

LFC Requester:

Helen Gaussoin

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 01/27/2025

Check all that apply:

Bill Number: SB 114

Original Correction
Amendment Substitute

Sponsor: Sen. Pat Woods
Rep. Randall Pettigrew

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Person Writing

Short Title: GAME COMMISSION
LAND ACQUISITIONS

Analysis: Blaine N. Moffatt

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

Senate Bill 114 (“SB114”) proposes amendments and new language to be added to NMSA 1978, Section 17-4-1 POWER TO ACQUIRE LAND, that sets out a statutory change to the process for the Game Commission to acquire land. The bill adds language under NMSA 1978, Section 17-1-14 and Section 17-2-44 that requires the Game Commission and its director to be “subject to the procedural requirements of 17-4-1 NMSA 1978.”

SB114 proposes additional requirements and procedure for the acquisition of land. First, the Game Commission shall (1) obtain written approval of an acequia association, a land grant, and the board of county commissioners of the county in which the property or water rights sought are located; (2) examine and compile a report on the social, cultural and economic impacts to the acequia association, land grant or county in which the acquisition is located; and (3) obtain the approval of the legislature for the acquisition.

SB114 also proposes language that requires the Game Commission to report to the legislature funds spent to acquire lands and future funds needed.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

SB114 could potentially impose a burden on land grants, associations, and counties to provide written approval. As proposed, the Game Commission would likely need to provide rules on what that process would look like and what would be satisfactory for a letter of approval.

SB114 requires legislative approval for each acquisition. This would be a departure from many other acquisition requirements either set out in New Mexico procurement code or other statutory schemes. For example, the Game Commission’s statutes require New Mexico State Board of Finance approval for the transfer of capital outlay funds. Presumably, it would be much easier for the Game Commission to acquire State Board of Finance approval for such acquisitions of property. Unlike the legislature, which meets once per year, the State Board of Finance meets monthly. Further, the State Board of Finance already reviews many state acquisitions of property

under rules it has promulgated.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Companionship: SB114 is related to SB5 – GAME COMMISSION REFORM. SB5 renames the Game Commission the Wildlife Commission and expands the duties of the Commission.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

See Conflict, Duplication, Companionship, Relationship above.