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FISCAL IMPACT REPORT

ORIGINAL DATE 03/05/21

SPONSOR STBTC LAST UPDATED _____ HB _____

SHORT TITLE Narrow Landowner Animal Takings SB 419/STBTCS

ANALYST Wan

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

| | FY21 | FY22 | FY23 | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--------------|------|------|------|----------------------|------------------------------|------------------|
| Total | NFI | NFI | NFI | N/A | N/A | N/A |

(Parenthesis () Indicate Expenditure Decreases)

Relates to Senate Bill 312

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

The Senate Tax, Business and Transportation Committee Substitute for Senate Bill 419 amends Section 17-2-7.2 NMSA 1978 to remove the ability of a landowner or lessee to kill an animal on private property that poses an immediate threat of damage to property, including crops. The amended section would allow a landowner or lessee to kill an animal on private land that has damaged or presents a threat of damage to property, including crops, in accordance with State Game Commission rules.

SB419/STBTCS stipulates commission rules adopted regarding the ability of a landowner or lessee to kill an animal that has damaged or presents a threat to property shall provide when, whether, and by what manner and method a species can be killed in order to mitigate damage. Additionally, the bill removes the ability of a landowner or lessee to kill an animal believed to be responsible for property damage if interventions provided by the Department of Game and Fish (DGF) have not been successful within a year.

SB419/STBTCS also amends Section 17-2-8 NMSA 1978 regarding the unlawful taking of big game and waste of game. It adds bear, cougar, and javelina to the species of fish and game that must be removed from the field and used for human consumption. Additionally, a person who

wounds or may have wounded any game mammal must make a reasonable attempt to track and reduce to possession the wounded game, including bear, cougar, and javelina. These species are added to the existing list of animals for which it is a fourth degree felony to kill without a license or out of season and remove only the head and not the edible portions.

Lastly, SB419/STBTCS amends Section 17-3-13.4 NMSA 1978 to allow expenditure of funds from the big game depredation damage fund for administrative costs.

The effective date of this bill is January 1, 2022.

FISCAL IMPLICATIONS

The bill's change to allowable expenditures from the big game depredation fund would increase expenditures from this fund and reduce expenditures by an equal amount from the game protection fund.

SIGNIFICANT ISSUES

DGF states narrowing conditions for landowner taking or killing of animals on private land but still requiring the agency to provide multiple interventions, respond within specific timeframes, and allow the landowner to reject any intervention methods to prevent property damage will significantly increase staff time spent responding to depredation complaints of wildlife presenting a threat to property.

PERFORMANCE IMPLICATIONS

The increased workload DGF is anticipating related to managing depredation complaints may slow down the depredation resolution process and make it more difficult for the agency to meet its goal for the related performance measure.

ADMINISTRATIVE IMPLICATIONS

DGF and the State Game Commission would need to develop and adopt a rule to comply with the provisions of SB419/STBTCS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The changes made in SB419/STBTCS are also contained in Senate Bill 312.

CW/rl