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## FISCAL IMPACT REPORT

**ORIGINAL DATE**  
**SPONSOR** Soules **LAST UPDATED** 01/30/15 **HB** \_\_\_\_\_

**SHORT TITLE** Landowner Taking or Killing Animals on Land **SB** 73

**ANALYST** Sanogo

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>	NFI	NFI	NFI			

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 215

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Game and Fish Department (DGF)

### SUMMARY

#### Synopsis of Bill

Section 17-27.2 NMSA 1978 currently permits a landowner to take or to kill an animal on private land when the animal represents an immediate threat of damage to property (including crops and pastures). SB 73 would prohibit such taking or killing of an animal, except in accordance with rules adopted by the State Game Commission.

SB 73 clarifies that landowners shall not be prosecuted if they were in the act of killing an animal on private land under the provisions outlined under 17-2-7.2.

### FISCAL IMPACTIONS

No fiscal impacts.

According to the Game and Fish Department (DGF), negative fiscal impacts could arise if there is an increase in damaged property and crops. If the increase were significant, it could require additional fiscal resources in order to provide realistic interventions, including wildlife resistant fencing materials and supplies when appropriate. DGF reports that the level of this increase is currently unknown.

**SIGNIFICANT ISSUES**

The Game and Fish Department notes that landowners may perceive SB 73 as overly restrictive:

Property, including crops, on private land is private property and many landowners and lessees may see these proposed amendments as preventing them from taking immediate action to protect their private property from being damaged by game animals.

**PERFORMANCE IMPLICATIONS**

By rule, GFD officials must respond within ten days, offering a minimum of three formal interventions for preventing, resolving or correcting the wildlife caused damage. GFD must also initiate interventions accepted by the landowner, lessee, within five days of receipt of acceptance, or such later time as reasonable based on the intervention accepted.

If there is a significant increase in reporting, GFD argues that it may not be able to respond as promptly and that it may run out of supplies and equipment to deter and prevent species from damaging property. The increase may lead to underperformance in this required area:

The [GFD] has consistently met or exceeded the performance measures related to wildlife depredation and nuisance abatement. It is unknown if an increase in property-related depredation complaints resulting from this amendment may limit the department's ability to meet the current performance measure of a 95 percent resolution rate within a one year time frame (See House Bill 2, HAFC Committee Substitute 2014, page 87).

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