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FISCAL IMPACT REPORT

SPONSOR House Floor ORIGINAL DATE 2/21/19
LAST UPDATED _____ HB 263/HFIS
SHORT TITLE State Game Commission Changes SB _____
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		NFI				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

The House Floor Substitute for House Bill 263 changes how State Game Commission members are appointed and the terms for which they are appointed. The bill splits the appointment of members between the governor and legislative council with three members appointed by the governor and four by legislative council. The bill requires the governor appoint members of the general public from congressional districts 1, 2 and 3 with no more than one residing in any one county and no more than two from the same political party. The bill requires the legislative council appoint four members: a rancher or farmer who owns or manages a ranch or farm on which at least two species of game animal can be lawfully hunted; a conservationist with four years of experience whose primary focus is not game species; a hunter or angler who has held a hunting or fishing license for four years; and a scientist with a wildlife-related masters degree. Other than the scientist, no more than two from this group may be from the same political party.

All commissioners appointed by the governor will be appointed with the advice and consent of the Senate. The bill proposes a process to stagger the initial appointments and then makes all appointments for six year terms. The bill further limits the membership to two terms including any term shortened by an appointment to fill a vacancy. The bill allows for filling vacancies by the entity that originally appointed the member. The bill gives exclusive authority to the state Supreme Court for removal of a commissioner for incompetence, neglect of duty or malfeasance in office. Finally, the bill prohibits appointment of those who changed their political party the previous four years and subjects commissioners to the Gift Act and Governmental Conduct Act.

The substitute bill provides an effective date of January 1, 2020.

FISCAL IMPLICATIONS

No fiscal impact.

In 1921, the New Mexico Legislature created a three-member State Game Commission. The commission eventually became a seven-member citizens' body appointed by the governor that sets hunting and fishing regulations, hires the Department of Game and Fish director, oversees spending of almost a \$40 million annual budget, and sets the department's overall direction.

SIGNIFICANT ISSUES

Under the current system of appointment, only one commissioner is required to represent agricultural interests and one commissioner conservation interests.

The bill changes the current system of appointment from one in which the governor appoints all seven members, with no more than four from the same political party, to a system where the governor appoints three members from congressional districts and the legislative council appoints four members, with no more than two from the same political party, except for the scientist appointment.

Some of the differences between the current system and system proposed in the bill include additional requirements for three of the commissioners; one must have held a hunting or fishing license for four years; one must have had four years experience in wildlife conservation, the primary focus of which was not game species; and one must be a scientist who holds at least a master's degree in either fishery science or wildlife science from an accredited university.

PERFORMANCE IMPLICATIONS

Appointments made by the governor are restricted to one member from each congressional district. Because districts are not static, a situation could arise after redistricting where members have to be removed. If a commissioner who is appointed by the legislative council is removed, the legislative council may have to convene a special meeting to appoint a new commissioner.

TECHNICAL ISSUES

State game commissioners are already subject to the Gift Act and Governmental Conduct Act.

In the analysis of the original bill, the Department of Game and Fish noted the removal clause was the same as is found in the State Constitution for members of an educational institution board of regents, and other state boards and commissions have different standards for removal.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

All commissioners will continue to be appointed by the governor with not more than four from the same political party at the time of appointment. In addition, some commissioners will not be required to be licensed hunters or anglers, experienced with nongame species, or scientists.