

LFC Requester:

Helen Gaussoin

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original _____ **Amendment** X
Correction _____ **Substitute** _____

Date Prepared: 1/31/24

Bill No: HB 178

Sponsor: The Honorable Matthew McQueen

Short Title: Reform State Game Commission

Agency Name and Code Number: 305 – New Mexico Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands) N/A

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands) N/A

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

 N/A

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: This bill would amend the functionality of the State Game Commission (“the Commission”):

Section 1 of this bill would amend Section 17-1-1 that establishes the seven-member composition of the Commission by altering the description of its purpose in a manner than tends to emphasize conservation more than the previous statement of purpose. **Section 2** would add new definitions that help define amended rulemaking authority to be established in **Section 5**. **Section 3** of this bill would amend Section 17-1-2 to limit the Governor’s appointments to a list of qualified nominees submitted by the Commission’s nominating committee (“the Committee”), which **Section 4** of the bill would establish at new Section 17-1-2.1. The bill would not disturb the requirement that all Commission members be approved by the Senate but would only allow a Commissioner to be removed for cause in an original action presided over by the New Mexico Supreme Court (presumably through procedures established at Rule 12-604 NMRA). The bill would retain this Section’s additional personal qualifications for several of the appointees but add additional qualifications. **Section 3** of the bill would also establish the director of the New Mexico Outdoor recreation Division of the Department of Economic Development as an advisor to the Commission. The bill would immediately end the terms of all currently-appointed Commissioners in favor of the above appointees with staggered end dates to their respective first terms. **Section 5** would provide greater specificity as to the factors the Commission must consider for any rule, including climate change. **Sections 6 and 7** would assent to receiving federal aid pursuant to the Pittman-Robertson Wildlife Restoration Act (P.L. 415, 75th Congress) for deposit into the existing Game Protection Fund. **Section 8** would expand the rulemaking and policy making authority of the Commission to protect species of wildlife in addition to those specifically identified by statute. **Section 9** would add definitions to the Wildlife Conservation Act. **Section 10** would establish a priority for the Commission to monitor and report on efforts regarding “species of greatest conservation need.” **Section 11** would generally increase the various fee amounts previously authorized by Section 17-3-13, and allow the Commission to annually adjust such fees by using a ration based upon changes to the consumer price index. It would further discount fees to persons who participate in the supplemental nutrition assistance program. **Section 12** would add clarity to the rights of private parties to kill bobcats that are doing damage to livestock, and arguably by implication eliminate any other justification for such killing, and would further grant NMSU specific

exemption from Sections 17-5-1 through 17-5-9 pursuant to Sections 77-15-1 through 77-15-5. **Section 13** would rename the Game and Fish Department and the Commission as the “Wildlife Department” and “State Wildlife Commission,” respectively, and mandate extensive rebranding and renaming by July 1, 2025.

FISCAL IMPLICATIONS

None noted.

SIGNIFICANT ISSUES

Amendments

Page 18, line 22; page 19, line 12 - Section 8, while amending the Commission’s rulemaking authority, would allow the Commission to carry out its authority either by rule or policy. Generally, an agency can only establish enforceable standards by following the state rules act at 14-4-1 et seq. See definition of “rule” at 14-4-2(F).

PERFORMANCE IMPLICATIONS

None to this office.

ADMINISTRATIVE IMPLICATIONS

None to this office.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None noted.

TECHNICAL ISSUES

Amendments

Pursuant to 16 U.S.C. Section 669 of the Pittman-Robertson Act, each state must assent and pass certain conservation and licensing laws to be eligible for federal funds. Sections 7 and 8 would provide such assent. It is not clear if this State has previously provided such assent, having sufficient laws for many years to otherwise be eligible.

It is unclear whether Section 8, which would expand the rulemaking and policy making authority of the Commission to protect species of wildlife in addition to those specifically identified by statute, is necessary insofar as Chapter 17 does not appear to otherwise limit the wildlife that may be subject to conservation efforts by the Commission.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

None noted.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

Page 12, line 10 suggested: “...changed party affiliation, voted in a primary election, and then...”