

LFC Requester:**Helen Gaussoin**

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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**
Correction **Substitute**

Date 1/25/2024

Bill No: SB 198

Sponsor:	Steven McCutcheon II Pat Woods	Agency Name and Code	NMDA – 199
Short Title:	Game Commission Land & Water Acquisitions	Number:	
		Person Writing	Jeff Witte
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
NFI	NFI	N/A	N/A
NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
\$0.0	\$0.0	\$0.0	N/A	N/A
\$0.0	\$0.0	\$0.0	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	NFI	NFI	NFI	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

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

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 198 (SB 198) amends Sections 17-1-14, 17-2-44 and 17-4-1 NMSA 1978 to add new procedural requirements for the state game commission related to land and water rights acquisition. Prior to acquiring land or water rights, the state game commission is first required to: (1) obtain written approval of an acequia association, a land grant and the county commission for the county in which the property or water right are located; (2) compile a report on the social, cultural and economic impacts to the acequia association, land grant or county; (3) obtain approval of the legislature. SB 198 also requires the state game commission to report to the legislature by October 1 of each year on all expenditures from the game protection fund, present the results of the social, cultural and economic impact surveys for land and water rights acquisitions and make recommendations of further acquisitions for legislative approval.

FISCAL IMPLICATIONS

None to NMDA.

SIGNIFICANT ISSUES

Section 17-4-1 NMSA 1978 gives the state game commission the power to acquire and own lands or interest in lands for the following purposes: “fish hatcheries, game farms, game refuges, bird refuges, resting and nesting grounds, field stations, dams, lakes, ditches, flumes, waterways, pipelines, canals, rights of way, trails, roads and for all purposes incidental to the propagation, preservation, protection and management of the game, birds, fish and wildlife of the state of New Mexico.”

The state game commission is also authorized by Section 17-1-14 NMSA 1978 to use the game protection fund to acquire lands for game refuges, fish hatcheries and hunting grounds and by the Wildlife Conservation Act (17-2-44 NMSA 1978) to acquire lands for state endangered species conservation.

PERFORMANCE IMPLICATIONS

None to NMDA.

ADMINISTRATIVE IMPLICATIONS

None to NMDA.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

N/A

TECHNICAL ISSUES

The language of SB 198 does not specify if there are geographic requirements for the acequia association and land grant needed to approve the land or water rights acquisition. By contrast, the county commission is clearly limited to the county in which the acquisition is located.

NMDA is uncertain what would occur if one acequia association or land grant approved an acquisition by the state game commission, but another objected.

Section 3-B-1 of SB 198 requires the state game commission to obtain written approval from three local entities: an acequia association, a land grant *and* the county. Section 3-B-2 requires the state game commission to compile a report on the impacts to only one of the listed entities: the acequia association, the land grant *or* the county. NMDA is unsure if this inconsistency in the bill's language is intentional.

SB 198 does not specify the procedure by which the state game commission would formally obtain legislative approval. NMDA is unclear if this would occur as an authorization through a bill or through a separate process.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

If SB 198 is not enacted, Sections 17-1-14, 17-2-44 and 17-4-1 NMSA 1978 will not be amended, and the state game commission will be authorized to acquire land or water rights according to the existing procedural requirements.

AMENDMENTS

N/A