and House Bill 13 are proposing adding symbols to the same section of law. This can cause a conflict if both bills pass and are signed into law as shown below:

Laws 1999, ch. 266, § 1, effective June 18, 1999, adding "state nickname" at the end of the section heading and adding Subsection L, adopting "The Land of Enchantment" as the official nick-

name of New Mexico, was approved on April 8, 1999. However, Laws 1999, ch. 271, § 1, effective June 18, 1999, adding "state question" to the end of the section heading, adding Subsection L, and making a minor stylistic change, was approved later on April 8, 1999. The section was set out as amended by Laws 1999, ch. 271, § 1. See 12-1-8 NMSA 1978.

OTHER SUBSTANTIVE ISSUES

According to the Department of Game and Fish, these species were chosen by public vote at events sponsored by the New Mexico Herpetological Society. Both are native to New Mexico and represent species with unique lifestyles. The whiptail is an active and terrestrial lizard that prefers xeric landscapes in disturbed areas. The spadefoot is dependent upon summer monsoon rainfall for reproduction and is unique to the desert southwest.

JMG/sb