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FISCAL IMPACT REPORT

SPONSOR: Begaye DATE TYPED: 02/27/01 HB 282/aHJC
 SHORT TITLE: Protection for Amphibians and Reptiles SB _____
 ANALYST: Rael

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
		See Narrative Minimal		Recurring	Game Protection Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

Department of Game and Fish (DGF)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment is a technical restructuring that addresses DGF's concerns that the State Game Commission may adopt rules including rules regarding permits for the capture or taking of amphibians or reptiles. Additionally, the amendment clarifies that an unlawful taking of an animal occurs only if it is a regulated animal. Finally, the amendment provides that amphibians and reptiles may be captured, removed or destroyed by any person without a permit where it involves an immediate threat to human life or private property.

Synopsis of Original Bill

This bill would provide protection for species of wildlife (native reptiles and amphibians) which currently receive no legal protection through New Mexico statutes. The State Game Commission would be able to establish rules to allow take of reptiles and amphibians while maintaining viable populations of these wildlife species. Current statutes that protect only the bullfrog are repealed.

Significant Issues

Currently, native reptiles and amphibians in New Mexico receive no regulatory protection against take unless they are listed as Endangered under the Wildlife Conservation Act (17-2-37 through 17-2-46 1978 NMSA) or if they are listed under the federal Endangered Species Act. Lack of regulatory protection may contribute to an inability to implement conservation measures within the state to preclude reptiles and amphibians from reaching an Endangered status within the state.

FISCAL IMPLICATIONS

See Administrative Implications below.

ADMINISTRATIVE IMPLICATIONS

Some costs, primarily in labor, would be associated with the passage of this bill, but they would be expected to be relatively small. Department of Game and Fish staff is already tracking the status of native reptiles and amphibians to determine whether or not they warrant listing under the Wildlife Conservation Act. Therefore, the time required to develop regulations regarding the take of these species would be primarily for administrative procedures associated with rulemaking. Some labor costs would be associated with the enforcement of the provisions of this bill. Enforcement activities would largely overlap with activities designed to enforce existing laws, and therefore would likely result in limited additional costs. Any increases in costs could be absorbed within existing agency resources.

SUGGESTED AMENDMENTS

1. Move all of Section B into Section C. This section is essentially providing guidance to the Commission regarding permitting if they determine in Section C that it is necessary to provide permits.
2. Section D. Add the words "if required by regulations.."
3. The department would propose that the new section read:
 - E. "Amphibians and reptiles may be removed, captured or destroyed without a permit, by any person, in emergency situations involving an immediate threat to human life or private property."

FAR/nw:ar