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FISCAL IMPACT REPORT

SPONSOR <u>Sen. Woods/Rep. Pettigrew</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/7/2025</u>
SHORT TITLE <u>Game Commission Land Acquisitions</u>	BILL NUMBER <u>Senate Bill 114</u>
	ANALYST <u>Gaussoin</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DGF	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal		Recurring	Other state funds

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Relates to Senate Bill 5.

Sources of Information

LFC Files

Agency Analysis Received From
 New Mexico Acequia Association
 New Mexico Attorney General (NMAG)
 Department of Game and Fish (DGF)

Agency Analysis was Solicited but Not Received From
 Department of Finance and Administration (DFA)

SUMMARY

Synopsis of Senate Bill 114

Senate Bill 114 (SB114) would require the State Game Commission to, before purchasing land or water rights, obtain the written approval of an acequia association, land grant, and county commission in which the property or water rights are sought, compile a report on the social, cultural, and economic impacts of the purchase, and obtain legislative approval.

The bill would also require the commission to report to the Legislature no later than October 1 of each year on all land and water rights expenditures and the results of any impact report, and recommendations for legislative approval of future purchases.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

The requirements of the bill represent additional workload for the Department of Game and Fish (DGF), but the costs likely could be absorbed within the department’s existing budget. The department did not provide a cost estimate.

SIGNIFICANT ISSUES

DGF raises concerns about the amount of power the bill would grant to a single entity, noting a single land grant or acequia association could stop an acquisition approved the Legislature, prevent a land or water right donation to the department, or limit opportunities for a private owner to sell.

The New Mexico Acequia Association reports acequias and community ditches—political subdivisions of the state—often do not have the resources to investigate and possibly oppose land and water rights acquisitions that could negatively affect their communities, operations, and resources:

Historically, acequia and community ditches have been negatively impacted by conservation projects, such as fish hatcheries, in the acquisition of water rights. Requiring the State Game Commission to obtain written approval by an acequia and community ditch prior to acquiring water rights or land would provide a community-based approval process and opportunity for input that is needed when considering the welfare of rural communities.

Subsequently, the inability to oppose purchases perceived to be adverse hinders the ability of an acequia or community ditch to “foster positive rural development.”

The Office of Attorney General (NMAG) notes legislative approval for every acquisition is a “departure from many other acquisition requirements either set out in the New Mexico Procurement Code or other statutory schemes.” For example, NMAG points out, the State Board of Finance approves the transfer of capital outlay fund. NMAG suggests the board, which meets monthly and has experience and rules guiding the review of property acquisitions, might be a more appropriate body for approving Game Commission land and water rights acquisition.

ADMINISTRATIVE IMPLICATIONS

DGF reports most of the Game Commission’s land acquisitions involve federal funds and require a standard land appraisal valid for one year. From DGF: “The bill will require multiple years to obtain approval and, therefore, require multiple appraisals. The delays caused by this process could limit the ability to acquire property and increase costs.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB114 relates to Senate Bill 5, which would change the formation and mission of the Game Commission and the department.

TECHNICAL ISSUES

The language of the bill is unclear concerning written approval from an acequia association, land grant, or county commission in which the proposed purchase is located. While it is possible to buy land within a county that does not belong to the county, land grants and acequia associations own the land or water in which they are located and presumably would not sell unless it was in their interest. If the intent is to allow acequia associations and land grants to approve or refuse purchases that could impact them, language should be drafted that says that and defines what conditions would give a land grant or acequia association the right of approval.

HG/hj/SL2