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FISCAL IMPACT REPORT

SPONSOR <u>McQueen</u>	LAST UPDATED _____
	ORIGINAL DATE <u>1/27/23</u>
SHORT TITLE <u>State Game Commission Changes</u>	BILL NUMBER <u>House Bill 184</u>
	ANALYST <u>Gaussoin</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			
Total						

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

Conflicts with House Bill 184.

Sources of Information

LFC Files

Responses Received From
Department of Game and Fish (DGF)
New Mexico Attorney General (NMAG)
State Ethics Commission

SUMMARY

Synopsis of House Bill 184

House Bill 184 (HB184) would change the way state game commissioners are appointed by giving the Legislative Council authority to appoint four of the seven members. Currently, all seven members are appointed by the governor with the consent of the Senate, with five members representing regions of the state and two serving at large.

Under HB184, the governor would appoint one each from the state’s congressional districts with no more than two from the same political party. The governor’s appointees would be subject to Senate approval. The Legislative Council would appoint four members: a rancher or farmer, a conservationist with a wildlife organization not focused on a game species, a hunter or angler, and a scientist with a master’s degree wildlife biology, conservation biology, fisheries science or management, wildlife management or a similar field. No two council appointees could be from the same county.

The members would serve staggered six-year terms, compared with the current four-year terms,

and would be limited to two terms. A commissioner could not be removed except for incompetence or malfeasance and only by the Supreme Court.

The effective date of this bill is January 1, 2024.

FISCAL IMPLICATIONS

The bill reorganizes an existing body and is unlikely to have a fiscal impact.

SIGNIFICANT ISSUES

The commission has struggled to maintain membership over the last year and currently has three vacant positions, creating the potential it could lose a quorum if any one member is sick or misses a meeting for other reasons. Hunting and fishing conservation groups have criticized the current make up for failing to adequately represent conservation interests.

The Department of Game and Fish notes appointing members based on congressional districts could result in forcing out a member if redistricting put two members in the same congressional district. It further notes the Legislative Council might need to hold an emergency meeting to appoint a new member if an existing member leaves before the end of the member's term.

The office of Attorney General (NMAG) raises concerns on the timeliness of the state Supreme Court in actions concerning commissioners:

The bill proposes to give the New Mexico Supreme Court the authority to promulgate rules to remove commissioners from the State Game Commission and original jurisdiction over the removal proceedings of any Commission member. At the present time, it is difficult to predict the timeframe that the New Mexico Supreme Court will establish for initiating these removal proceedings as their docket can fluctuate and the proposed statute does not specify a timeframe in which these proceedings would be held.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 184 conflicts with House Bill 183, which anticipates converting the existing policy-making board to one that is advisory only.

TECHNICAL ISSUES

NMAG notes a technical issue:

The proposed subsection (G) of Section 17-1-2 states “An appointed commissioner shall serve and have all of the duties, responsibilities and authority of that office during that period of time prior to final action by the senate confirming or rejecting the commissioner’s appointment.” However, the members of the Commission that are appointed by the New Mexico legislative council do not require Senate approval. Perhaps referring to the Governor appointed commissioner or member of the commission might reduce any confusion with Commission members who do not require Senate approval.