

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) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Campos ORIGINAL DATE 02/19/19
 LAST UPDATED 02/21/19 HB _____

SHORT TITLE Game Commission Fair Chase Rulemaking SB 383/aSCONC

ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

State Land Office (SLO)

Department of Game and Fish (DGF)

SUMMARY

Synopsis of SCONC Amendment

The Senate Conservation Committee Amendment to Senate Bill 383 clarifies that the State Game Commission may prescribe rules that embody the principles of fair chase, which rules may include prohibitions on the use of...specific wildlife location data that is collected by the DGF.

Synopsis of Original Bill

Senate Bill 383 amends 17-2-1 NMSA 1978 to prescribe rules that embody the principles of fair chase, which may include prohibitions on the use of certain technologies for hunting or fishing or withholding specific wildlife location data collected by the DGF or its contractors.

FISCAL IMPLICATIONS

No fiscal impact.

SIGNIFICANT ISSUES

The bill allows the state game commission to prescribe rules that define the term “fair chase”.

DGF commented that the department collects location data, including real time data, which is available to be used to aid in harvesting (lawful and unlawful) wildlife. Such harvest negatively impacts management driven research projects and creates an unfair harvest advantage.

SLO noted there is no existing statutory or regulatory definition of “fair chase,” and the bill does not define it. However, North America's oldest wildlife conservation group, the Boone and Crockett Club, defines “fair chase” as requiring hunted big game animals to be wild and free-ranging. “Wild” refers to an animal that is naturally bred and lives in nature. “Free-ranging” means an animal that is not confined by artificial barriers. In discussing the use of military weaponry and technology the Boone and Crockett Club has said:

[W]hen technology becomes a substitute for basic skills in the field (i.e., buying skill), this is where technology not only undermines the hunting experience, but also has the potential to erode public support for hunting. It is very difficult to maintain any credible claim that hunting is rewarding because of the challenge if the entire experience can come down to pressing a button on a highly sophisticated device ... Even where legal, hunters must consider the ethics of using technologies that allow them to shoot at substantially increased distances far beyond an animal's ability to sense danger; game scouting cameras that transmit live, real time images to the hunter; on call hunting (using cell phones to call in a hunter when game has been located by others), and using two-way radios to guide a hunter to game in the field ... When the challenges of hunting are eliminated, we risk losing the special nature of the hunting experience itself.

PERFORMANCE IMPLICATIONS

DGF would enforce any new rules prescribed by the state game commission. Furthermore, SLO commented, nothing proposed in this legislation would impact the easement by the SLO to the state game commission (effective until March 31, 2020) which permits licensed hunters, trappers and anglers to come onto state trust lands to engage in the regulated harvest of protected species.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Location data collected by the department, including real time data, would continue to be available to the public and be used to aid in the lawful and unlawful harvesting of wildlife.

AHO/gb/al