

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

ORIGINAL DATE 1-21-2009

SPONSOR Stewart LAST UPDATED 2-5-2009 HB 5/aHHGAC

SHORT TITLE Department of Game and Fish Appropriation Act SB _____

ANALYST Woods

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
	\$10,942.5	Recurring	Federal Funds
	\$26,664.6	Recurring	Other State Funds

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act, Section 4 for the Department of Game and Fish.

SOURCES OF INFORMATION

Report of the Legislative Finance Committee to the Forty-Ninth Legislature, First Session, January 2009 for Fiscal Year 2010, Volume II, pp. 192 – 197.

Responses Received From
Department of Game and Fish

SUMMARY

Synopsis of HHGAC Amendment

Health and Government Affairs Committee amendment to House Bill 5 corrects a drafting error in the Temp FTE count contained in the Sport Hunting and Fishing Program and moves 1.00 FTE from the Sport Hunting and Fishing Program (P716) to the Administrative Program (P719).

FISCAL IMPLICATIONS

This amendment does not change any fiscal appropriation to the department.

SIGNIFICANT ISSUES

In the original language, a drafting error occurred in the Sport Hunting and Fishing Program containing 2.00 Temp FTE and this amendment corrects this drafting error and reflects 1.50 Temp FTE.

ADMINISTRATIVE IMPLICATIONS

At the agency's request, a change to the total (196.00) Perm FTE in the Sport Hunting and Fishing Program (P716) is reduced by 1.00 FTE and moved to the Administrative Program (P719).

Synopsis of Original Bill

This bill contains the FY2010 Operating Budget appropriation for the Department of Game and Fish. It appropriates money for six budgeted funds under the jurisdiction of the State Game Commission and the Department. The amounts contained in this bill represent the Legislative Finance Committee recommendation and generally maintain funding levels contained in the agency base budget request.

FISCAL IMPLICATIONS

The expenditure amounts in the bill are consistent with the agency base request and the addition of selected expansion requests. The recommended expansion requests include:

- An increase of 1.0 Perm FTE in the Sport Hunting and Fishing Program, for a shooting sports coordinator funded with \$115.0 of federal funds and \$40.8 of license sales revenue;
- An increase of 1.5 Temporary FTE in the Sport Hunting and Fishing Program, for Rock Lake Hatchery, funded with \$61.8 federal funds and \$25.5 license sales revenue;
- An increase of 1.0 Perm FTE in the Conservation Services Program for native aquatic research and management, funded with \$95.9 of federal revenue.

This bill is based on the LFC recommendation, and eliminates all funding from the state General Fund. These appropriations were previously made in the Conservation Services and Sport Hunting and Fishing Programs. Prior year general fund appropriations have been around \$330,000 and were used to fund state matching dollars for federal funding used for endangered species research biologists, wildlife rehabilitation programs, youth outdoor recreation and warm water hatchery operations. It should be noted that neither the LFC or Executive recommendations included General Fund in their FY10 recommendations, and this bill substitutes other state funds for general fund dollars.

The department notes that many of the agency's programs provide services and benefits to a wide array of New Mexicans, not just the hunters and anglers who purchase licenses. The general fund is meant to provide funding from that greater group of stakeholders, rather than placing the entire financial burden on the license buying segment of the populace.

PERFORMANCE IMPLICATIONS

The bill reflects some changes to performance measures and targets for FY 2010 and requested by the agency for FY 2010. This bill represents the Department of Game and Fish's seventh appropriation under performance based budgeting, as required in the Accountability in Government Act. There is a direct correlation between the program appropriations and the ability of the Department to meet the performance target levels outlined in its performance measures.

