

**NOTE:** As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR: Stell DATE TYPED: 03/3/03 HB 978

SHORT TITLE: Livestock Code Law Enforcement SB \_\_\_\_\_

ANALYST: Valenzuela

### APPROPRIATION

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

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

Responses Received From  
 New Mexico Livestock Board  
 Department of Game and Fish  
 Department of Public Safety

### SUMMARY

#### Synopsis of Bill

House Bill 978 would remove law enforcement powers from the livestock inspectors employed by the New Mexico Livestock Board. Further, the bill amends both the Livestock Code and the Criminal Code to require the Livestock Board to enter into joint powers agreements with county sheriffs and the Department of Public Safety to enforce criminal violations of the Livestock Code.

#### Significant Issues

The Livestock Board mission, part of which reads “. . . to prevent the theft or illegal movement of livestock,” would be drastically changed with the passage of this bill. According to the Board, this bill will eliminate the agency ability to seize estrays (livestock whose owner is unknown), investigate and return them to the rightful owner. Additionally, the agency reports that HB 978 will remove the board’s authority to enforce quarantines, make arrests, perform road-stops, write citations for violations, and conduct investigations of crimes involving livestock.

## **FISCAL IMPLICATIONS**

House Bill 978 does not contain an appropriation.

Enactment of the bill could decrease expenditures for the Livestock Board. The agency would no longer be required to send its trainees to the Law Enforcement Academy, nor cover the cost of continuing education for its certified inspectors. However, it is not clear if the agency would be required to compensate county sheriffs or the DPS for those services provided.

## **CONFLICT**

The Department of Game and Fish reports the following issue:

Conflict between 30-18-14 and 29-1-1, 29-1-2 NMSA 1978. The first seems to indicate officers may enforce the provisions..., while the latter indicates that “It is hereby declared to be the duty of every sheriff, deputy sheriff, constable and every other peace officer to investigate all violations of the criminal laws of the state which are called to the attention of any such officer or of which he is aware... (29-1-1 NMSA 1978).”

Also required is “that it shall be the duty of all sheriffs, deputy sheriffs and constables, in their respective counties, to employ all lawful means to immediately trace and discover all livestock and other property which may have been stolen or unlawfully taken from the possession of the true owner thereof (29-1-2 NMSA 1978).

**MFV/yr**