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## FISCAL IMPACT REPORT

ORIGINAL DATE 1-26-06  
 SPONSOR McCoy LAST UPDATED 2-15-06 HB 252/aSPAC  
 SHORT TITLE Bear-Proof Containers in Certain Areas SB \_\_\_\_\_  
 ANALYST Woods

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
NFI	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

### SUMMARY

#### Synopsis of SPAC Amendment

Senate Public Affairs Committee amendment to HB252 amends the legislation as follows:

1. On page 6, line 22, strike “required” and insert in lieu thereof “recommended”.
2. On page 7, line 2, strike “required” and insert in lieu thereof “recommended”.
3. On page 7, line 3, strike “enforcement of requirements for the”.
4. On page 7, line 16, insert a closing quotation mark after the period.
5. On page 7, strike lines 17 through 21 in their entirety.

Senate Public Affairs Committee amendment to HB252 adds no appropriation to the legislation.

Synopsis of Original Bill

House Bill 252, which relates to game and fish; providing for bear-proof containers, amends Section 17-1-14 NMSA 1978 (being Laws 1921, Chapter 35, Section 7, as amended by Laws 2005, Chapter 38, Section 1 and by Laws 2005, Chapter 177, Section 1) by inserting the following new language:

F. The state game commission may designate areas where bear-proof garbage containers are required. The state game commission shall notify, within thirty days after designating such an area, each county, municipality or other political subdivision in that area of the designation. A political subdivision in which bear-proof containers are required shall establish a plan for the implementation and enforcement of requirements for the use of bear-proof containers in these designated areas. The state game commission may use the big game depredation damage fund for cooperative funding to encourage cost-effective implementation with a political subdivision requesting assistance in implementing its plan. As used in this subsection, "bear-proof container" means a covered dumpster or container that is structurally configured and constructed of materials to prevent or substantially impede access by wildlife or a container enclosed in an area not accessible to wildlife. The state game commission shall adopt rules on the capacity requirements of bear-proof containers located at commercial establishments or in use as community dumpsters and on an exemption from the rules for small capacity containers at residential properties. A container that exists at the time a county, municipal or other political subdivision's plan is implemented and that has a future life expectancy of three years or more is not required to be a bear-proof container for a period of three years from implementation of the plan.

There is no appropriation attached to this legislation.

**FISCAL IMPLICATIONS**

The Department of Game and Fish (DGF) indicates that the proposed bill allows the State Game Commission the ability to designate areas where bear-proof garbage containers are required, and allows the commission to use funds designated for correcting damage caused by big game on federal, state or private land and to prevent future damage.

DGF further notes that while the commission may provide cooperative funding to encourage cost-effective implementation (such as grant match) with a political subdivision, the legislation does not indicate either a maximum or minimum amount that could be allocated to assist political subdivisions. The commission will notify the county, municipality or other political subdivision of the designation within 30 days and notified political subdivisions must develop a plan for container implementation.

**SIGNIFICANT ISSUES**

DGF indicates that it is unknown how many political subdivisions will be required to provide bear-proof containers and how many will request assistance from the department. The department recognizes that bear-proof containers are in the best interest of bears, political subdivisions and the department itself, therefore an offer of limited cooperative funding is necessary for practical, long-term solutions that protect bears, as well as citizens and diminish human/bear interac-

tions. Language in the bill recognizes implementation limitations and provides that existing containers with a future life expectancy of 3 years or more not be converted to “bear proof” immediately and in addition, it also provides an exemption for small capacity containers normally used in residential areas.

### **ADMINISTRATIVE IMPLICATIONS**

This legislation requires the State Game Commission to promulgate rules that establishes capacity requirements for containers at commercial establishments, community dumpsters and provides exemptions for residential properties. The bill also requires the commission to designate areas where bear-proof containers are required and provide notification to counties, municipalities, or political subdivisions within 30 days. Political subdivisions would also develop a plan, but there is no timeline for plan development.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

DGF notes that the proposed language expands on current language in the statute, specifically section 16 of 17-1-14 NMSA 1978.

BW/mt