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FISCAL IMPACT REPORT

SPONSOR: Foley DATE TYPED: 02/12/03 HB 267

SHORT TITLE: NM Jurisdiction over Wildlife SB _____

ANALYST: Valenzuela

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY03	FY04	FY03	FY04		
			See fiscal impact		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Department of Game and Fish
New Mexico Department of Agriculture

SUMMARY

Synopsis of Bill

House Bill 267 amends the statute that detail the powers and duties of the State Game Commission by adding two new subsections: the first would mitigate detrimental impacts of introduced wildlife species, including endangered species, and the second would declare sole jurisdiction over all wildlife in the state. Specific provisions are detailed below:

Section 1. Directs the commission to adopt rules that prohibit the introduction, reintroduction, propagation or management of wildlife species by any person, including the federal government. It specifically includes endangered species introduced by the federal government. Also directs the commission to seek restitution for any damage caused by these species, even those sponsored by the federal government. Further directs the commission to assist a landowners, lessee or outfitter, whose livelihood is damaged to obtain reimbursement from the federal government. The commission is also directed to remove the species that was introduced by the federal government.

Section 2. Directs the commission to send notify to federal agencies and county sheriffs that New Mexico has sole jurisdiction and management over wildlife and prohibit officers and employees of the federal government from managing or interfering with this ju-

jurisdiction. County Sheriffs will be notified that New Mexico law enforcement and not federal officers will investigate all wildlife violations.

Significant Issues

Enactment of House Bill 267 could preempt federal law. According to DGF, the provisions of the bill “will in all likelihood, be in direct violation of several federal mandates including the endangered species act and will result in potentially huge litigation.”

FISCAL IMPLICATIONS

House Bill 267 does not contain an appropriation. DGF reports that enactment of the bill would require it to trap and capture several species of animals, which would be an impact to the Game Protection Fund. DGF did not provide an assessment of the annual fiscal impact.

If enacted, there is a possibility that the federal government may withhold federal funds, such as the Pittman-Robertson and Dingell-Johnson monies that partially fund DGF, approximates to \$9 million annually.

OTHER SUBSTANTIVE ISSUES

The Department of Game and Fish reports the following issue:

This bill also does not consider the wild pet industry that exists in New Mexico. Most cities in New Mexico have pet stores that buy, import and propagate wildlife, yet this law mandates the commission prohibit propagation of wildlife with no exceptions other than the Department of Game and Fish.

MFV/njw