

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 2/14/17

SPONSOR Steinborn LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE State Game Commission Mission & Purpose SB 266

ANALYST Armstrong

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

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	\$0-\$14,000.0	\$0-\$14,000.0	\$0- \$14,000.0	\$0- \$42,000.0	Recurring	Game Protection Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Game & Fish (DGF)

Office of the Attorney General (OAG)

### SUMMARY

#### Synopsis of Bill

Senate Bill 266 (SB266) amends existing statute to provide that the state's policy is to manage all wildlife as a public resource for all New Mexicans rather than managing game and fish for public recreation and food supply as currently provided. Additionally, the bill amends statute to provide that the State Game Commission (SGC) has authority over all species of wildlife rather than only game species.

### FISCAL IMPLICATIONS

DGF analysis notes SB266 could require the agency to assume management responsibility for, at minimum, an additional 6 thousand species at a significant additional operating cost. If it is the expectation that all species of wildlife will be actively regulated and managed, the Department does not have sufficient fiscal or personnel resources. DGF estimates an additional 45-50 FTEs could be required, at a cost of \$4 million, and annual implementation costs of \$10 million.

However, as the agency states, the impact of changes in SB266 on management responsibilities are unclear. In fact, the bill could result in no changes to the agency's operations because it does not require DGF or SGC to take any action.

## SIGNIFICANT ISSUES

The bill does not place additional duties on DGF or SGC, but rather clarifies that the agency and commission have authority to manage all wildlife in New Mexico and are not limited to managing game species. Authority similar to that in SB266 likely already exists under the Wildlife Conservation Act, 17-2-37 through 17-2-46 NMSA 1978, which requires DGF to conduct biennial review of all threatened and endangered species within the state and allows for investigations and listing of other species that are suspected of being threatened or endangered.

Statutes from several other Western states, including Montana, Wyoming, Idaho, and Colorado, provide authority over all wildlife for the state's game commission and game and fish agency. DGF raises concerns about the broad definition of "wildlife" in the Wildlife Conservation Act and that it could result in millions of dollars of increased operating costs. However, statutes from these other states are similarly broad in the definition of "wildlife."

Additionally, DGF analysis states:

The Commission currently maximizes hunter and angler license dollars toward the management of the species over which it has current authority. Diverting these dollars to other purposes would reduce the ability to leverage these dollars against Federal funds resulting in an overall reduction in funding. The grant of additional authority will require additional State funding not currently available to the Department.

Assuming the agency is concerned about reduced reimbursements for eligible costs under the federal Pittman-Robertson Wildlife Restoration Act, eligible activities under federal law and regulations include restoring and managing wildlife for the benefit of the public, 50 CFR 80.50, and define "wildlife" as:

The indigenous or naturalized species of birds or mammals that are either:

- (1) Wild and free-ranging;
- (2) Held in a captive breeding program established to reintroduce individuals of a depleted indigenous species into previously occupied range; or
- (3) Under the jurisdiction of a State fish and wildlife agency.

50 CFR 80.2. SB266 appears to align with the federal regulations regarding eligible uses of Pittman-Robertson funds and would not risk "diversion" as noted in DGF's analysis.

However, regulations under the federal Dingell-Johnson Sportfish Restoration Act are not as broad and are limited to "sport fish," 50 CFR 80.51, which are defined as "aquatic, gill-breathing, vertebrate animals with paired fins, having material value for recreation in the marine and fresh waters of the United States." 50 CFR 80.2. Efforts to manage fish under SB266 that are not sport fish would appear to be ineligible for federal reimbursement.

JA/al/jle