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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>McQueen/Diamond</u>	<b>LAST UPDATED</b> <u>3/14/23</u> <b>ORIGINAL DATE</b> <u>1/27/23</u>
<b>SHORT TITLE</b> <u>State Game Commission Changes</u>	<b>BILL NUMBER</b> <u>House Bill 184/aHF1#1/aSRC/aSCONC</u>
	<b>ANALYST</b> <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			

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

Conflicts with House Bill 183.

### 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 SCONC Amendment to House Bill 184

The Senate Conservation Committee amendment to House Bill 184 clarifies commissioner terms and specifies that a position would be considered vacant if the sitting commissioner misses three consecutive meetings.

### Synopsis of SRC Amendment to House Bill 184

The Senate Rules Committee amendment to House Bill 184 removes the requirement that the three members selected by the governor each represent one of the state’s three congressional districts but leaves intact language from the original bill that requires that each reside in a different county and no more than two be affiliated with the same political party. The amendment also removes language that would have provided appointees awaiting confirmation with “all of the duties, responsibilities and authority” of office before final confirmation. Finally, the amendment subjects the member who would be a scientist to the same political party restrictions as other members.

## **Synopsis of the HFI#1 Amendment to House Bill 184**

The House floor amendment to House Bill 184 clarifies a provision in the original bill that excluded commission appointees who had switched political parties within four years to allow for those who switch parties to vote in a primary and then switch back.

## **Synopsis of Original Bill**

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 seven-member commission has struggled to maintain membership over the last year and at one point earlier this year had too few members to constitute a quorum. The governor has since appointed two members, bringing the total to five. Hunting and fishing conservation groups have criticized the makeup of the panel for failing to adequately represent conservation interests, although one of the new appointees is a wildlife biologist.

The office of Attorney General (NMAG) raises concerns on the timeliness of the state Supreme Court in actions regarding 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 proposes converting the existing policy-making board into one that is advisory only.

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