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FISCAL IMPACT REPORT

SPONSOR McQueen ORIGINAL DATE 2/24/16
LAST UPDATED _____ HB 254/HSIVCS
SHORT TITLE Game Commission Legislative Appointments SB _____
ANALYST Armstrong

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			None			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Game and Fish (DGF)

SUMMARY

Synopsis of Substitute Bill

The House State Government, Indian and Veterans Affairs Committee Substitute for House Bill 254 (HB254) changes the appointing authority for members of the State Game Commission (SGC), with three members appointed by the governor and four by the Legislative Council. The bill requires the governor to appoint one member from each congressional district and no more than two shall be affiliated with the same political party. The Legislative Council must appoint members as follows: one member from the non-consumptive outdoor recreation conservation community, one member from the hunting and fishing community, one member from the agricultural community, and one scientist specializing in biology, ecology, or wildlife management from a state educational institution. No more than two of these members may be affiliated with the same political party.

HB254 prohibits appointment of individuals who have changed political party affiliation or become unaffiliated during the previous four years. All appointments must be confirmed by the Senate and are limited to two six-year terms, including any term shortened by appointment to fill a vacancy. Initial terms are staggered. All members under the new composition are to begin serving on January 1, 2019. Finally, the bill grants the NM Supreme Court exclusive jurisdiction over removal of a commissioner for incompetence, negligence, or malfeasance in office.

Currently, all seven SGC members are appointed by the governor, with the advice and consent of the Senate, based on five districts and two at large members. One member must represent agriculture and one must represent wildlife and habitat protection interests.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

According to DGF analysis:

The bill's selection process would have the Legislative Council selecting the majority membership of the Game Commission thereby creating a division of powers between the executive and the legislative branches of government. Under the current process all members are appointed by the Governor and are required to obtain the advice and consent of the Senate which is founded on the system of checks and balances.

Appointments made by the Governor are restricted to one member from each congressional district. Because these districts are not static, a situation could arise after redistricting where members no longer meet the requirement and would have to be removed. If a commissioner who is appointed by the legislative council is removed, the legislative council may have to convene a special meeting to appoint a new commissioner.

JA/al