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FISCAL IMPACT REPORT

SPONSOR Munoz ORIGINAL DATE 2/5/18
 LAST UPDATED _____ HB _____

SHORT TITLE Right to Hunt & Fish, CA SJR 12

ANALYST Amacher

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		Indeterminate Minimal Fiscal Impact			Nonrecurring	Election Fund
			See Narrative	See Narrative	Recurring	General Fund

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)
 Secretary of State's Office (SOS)

SUMMARY

Synopsis of Senate Joint Resolution

Senate Joint Resolution 12 proposes an amendment to Article 2 of the state constitution by adding a new section to protect the right to hunt, fish and harvest wildlife lawfully. Laws and rules authorized under this new section shall have the purpose of wildlife conservation and management and preserving the futures of hunting and fishing. The resolution is to be submitted for approval by the people of the state in the next general election (November 2018) or any special election called for that purpose.

FISCAL IMPLICATIONS

Other than publication and printing costs, the Secretary of State's Office (SOS) does not anticipate any other fiscal implications as a result of this legislation.

The SOS supports and understands the legislature's prerogative to place constitutional amendments before the voters of the state. For the purposes of determining the cost involved, the SOS notes that, under Section 1-16-13 NMSA 1978, the SOS is required to print the full text of each proposed constitutional amendment, in both Spanish and English, in an amount equal to 10

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percent of the registered voters in the state. In order to comply with this requirement for the 2016 general election, the SOS printed approximately 129,000 copies of the “Voter Guide” at a total cost of \$19,041. Printing costs differ depending upon the number and length of proposed constitutional amendments.

The SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in newspapers in every county in the state. In 2016, the SOS spent \$245,918 for the required newspaper publications which included printing one 1.5 page (332 words) constitutional amendment at a total cost of \$15,803 (the rest of the publication cost was for printing the full general obligation bond, as required in that bill each year). This publication cost is dependent upon the number and length of the constitutional amendments that are proposed to the voters.

Furthermore, the number of constitutional amendments proposed, may also impact the page size of the ballot, or if the ballot size is caused to become greater than one page, front and back, which may increase the cost of producing the ballots for the general election. In addition to the cost of the ballot, there may be time added to the voting process, which would require additional ballot printing systems in order to ensure a smooth and efficient voting process within the bounds of national best practices.

SIGNIFICANT ISSUES

Senate Joint Resolution 12 proposes an amendment to Article 2 of the state constitution by adding a new section to protect the right to hunt, fish and harvest wildlife lawfully. Laws and rules authorized under this new section shall have the purpose of wildlife conservation and management and preserving the futures of hunting and fishing. The amendment makes clear the legislature has the exclusive authority to enact laws to regulate the manner, methods or seasons for hunting, fishing and harvesting wildlife.

The legislature may delegate rulemaking authority to the State Game Commission. Rules adopted and laws enacted shall not unreasonably restrict hunting, fishing and harvesting wildlife or the use of traditional means and methods. Lawful public wildlife harvesting and fishing shall be a preferred means of managing and controlling wildlife. As proposed, this new section shall not be construed to modify any provisions of common law or statutes relating to trespass or property rights.

The resolution is to be submitted for approval by the people of the state in the next general election (November 2018) or any special election called for that purpose.

TECHNICAL ISSUES

The Department of Game and Fish (DGF) notes the phrase “or the use of traditional means and methods” is not clearly defined and its meaning could be misconstrued. The DGF recommends a slight change in the language to ensure that traditional methods for wildlife harvest be recognized:

On page 2, lines 2-3, strike “harvesting wildlife or the use of traditional means and methods” and replace with “the use of traditional methods for harvesting wildlife”.

JMA/al