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FISCAL IMPACT REPORT

SPONSOR Griego DATE TYPED 2/7/2004 HB _____

SHORT TITLE Taking of Animals on Private Land SB 295

ANALYST Aguilar

APPROPRIATION

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

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HB 565

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

Senate Bill 295 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.

Senate Bill 295 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. SB 295 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 regulation 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.