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## FISCAL IMPACT REPORT

**SPONSOR** Cook/Black/Rehm/ Pettigrew      **ORIGINAL DATE** 01/31/21      **LAST UPDATED** 02/04/21      **HJR** 8  
**SHORT TITLE** Right to Hunt and Fish, CA      **SB** \_\_\_\_\_  
**ANALYST** Gaussoin

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

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$150.0- \$200.0		\$150.0- \$200.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Senate Bill 32 and House Joint Resolution 5.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General (NMAG)

Livestock Board (NMLB)

Department of Game and Fish (DGA)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 8 proposes to ask voters to amend the New Mexico Constitution to add language stating, “The individual right of the people to hunt and fish is a valued part of the state’s heritage and shall be preserved for the public good.”

In addition, the constitutional amendment would state the right to hunt and fish includes “traditional” methods and hunting and fishing will be the “preferred means of managing and controlling wildlife.” The language clarifies that the right to hunt and fish does not impair laws pertaining to trespass or property rights, the state’s sovereign authority over its natural resources, or the state’s obligation to manage lands granted to it by Congress.

The question would be put to the voters at the next general election in November 2022.

### FISCAL IMPLICATIONS

HJR8 does not include an appropriation and managers of the Department of Game and Fish,

which manages wildlife pursuant to Chapter 17 of state statute, indicate they do not anticipate additional responsibilities or costs.

***Constitutional Amendment.*** Under Section 1-16-4 NMSA 1978 and the New Mexico constitution, the Secretary of State (SOS) is required to print samples of the text of each constitutional amendment, in both Spanish and English, in an amount equal to 10 percent of the registered voters in the state. SOS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is \$150 thousand-\$200 thousand, depending on the size and number of ballots and if additional ballot stations are needed.

## **SIGNIFICANT ISSUES**

The Department of Game and Fish issued almost 294 thousand hunting licenses to state residents in 2020, or about 14 licenses for every 100 New Mexicans. The state issued 425 thousand fishing licenses to residents, or one for every five New Mexicans. In addition, the state sold 93 thousand hunting licenses and 127 thousand fishing licenses to out-state-residents.

An October 2020 LFC Evaluation Unit report on the performance of the Game and Fish Department did not address access to hunting and fishing in New Mexico (although it did find the process for permitting hunting on private lands appears to favor out-of-state hunters). Notable, the report, *Program Evaluation: Performance of the Game and Fish Department*<sup>1</sup>, found the state could benefit from more collaborative management of wildlife:

The Legislature may want to reconsider the merits of consolidating the Department of Game and Fish with other state land-management agencies into a comprehensive natural resources department. However, if the Legislature does not act on consolidation, the Legislature may consider creating a working group comprising secretaries from applicable state agencies, LFC, and Department of Finance and Administration to help align priorities between the Legislature and Game and Fish.

Although the Department of Game and Fish, New Mexico Livestock Board, and Attorney General all submitted analysis, none identified any significant issues with HJR8.

The move to make hunting and fishing a constitutional right, a step that could make it more difficult to regulate hunting and fishing in state law, appears to be a response to efforts to ban trapping, snaring, or poisoning wildlife on public land, activities already banned on state trust land.

## **ADMINISTRATIVE IMPLICATIONS**

While the Game and Fish Department did not note any issues with administration and HJR8 includes language recognizing the state’s “sovereign authority over its natural resources,” it is possible that efforts to regulate hunting and fishing could be impaired by constitutional protections.

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<sup>1</sup> [https://www.nmlegis.gov/Entity/LFC/Documents/Program\\_Evaluation\\_Reports/Program%20Evaluation%20-%20Performance%20of%20the%20Department%20of%20Game%20and%20Fish.pdf](https://www.nmlegis.gov/Entity/LFC/Documents/Program_Evaluation_Reports/Program%20Evaluation%20-%20Performance%20of%20the%20Department%20of%20Game%20and%20Fish.pdf)

**RELATIONSHIP**

HJR8 relates to House Joint Resolution 5, which also asks voters to amend the constitution to guarantee a right to hunt and fish; however, HJR5 does not include the language referring to traditional hunting methods or the use of hunting and fishing as the primary means to manage wildlife.

HJR8 also relates to Senate Bill 32, which would make it unlawful to use a trap, snare, or poison wildlife on public land.

**TECHNICAL ISSUES**

The bill protects but does not define “traditional” methods.

**OTHER SUBSTANTIVE ISSUES**

Constitutional protections for “traditional” methods of hunting and fishing could be interpreted as allowing net fishing, pit traps, and other forms considered harmful to wildlife populations and the environment.

Further, hunting and fishing, while tools in the management of wildlife, are not always the best ways to manage wildlife. The Sierra Club, Rio Grande Chapter, which states it supports regulated hunting consistent with scientifically based wildlife management practices, notes hunting and fishing would be ineffective in the management of animals suffering from disease:

For example, the emerging syndrome in wild ungulates called Chronic Wasting Disease, which is always fatal, is becoming more widespread. Hunters are encouraged by the Center for Disease Control not to eat the meat of animals that test positive for this disease, which could reduce hunter participation in the future, leaving wildlife managers with an inadequate capacity to rely on hunting to address the threat.

Further, the state has made outdoor recreation a priority, with the creation of a program and appropriations for its promotion. Expanded hunting seasons and grounds could discourage nonconsumptive outdoor recreation. In addition, relaxed regulations could prevent the State Game Commission from establishing quotas or restrictions on how and where hunting or fishing can occur, forcing the commission or state parks to open areas to trapping and other methods now forbidden in those areas.

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