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FISCAL IMPACT REPORT

ORIGINAL DATE 2/15/17

SPONSOR Campos LAST UPDATED _____ HB _____

SHORT TITLE NM Wildlife Protection & Public Safety Act SB 286

ANALYST Armstrong

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY17	FY18	FY19		
	(\$150.0)	(\$150.0)	Recurring	Game Protection Fund

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown				Recurring	AOC, District Attorneys

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)
 NM Department of Agriculture (NMDA)
 Office of the Attorney General (OAG)

SUMMARY

Synopsis of Bill

Senate Bill 286 (SB286) creates the New Mexico Wildlife Protection and Public Safety Act (“the Act”). The bill makes it unlawful for a person to: set or use, or attempt to set or use, a trap or snare to kill or capture wildlife on public land; set or use, or attempt to set or use, a body-gripping trap to kill or capture any feral or domestic animal on public land; apply or use, or attempt to apply or use, any poison to kill or injure wildlife or a feral animal on public land. Defines wildlife as any vertebrate species found in New Mexico. It establishes a variety of exceptions with specific requirements. It also provides for penalties ranging from misdemeanor to fourth degree felonies.

FISCAL IMPLICATIONS

DGF estimates a direct loss of trapping license revenue of \$40 thousand annually and a loss of \$110 thousand in federal matching funds, assuming half of the average number of licenses sold in the past three years would be sold due to the prohibition of trapping on public lands in SB286.

District attorneys and the judiciary would incur costs proportional to the enforcement of the Act.

SIGNIFICANT ISSUES

Under SB286, it would be unlawful for a person or governmental entity: (1) to set or use, or attempt to set or use, a trap to kill or capture wildlife on public lands; (2) to set or use, or attempt to set or use, a body-gripping trap to kill or capture any feral or domestic animal on public lands; (3) to apply or use, or attempt to apply or use, any poison to kill or injure wildlife or a feral animal on public lands.

The bill includes a number of exemptions, specifically:

- Taking wildlife with firearms, fishing equipment, archery equipment, falconry equipment or other implements in hand as authorized by law.
- Taking wildlife or feral or domestic animals by a government when prohibited devices or methods are the only feasible method available to protect human health and safety.
- Taking beaver by use of a conibear-type trap partially or wholly submerged in water by a government entity when the trap is the only feasible method available to protect public waterways, levees or dams.
- Taking wildlife by traps to conduct scientific research.
- Using traps to protect threatened or endangered species, if used by DGF or its agents or by the U.S. Fish and Wildlife Service.
- Using confinement traps for the lawful taking of wildlife to abate damages caused to property, crops or livestock.
- Certain animals, including prairie dogs, gophers, mice, and rats, when using a poison or a trap by a government entity when poison is the only feasible way to abate damages to property, livestock and crops.
- Government employees or agents acting in the course of their duties regarding ecosystem management.

An individual's first violation of the Act is classified as a misdemeanor and subsequent violations are considered fourth degree penalties. The bill also allows for civil penalties and restitution to a state agency that incurs costs in enforcing the Act.

According to DGF, SB286 will:

Inhibit efficient and timely wildlife damage control on public lands as well as wildlife restoration and management actions conducted by the Department such as strategic predator control for Bighorn Sheep, Elk, or Mule Deer.

In addition to eliminating realistic predator management and recreational opportunities, the bill effectively prohibits Department management actions such as the trapping and

transplanting of wildlife to augment or restore populations by the use of drop nets, net guns, etc. Many of these projects would not be exempted because they do not constitute “scientific research” or “protect human health and safety” and vague if it constitutes “ecosystem management” as required by the bill. For example, all of the river otters released in New Mexico were caught in foot-hold traps and bighorn sheep are routinely captured with drop nets to start new or to augment populations. This bill would effectively eliminate important tools in wildlife management that have been effectively used to conserve species such as the bighorn sheep, river otters, and many other wildlife species.

The bill does allow for the use of traps and trapping for “scientific research”, but requires that such research be reviewed by an arbitrarily assembled “university based institutional animal care and use committee, or a similar process developed with policies of the United States Public Health Service Commission Corps,” which undermines the authority of the State Game Commission and the Department, and creates another layer of bureaucracy.

PERFORMANCE IMPLICATIONS

The bill may diminish DGF’s ability to meet the performance measure of 95 percent of depredation complaints resolved within one-year due the restriction on the use of traps and snares to deal with livestock depredations caused by predators on public lands.

ADMINISTRATIVE IMPLICATIONS

DGF would be required to assist SGC in amending applicable rules, such as the New Mexico Hunter and Trapper Reporting System Rule, 19.30.10 NMAC, and the Trapping and Furbearer Rule, 19.32.2 NMAC, and make the necessary changes to internal policies governing trapping and translocation of wildlife and the Hunting Rules and Information Booklet.

JA/jle