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FISCAL IMPACT REPORT

BILL NUMBER: Senate Bill 104

SHORT TITLE: Removal of Wildlife Commission Members

SPONSOR: Sens. Wirth, Campos and Brantley/Reps. Small and McQueen

LAST ORIGINAL
UPDATE: _____ **DATE:** 1/29/26 **ANALYST:** Davidson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Supreme Court		\$156.7	\$156.7	\$313.4	Recurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency or Agencies Providing Analysis

New Mexico Attorney General

Administrative Office of the Courts

Agency or Agencies That Were Asked for Analysis but did not Respond

Department of Game and Fish

SUMMARY

Synopsis of Senate Bill 104

Senate Bill 104 (SB104) amends one section of the statute governing the state Wildlife Commission, adding language allowing for proceedings to be held by the governor for the removal of a commissioner. The new language states the commissioner will be given notice of the hearing and the opportunity to be heard before the hearing and grants the New Mexico Supreme Court exclusive jurisdiction over the removal proceedings of commissioners.

The effective date of this bill is January 1st, 2026.

FISCAL IMPLICATIONS

Due to the bill granting exclusive jurisdiction of wildlife commissioner removal proceedings to the state's Supreme Court, the court could require additional recurring funds to cover the increased workload. Due to this, LFC estimates the court could need one additional staffer, estimated at the agency's average salary.

SIGNIFICANT ISSUES

The New Mexico Attorney General (NMAG) analysis for the bill finds the process to be used in a removal proceeding is unclear in the bill, and the bill does not provide reference to a similar proceeding to use as an example. NMAG also found the bill does not empower any entity with the necessary rulemaking authority to establish the structure for the removal proceedings.

NMAG is currently empowered to prosecute and defend “all actions and proceedings brought by or against any state officer or head of a state department, board, or commission, or any employee of the state in his official capacity.” NMAG finds the bill has the potential to create administrative complications in defending or prosecuting a removal proceeding.

AD/sgs/hg/sgs