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FISCAL IMPACT REPORT

ORIGINAL DATE 01/25/10

SPONSOR Stewart LAST UPDATED _____ HB 73

SHORT TITLE Taking of Certain Animal Species SB _____

ANALYST Woods

REVENUE (dollars in thousands)*

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY10	FY11	FY12		
	\$400.0 – \$500.0	\$400.0 – \$500.0	Recurring	Big Game Depredation

(Parenthesis () Indicate Revenue Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)*

	FY10	FY11	FY12	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total			\$400.0 – \$500.0	\$400.0 – \$500.0	Recurring	Big Game Depredation

(Parenthesis () Indicate Expenditure Decreases)

* Fiscal impact data provided by the Department of Game and Fish.

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

This legislation seeks to replace statute (17-2-7.2 NMSA 1978). It eliminates the provision allowing a landowner or lessee, or employee of either to kill animals on private land that present an immediate threat of damage to property or when department provided assistance has not attained intended results. It reaffirms the ability of a person to take a predator that presents an immediate threat to human life, livestock, or pets. It further specifies that a landowner or lessee may request assistance from the Department of Game and Fish (DGF) in addressing current damage or preventing reasonably anticipated damage to property caused by protected wildlife and that DGF must respond to these requests in a timely and effective manner. Upon DGF confirmation of damage to property (principally cultivated crops) by ungulates (deer, elk, oryx and antelope), the landowner or lessee will be given two options to resolve the complaint: Option

1 – Pursuant to agreement, DGF will provide fence materials to minimize damage caused by the species involved; or Option 2 – DGF and the landowner/lessee will enter into a cost-share agreement that provides economic assistance for actions that will increase agricultural production or offset annual maintenance costs associated with wildlife presence. The legislation doubles the big game depredation stamp fee currently paid by resident and nonresident big game hunters to enable DGF to provide more timely assistance to a greater number of landowners annually. Currently, New Mexico resident big game hunters pay \$3 per big game license and nonresidents pay \$10.

FISCAL IMPLICATIONS

DGF indicates that it recognizes that costs associated with providing assistance to landowners to prevent or remedy depredation are significant. Current funding is derived entirely from big game hunters through the sale of Depredation Damage Stamps that is included in the price of every big game license sold. Big game hunters currently pay \$3 for each resident license and \$10 for each non-resident license. Species designated as big game are; deer, elk, pronghorn antelope, bighorn sheep, barbary sheep, oryx, ibex, bear, cougar and javelina. Annual revenue varies based on fluctuations in license sales but in recent years has ranged from \$400,000 - \$500,000. The proposed increase of the big game depredation stamp fee is intended to enable the department to provide more timely assistance to a greater number of landowners annually. If costs for fencing materials and cost-share payments exceed the funds available to pay claims, the department further indicates it shall request grant funds from the State Board of Finance.

SIGNIFICANT ISSUES

DGF suggests the following considerations associated with the legislation:

1. The bill eliminates the provision allowing a landowner or lessee, or employee of either to kill wildlife on private land that present an immediate threat of damage to property or when DGF-provided assistance has not attained intended results and replaces it with non-lethal options that minimize or offset wildlife caused damage.
2. The bill maintains the ability of any person to take predators that present an immediate threat to human life, livestock, or pets.
3. The bill doubles the big game depredation stamp fee currently paid by resident and nonresident big game hunters.
4. The bill focuses on addressing damage caused by ungulates on cultivated crops and associated infrastructure.

PERFORMANCE IMPLICATIONS

DGF states, “This bill will improve the Department’s ability to provide effective and timely assistance to landowners and lessees experiencing ungulate caused damage to private property.”

ADMINISTRATIVE IMPLICATIONS

DGF indicates that the legislation may result in the department seeking the advice and expertise of New Mexico Department of Agriculture and the Natural Resource Conservation Service to

assist in the development of appropriate cost share agreements. Further, that it will also require the department to develop amendments to the Depredation Assistance Rule for Commission consideration to ensure it aligns with the provisions of the bill.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

DGF states, “If this bill is not enacted the Department will continue working with landowners to resolve wildlife damage complaints pursuant to provisions currently in law.”

AMENDMENTS

None suggested by respondent.

BW/svb