

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

SPONSOR Taylor, JG DATE TYPED 2/7/2004 HB 565

SHORT TITLE Taking of Animals on Private Land SB \_\_\_\_\_

ANALYST Aguilar

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
	NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates SB 295

### SOURCES OF INFORMATION

LFC Files

*Report of the Legislative Finance Committee to the Forty-Sixth Legislature, Second Session, January 2004 for Fiscal Year 2004 – 2005, pp. 371 – 381.*

#### Responses Received From

Department of Game and Fish (DGF)

New Mexico Department of Agriculture (NMDA)

### SUMMARY

#### Synopsis of Bill

House Bill 565 amends existing statute clarifying procedures for landowner taking of animals on private land; provides for the processing of animal carcasses to minimize waste; clearly defines landowner responsibilities and actions concerning issues of human safety and property damage and clarifies language definition.

House Bill 565 declares an emergency.

#### Significant Issues

DGF reports that current statute allows land owners, lessees or their employees to kill animals when they perceive a threat to property, including crops without following regulations adopted

by the State Game Commission (SGC). This bill provides for the killing of an animal that presents an immediate threat to human life requiring only that the landowner report the killing to DGF within 24 hours.

Animals that present a threat of damage to property, including crops, may be killed with advance written consent from the landowner and in accordance with SGC adopted regulations.

Existing statute provides that the DGF will offer at least three different interventions to property owners to eliminate the depredation problem. HB 565 adds language providing that one of the interventions offered is a permanent intervention.

This bill changes language which allows a landowner to kill an animal believed to be responsible for property depredation, if interventions have not proven successful after one year, only on the property or portion of the property identified in the complaint and provided that the landowner has not rejected a permanent intervention.

In all cases where an animal has been killed in compliance with statute, the landowner is required to report the killing to DGF within 24 hours and process the animal carcass to minimize waste.

### **FISCAL IMPLICATIONS**

Currently, the performance measure for DGF to resolve 95 percent of complaints filed within one year. This bill, as written, requires the SGC to develop regulations and mandates the landowner to work with DGF to find permanent resolution for the complaint filed, and is consistent with this performance measure.

### **ADMINISTRATIVE IMPLICATIONS**

This bill will allow the SGC broader latitude and control to establish depredation rules and solutions governing landowner killing and rejection criteria of intervention methods.

### **TECHNICAL ISSUES**

The legislature may wish to consider adding a definition of “permanent intervention”.

The legislature may wish to consider, on page 2, line 11, the addition of “and livestock” after the word “crops”. This would clarify the definition for the ranching community.

**PA/lg:yr**