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## FISCAL IMPACT REPORT

ORIGINAL DATE 2-15-07

SPONSOR HENRC LAST UPDATED \_\_\_\_\_ HB 509/HENRCS

SHORT TITLE Exceptions to Use of Light While Hunting SB \_\_\_\_\_

ANALYST Woods

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>	\$5.0	\$5.0	\$5.0	\$15.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of HENRCS

House Energy and Natural Resources Committee Substitute 509 seeks to modify the use of artificial light (spotlighting) prohibitions. This substitute makes the language on page 1 consistent with the law as it was previously written and enacted. The substitute leaves the two new exemptions in place to those that may spotlight. The exemptions would allow all government employees acting in their official capacity and any person in receipt of a permit or authorization from the Department of Game and Fish would be able to cast the rays of artificial light, be in possession of a firearm and even discharge a gun at night.

## **FISCAL IMPLICATIONS**

DGF estimates annual implementation costs to be \$5 thousand. Since there is an exemption to allow any person to conduct such activities who has received a permit or authorization (page 2, lines 16-18), there will be some minimal fiscal impact to the department. Although the procedure on how permits like this will be issued has not been determined, department staff will be responsible for taking, processing and approving these requests. This will add to the duties of employees as well as take some office equipment and supplies to carry out (phone calls, faxes, copying and proper form use). This cost estimate is for approximately 100 man hours and the associated supplies and equipment.

## **ADMINISTRATIVE IMPLICATIONS**

DGF notes that some training would have to occur if this bill passes as Department officers have been enforcing the current version of the spotlighting prohibition and officers must be retrained.

## **OTHER SUBSTANTIVE ISSUES**

DGF advises that, currently, federal government employees that work for Animal Plant Health Inspection Service (APHIS) are not allowed to spotlight under the present law. However, it is recognized that these employees would like to use spotlights and even infrared lights to aid in taking non-game animals like coyotes or protected predators (under DGF agreement) if they could by exemption. This bill will allow this to occur.

Further, DGF adds that poaching at night is inherently a dangerous activity. People have been injured and in rare circumstances killed. Artificial light even with high-candle powered light has a limited range and bullets can travel easily beyond the rays of the artificial light. A spotlight when shined in an animal's eyes tends to freeze the animal in its tracks. This makes both big game and livestock susceptible to easy killing at night. The state game commission has limited the legal hunting hours from one-half hour before sunrise to sunset for decades. Each year numerous individuals are apprehended either with a freshly killed animal or attempting to poach in New Mexico with the aid of artificial light. During the hunting season, game and fish officers can find someone spotlighting in violation of 17-2-31 almost any weekend night.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

DGF suggests that APHIS employees will not be able to assist landowners with nuisance or depredating animals using artificial light at night when these types of animals typical come out and can be taken.

BFW/mt