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FISCAL IMPACT REPORT

SPONSOR Jennings DATE TYPED 2/7/2004 HB _____
 SHORT TITLE Private Park or Lake Game License Fee SB 392
 ANALYST Aguilar

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
	\$18.7	\$18.7	Recurring	Game Protection Fund

(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

LFC Files

Response Received From
 Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

Senate Bill 392 deletes language establishing the maximum size of individual game parks; deletes language regarding State Game Commissions specifications of game proof fences; establishes a fee for the licensing of private game parks or lakes, and makes technical changes to language.

Significant Issues

Deleting the 3,200 acre maximum for individual game parks will allow for unlimited acreage to be utilized. This will allow owners of privately owned property of any size, including parcels larger than 3,200 acres to put up a game proof fence, encircle game and bring the animals under private ownership.

Senate Bill 392 removes the requirement that game park enclosure fencing meet DGF specifications. This may leave the interpretation of “game proof fence” open to individual opinion and specification.

This provision may lead to inadequate fence construction on game parks that may allow unwanted movement of animals.

DGF reports that the parameters established by the State Game Commission (SGC) for game-proof fencing came about after intensive public involvement from the state's class A park owners, other concerned citizens and the department. The current specifications were adopted in September 2001 and are such to protect both the game inside a park from escaping and impedes outside animals, especially large carnivores from entering.

FISCAL IMPLICATIONS

It is unclear whether this license fee is a one-time fee or if it is a renewable annual fee. Current SGC rules direct this fee to be a renewable annual fee. If this fee does, in fact, change to a one-time only fee, the financial impact listed above will actually turn to a negative financial loss.

The \$500 annual fee is the current fee charged to all game parks for an annual inspection and permit renewal as established by SGC.

Currently, class A lakes are assessed an annual fee of \$101. SB392 increases this fee to \$500. There are currently 47 lakes to which this applies, resulting in an estimated increase of \$18,700 per year.

RELATIONSHIP

The \$500 license fee that SB392 seeks to establish may conflict with Section 17-4-28 NMSA 1978, which currently sets the length of time that a private park or lake license can be issued for, and provides the SGC the authority to establish the fees for licensing these parks and lakes.

TECHNICAL ISSUES

DGF recommends the legislature consider that if the maximum size of a private park is removed, language should be inserted to require that all state-owned big game animals be removed and not be allowed to revert to private ownership. This would address very large strategically placed private parks from converting large numbers of state owned animals to property of the licensee as currently allowed under Section 17-4-15 NMSA 1978.

The legislature may wish to consider the following language:

Withstanding all other sections of this act, the applicant establishing a private park in excess of 3,200 acres shall immediately remove all protected big game animals from the fenced enclosure before the Director shall award any license.

OTHER SUBSTANTIVE ISSUES

DGF notes that the reason for fence standards and annual inspections are that game animal's possess great agility and an instinct for escape. In the last two years, the department has documented game park animals escaping. This brings concern from the park owner as substantial money is invested in each animal. This also brings concerns from sportsmen about possible dis-

ease transmission both from game park animals and free ranging wildlife. Chronic Wasting Disease (CWD) is a terminal disease that has no cure. It is unknown how this disease is transmitted; however, in other states it has been found in game parks. In New Mexico, the only CWD discovered has been on the White Sands Missile Range in free ranging deer.

DGF further notes that establishment of a game park allows for game animals to become the landowners' private property (17-4-15 NMSA 1978). By removing the 3,200 acre maximum and depending on the location of a newly proposed class A park, large populations, potentially hundreds if not thousands of state game animals can be captured within the fence and immediately brought into private ownership in accordance with Section 17-4-15 NMSA 1978. Likewise, since game parks may be established on private property anywhere in the state, a park owner could construct a high fence that hampers migration of game or strategically close their park at a time when migrating game is trying to pass through and immediately bring those animals under private ownership.

PA/lg:yr