

LFC Requester:	Gaussoin
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov

(Analysis must be uploaded as a PDF)

SECTION I: GENERAL INFORMATION

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

Date Prepared: Jan. 31, 2025 *Check all that apply:*
Bill Number: _____ Original Correction
 Amendment Substitute

Sponsor: Small **Agency Name and Code** State Ethics Commission (410)
 Sen. Campos, Sen. Wirth, Sen. Brantley, Rep. McQueen, Rep. **Number:** _____
Short Title: Game Commission Reform **Person Writing** Connor G. Woods
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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	Indeterminate	Indeterminate	Indeterminant			

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Amendment: The Senate Rules Committee amendments (i) deletes SB 5's declaration of policy, (ii) moves the original jurisdiction of removal proceedings from the state Supreme Court to the district court, (iii) changes mandatory considerations required of the State Wildlife Commission when determining how best to protect a species of wildlife to discretionary considerations, and (iv) changes the timeline for implementation.

Original Synopsis: Senate Bill 5 renames the State Game Commission the State Wildlife Commission

and the Department of Game and Fish, the Department of Wildlife. The bill creates the Wildlife Commission as a commission with seven voting members appointed by the Governor (following recommendation by a nominating committee) and confirmed by the Senate. The bill specifies conditions for each appointed member and a procedure for the removal of commissioners. Senate Bill 5 also creates non-voting advisory memberships. It also creates a seven-member State Wildlife Commission nominating committee, providing for who those nominating committee members are appointed. Temporary provisions of the bill sunset the current Game Commissioners on January 1, 2027, authorize the Wildlife Commission and the Department of Wildlife as the successor agencies to the Game Commission and Department of Game and Fish, respectively, and provide for the initial appointments of Wildlife Commissioners, by staggered terms, starting January 1, 2027.

Senate Bill 5 also empowers the State Wildlife Commission with rulemaking power regarding how wildlife may be hunted, sold, and imported or exported from the state, and instructions the Commission to consider specific population and ecological factors when promulgating rules.

Senate Bill 5 also amends the Wildlife Conservation Act to authorize the Commission to make rules to protect a species of wildlife and to require the Wildlife Department to publish data collected on the species of greatest conservation need.

Senate Bill 5 also increases the fees for hunting and fishing licenses and authorizes the State Wildlife Commission to adjust license fees based to keep pace with inflation, based on increase in the consumer price index as published by the U.S. Department of Labor

FISCAL IMPLICATIONS

The amendments to SB 5 do not alter the Commission's initial fiscal analysis. Costs associated with litigating removal actions are not negligible, they are, however, indeterminate at this point.

SIGNIFICANT ISSUES

The Senate Rules Committee amendments remove the major constitutional issue present in the original bill. However, the process for removing a wildlife commissioner is still slightly unclear.

Subsection 2(G) of the amended SB 5 states that “no removal shall be made without notice of hearing and an opportunity to be heard having first been given to the commissioner.” The next sentence authorizes the State Ethics Commission to bring a removal action in district court. It is not entirely clear whether the “notice of hearing and opportunity to be heard” mandates a hearing to occur prior to the State Ethics Commission’s initiation of an action, or if the litigation process addresses these concerns. If SB 5 does, in fact, mandate that a hearing occur prior to the Commission bringing an action, it is entirely unclear where the hearing occurs (e.g., before the remaining State Wildlife Commissioners or the State Ethics Commission).

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS