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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/27/10

SPONSOR Tripp LAST UPDATED \_\_\_\_\_ HB 113

SHORT TITLE Aquatic Invasive Species Control SB \_\_\_\_\_

ANALYST Woods

### APPROPRIATION (dollars in thousands)\*

Appropriation		Recurring or Non-Rec	Fund Affected
FY10	FY11		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

\* Fiscal impact data provided by the Department of Game and Fish.

Related Statute: Amends the Aquatic Invasive Species Control Act 17-4-35 NMSA

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

New Mexico Department of Game and Fish (DGF)

Energy, Minerals and Natural Resources Department (EMNRD)

### SUMMARY

#### Synopsis of Bill

This legislation seeks to amend the statute to allow officials acting in their official capacity to possess AIS, which is currently prohibited. The need arises when conducting sampling at lakes, shipping samples to laboratories for analysis, and transporting AIS for destruction. Additional amendments allow for expansion of sources of training for inspectors and who may be trained, clarifying requirements of boat owners for demonstrating that a conveyance has met decontamination requirements, allowing for the placement of a warning tag on a conveyance or equipment if an inspector has information that the conveyance is coming from an infested water, and requires the DGF Director to immediately recommend to the entity in control of a water body that has been determined to be infested to limit access and take steps to prevent the potential spread of AIS.

This legislation carries Executive Message 25.

## **FISCAL IMPLICATIONS**

None noted by respondents.

## **SIGNIFICANT ISSUES**

DGF indicates that no significant issues have been identified; the amendments seek to clarify the act to ensure appropriate management of aquatic invasive species and to provide for additional means of training.

As background, EMNRD notes the following:

The spread of AIS is a major issue for DGF, and for SPD, which administers 19 of the most popular and important recreational lakes in New Mexico, as well as other water bodies at risk from AIS.

As DGF began to implement the AIS control statute, NMSA 1978, Section 17-4-35, over the past year, the need for some amendments to clarify and improve implementation of the law have become apparent. For example, HB 113 proposes to amend the statute to allow officials acting in their official capacity to possess AIS, which is currently prohibited. The need for such possession arises when conducting sampling at lakes, shipping samples to laboratories for analysis, and transporting AIS for destruction.

Additional amendments allow for expansion of sources of training for inspectors and who may be trained, clarifying requirements of boat owners for demonstrating that a conveyance has met decontamination requirements, allowing for the placement of a warning tag on a conveyance or equipment if an inspector has information that the conveyance is coming from an infested water, and require the DGF Director to immediately recommend to the entity in control of a water body that has been determined to be infested to limit access and take steps to prevent the potential spread of AIS.

## **PERFORMANCE IMPLICATIONS**

DGF states, “The amendments will further protect New Mexico’s natural resources thereby allowing the Department to better meet its performance measures.”

EMNRD advises that, with the enactment of HB 113, the management of the statewide AIS program can be more effectively managed and coordinated by DGF, and will therefore have a better chance at protecting state park lakes and rivers from the spread of AIS and the associated negative consequences from AIS—which could include impacts to fishing, recreation, and basic access to state parks lakes. HB 113 will therefore benefit SPD in its programs to provide recreation and support visitation at state parks.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

Amends the Aquatic Invasive Species Control Act 17-4-35 NMSA

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

DGF states, “The consequences of not enacting this bill will be management and control of aquatic invasive species will be limited because personnel and contractors will not be able to move, remove, or destroy aquatic invasive species. This limitation will hamper efforts to manage and control these species. Additionally, not enacting these amendments will limit the number of personnel that the State is able to train for inspection and decontamination activities. Again, this limitation will hamper management and control efforts.”

BW/svb