

# **NMCGA ON THE TRAIL**

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## ***Wildlife: The New Cost of Production?***

*With approximately ten days left in the 2021 legislative session the finish line is in sight, but the work to get there is far from over. The first virtual session in our State history has been challenging on all fronts. New Mexico Cattle Growers Association has been vigilant, remaining on top of introduced legislation to protect the rural communities and producers of New Mexico.*

*A particular bill that has NMCGA and other organizations attention is Senate Bill 312 'Game & Fish & Wildlife Changes' sponsored by Senators Jeff Steinborn and Nathan Small. A 241 page bill, SB 312 is far too broad. An array of topics are addressed, starting with an act to rename the Department of Game and Fish to the "Department of Wildlife Conservation" and the State Game Commission to the "State Wildlife Conservation Commission". Both are a costly endeavor, approximately \$3 million, with the purpose to change the usage of the term 'Game' to 'Wildlife'. Private property rights, specifically the Jennings Law, also stand to be repealed in the bill. A law in effect for over a decade, the Jennings Law gives private landowners the right to protect their livestock and crops from wildlife depredation and damage. The 90/10 Rule would also be affected. A rule in which 90% of hunting tags are sold over the counter or drawn for in-state and 10% of hunting tags are allotted to outfitters and guides to be sold to out-of-state hunters. In addition, SB 312 conflicts with the current Stream Access Law.*

*Senator Steinborn's bill was assigned to Senate Conservation and Senate Finance. A tie vote in the first hearing was followed by an additional tie vote on a motion to reconsider with amendments; leaving the bill unable to move out of Senate Conservation.*

*Senator Steinborn countered that outcome by utilizing a 'Peace, Safety, and Public Welfare Bill' to house the most harmful piece of SB 312, repealing the Jennings Law. SB 419 titled 'Narrowing Landowner Animal Takings' removes from New Mexico statute landowners' right to protect private property and livestock from depredating wildlife.*

*Under SB 419 the New Mexico State Game Commission would promulgate rules and regulations specifying "when, whether and by what manner and method a species can be taken or killed in order to mitigate damage." Repealing the law and giving the commission full authority has severe consequences to landowners.*

*The Jennings Law has been very successful in defining the rights citizens have in regards to State Trust Wildlife and citizen interactions. The law has not impacted hunters' rights or hunting opportunities but has helped remove problem bears from mountain and foothill communities, nuisance raccoons inhabiting Albuquerque attics and animals showing signs of disease such as rabies and plague. Further, if the Jennings Law is repealed the State would be taxed with compensating property owners for property damages, utilization of resources and destruction of crops; as property has constitutional protections both at the State and Federal levels.*

*The Jennings Law has not been over utilized according to a study performed by the Lineberry Policy Center for Natural Resource Management at New Mexico State University; nor has it any negative effect on wildlife management by New Mexico Department of Game & Fish.*

*With the support of co-sponsor Mimi Stewart, Steinborn's SB 419 was heard in Senate Conservation on Saturday, March 6<sup>th</sup>. SB 419 passed committee on a 6-3 vote and will be heard next in Senate Finance. During the hearing on Saturday morning the question was posed "Why would the legislature give up its authority and defer to a commission to declare what the law will be?"*

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