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FISCAL IMPACT REPORT

ORIGINAL DATE 2/01/2007

SPONSOR Barela LAST UPDATED _____ HB 616

SHORT TITLE Game and Fish Rule Penalty Assessments SB _____

ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Non-Rec	Fund Affected
FY07	FY08	FY09		
\$50.9	\$50.9	\$50.9	Recurring	Game Protection Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total	\$27.4	\$27.4	\$27.4	\$82.2	Recurring	Game Protection Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

SUMMARY

Synopsis of Bill

House Bill 616 seeks to expand the number of penalty assessment misdemeanors for minor game and fish violations. Fishing, manner and method, small game and waterfowl rule violations would become penalty assessments. Violations like hunting or fishing without a habitat stamp, 2 bass or quail over the bag limit, driving off-road while hunting would be penalty assessments and a violator apprehended doing one of these or similar, would be able to accept a penalty assessment and agree to remit the penalty amount as designated in the bill:

Fishing without a license (17-3-17) \$75.00
Hunting small game without a license (17-3-1) \$150.00
Fishing rule infractions (17-2-7) \$100.00
Upland game rule infractions (17-2-7) \$150.00
Waterfowl rule infractions (17-2-7) \$150.00
Manner and method infractions (17-2-7) \$150.00

DGF indicates that fishing without a license and hunting small game without a license are the only infractions that currently have the penalty assessment option available. It is the violator that chooses whether to take the penalty assessment or to appear before a magistrate judge. This is similar to minor traffic infractions and the citations associated with them. Big game poaching is not part of this penalty assessment bill and would still require an alleged violator to go to magistrate court in the county where the violation occurred.

FISCAL IMPLICATIONS

DGF notes that the department already collects penalty assessment fees for two violations: fishing and hunting small game without a license. Last fiscal year, 445 out of 780 penalty assessment violators paid their money resulting in a 57 percent compliance rate. Those that did not pay had their hunting and fishing license privileges revoked by the State Game Commission in accordance with 19.31.2 NMAC.

The new penalty assessment fees range in amount from \$100 to \$150. Based on the average value for the penalty assessments outlined in the bill, times the estimated 650 violations annually, and assuming a 57 percent compliance rate, the Department will collect an estimated total of \$50, 900.

DGF estimates that the department expends approximately the same amount as is received from current penalty assessments. These expenses are attributable to: tracking payments, office staff time, postage and equipment. The increased expenditures created by additional penalty assessments – estimated at a 83 percent increase – would likely cost another \$27,400 in operating expenses to administer the necessary paperwork.

SIGNIFICANT ISSUES

DGF advises that the department has received complaints from individuals receiving citations stating that they would rather send in their payment like a traffic ticket instead of taking off work and driving to court (often in a different location than their residence). By allowing the penalty

assessment option for more misdemeanors, the department would be able to more efficiently utilize conservation officers' time in the field responding to citizen needs and less time preparing and participating in court proceedings. The average case for the Department takes about 6-8 hours of preparation, travel and trial time. Assuming 650 fewer appearances in court, this bill would allow for reallocation of approximately 3900-5200 hours or 487-650 officer days per year. Officers could instead spend their time patrolling in the field or responding to citizen needs around the state. Moreover, DGF opines, the bill would also reduce magistrate court caseloads.

ADMINISTRATIVE IMPLICATIONS

DGF suggests that additional training would have to be conducted. However, training is carried out on an annual basis for conservation officers and the department has qualified DPS instructors that could meet this obligation with no additional cost or minimal impact to its budget.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

DGF advises that, "Violators will continue to be cited into magistrate court for these types of infractions. The assessment option will not be available to anyone and mandatory court appearance will still be required."

BFW/csd