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FISCAL IMPACT REPORT

SPONSOR: Moore DATE TYPED: 03/03/03 HB 928/aHENRC

SHORT TITLE: Hunting & Fishing on Posted Private Property SB _____

ANALYST: Valenzuela

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
	\$5.0		Recurring	OSF

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Department of Game and Fish (DGF)

SUMMARY

Synopsis of HENRC Amendment

The House Energy and Natural Resources Committee (HENRC) amendment to House Bill 928 deletes “by the department of game and fish” from the language regarding confiscation of game taken illegally. The amendment strikes the restriction where DGF would be required for the confiscation and allows any law enforcement to confiscate game taken illegally.

Synopsis of Original Bill

House Bill 928 makes it unlawful for anyone to hunt game or fish on private property without written permission if the property is posted, pursuant to Section 30-14-1 NMSA 1978. The bill allows a landowner license to serve as permission to trespass that particular property. Game and Fish would be required to confiscate any game or animal taken.

FISCAL IMPLICATIONS

House Bill 928 does not contain an appropriation. The department states the bill’s enactment could increase revenues, from citation penalties, from \$2.0 to 7.0 annually.

TECHNICAL ISSUES

The Department of Game and Fish reports the following technical issue and recommends an amendment:

The bill's provisions duplicates 17-2-19(A.1) NMSA 1978. Game and Fish officers, State Police Officers and Sheriff's officers can already enforce all the provisions of Chapter 17 and specifically can seize any game or fish held in violation. . . . It may lead the courts to believe that only in instances of hunting without written permission can a department of game and fish (conservation officer) seize the animal.

Amendment proposed:

Recommend amending line 9-11, page 2 to read: Any game animal, game bird or game fish taken, captured or killed on posted private property without written permission shall be confiscated [~~by the department of game and fish~~].

MFV/prr