The amounts appropriated are distributed across the Department's four programs listed below:

Sport Hunting and Fishing Program - The performance measures and target levels included in this bill are as follows:

- Annual output of fish from the department's hatchery system, in pounds remains at 425,000, the same as FY 2009.
- Number of days of elk hunting opportunity provided to New Mexico resident hunters on an annual basis remain at 165,000, the same level as in FY 2009.
- Percent of public hunting licenses drawn by New Mexico resident hunters remain at 80%, the same level as in FY 2009.
- Angler opportunity and success remains at 80%, the same as FY 2009.
- Percent of anglers satisfied with opportunity and success remains at 80%, the same as FY 2009.

Conservation Services Program- The performance measures and target levels included in this bill are as follows:

- Number of state threatened and endangered species studied and conserved through recovery planning and the comprehensive wildlife conservation strategy for New Mexico is 35, which is the same as FY 2009 target.
- Number of acres of wildlife habitat conserved, enhanced or positively affected statewide remains at 100,000 the same as FY 2009 target.
- Number of recreational days of access provided by the gaining access into nature project remains at 10,000, the same as FY 2009 target.

Wildlife Depredation and Nuisance Abatement Program - The performance measure for this program is:

- Percent of depredation complaints resolved within one year remains at 95%.

Administration Program - The performance measure for this program is:

- Percent of special hunt applications processed without error is 99.8%.

ADMINISTRATIVE IMPLICATIONS

This bill increases the Department's FTE level by 3.5; 2.5 FTE in the Sport Hunting and Fishing Program, 1.0 FTE in the Conservation Services Program and the conversion of 1.0 Term FTE to Perm in the Administration Program. The following sections summarize the fiscal impact of this recommendation to each of the Department's Programs:

Sport Hunting and Fishing Program - The appropriation proposed for this program is \$21,178.1, which represents the agency base request and the approved program expansions. The approved expansions include an increase of 2.5 FTE, 1.5 FTE for Rock Lake Hatchery and 1.0 FTE for a shooting sports coordinator/

Conservation Services - The appropriation proposed for this program is \$7,734.3, which is consistent with the agency request and the approved program expansion of 1.0 FTE for research and management of native aquatic fauna.

Wildlife Depredation and Nuisance Abatement Program - The appropriation for this program is \$1,199.7, which is consistent with the agency request.

Administration Program - The base appropriation proposed for this program is \$7,495.0, which is consistent with the agency's base request.

DUPLICATION

As part of the state's overall appropriation, this bill will be incorporated into the General Appropriations Act (House Bill 2).

TECHNICAL ISSUES

This bill apparently contains a drafting error in the Temp FTE count in the Sport Hunting and Fishing Program (P716). The agency request and LFC recommendation reflect 1.50 FTE and the bill contains 2.00 FTE.

ALTERNATIVES

The agency suggests that an alternative approach would be to adopt the Executive recommendation.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Unless a duplicate appropriations act provides for a FY 2010 Operating Budget for the Department of Game and Fish, the Department will not have a budget for fiscal year 2010 to meet its statutory mandates.

AMENDMENTS

The Department proposes two amendments. One amendment is to address a drafting error and another to move 1.00 FTE from one program to another would be made to reflect current organizational structure.

- Reduce the Temp FTE counts from 2.0 to 1.5 in the Sport Hunting and Fishing Program and move 1.0 FTE from Sport Hunting and Fishing Program to the Administration Program.
 - The current bill contains the following FTE in the Sport Hunting and Fishing Program: 196.0 Perm, 2.0 Term and 2.0 Temp FTE
 - The amended bill would contains the following FTE in the Sport Hunting and Fishing Program: 195.0 Perm, 2.0 Term and 1.5 Temp FTE
 - The current bill contains the following FTE in the Administration Program: 60.0 Perm
 - The amended bill would contains the following FTE in the Administration Program: 61.0 Perm

- To reduce the Sport Hunting and Fishing Program (P716) by 1.0 Perm FTE designated to coordinate the Comprehensive Wildlife Conservation Strategy for New Mexico and move this FTE to the Administrative Program.

BW/mt