

LFC Requester:

Austin Davidson

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Date Prepared: Jan 27, 2026

Check all that apply:

Bill Number: SB 104

Original Correction
Amendment Substitute

Sponsor: Sens. Peter Wirth and Pete Campos

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

Short Title: Removal of Wildlife Commission Members

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	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: SB 104 amends the new version of NMSA 1978, § 17-1-2, effective January 1, 2027, to add a section clarifying the process for removal of a commissioner.

Section 1: Amends § 17-1-2(G) by adding language related to notice and hearing for the removal of a commissioner. Removal proceedings are initiated by the governor, and the commissioner is given notice and an opportunity for a hearing prior to being removed. The New Mexico supreme court is given original jurisdiction over removal proceedings, with its decisions in connection with such matters unappealable.

Section 2: Provides that this amendment will go into effect with the updated statute on January 1, 2027.

FISCAL IMPLICATIONS

N/A.

SIGNIFICANT ISSUES

The procedure to be used in a removal proceeding is unclear, and SB104 does not provide reference to a similar proceeding to use as a basis, nor does it empower an entity with rulemaking authority to establish procedures for a removal proceeding.

PERFORMANCE IMPLICATIONS

N/A.

ADMINISTRATIVE IMPLICATIONS

Given that the Attorney General under NMSA 1978, §8-5-2 is 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, there may be administrative implications for the NMDOJ in defending or prosecuting a removal proceeding.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A.

TECHNICAL ISSUES

N/A.

OTHER SUBSTANTIVE ISSUES

N/A.

ALTERNATIVES

N/A.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

N/A