

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 149

**50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011**

AN ACT

RELATING TO GAME AND FISH; AMENDING AND ENACTING SECTIONS OF  
CHAPTER 17 NMSA 1978 TO CONSOLIDATE CERTAIN FEES UNDER HUNTING  
AND FISHING LICENSES; PROVIDING FOR REDUCED LICENSE RATES FOR  
NONRESIDENT JUNIOR HUNTERS; PROVIDING FOR A FREE SECOND ROD FOR  
FISHING; PROVIDING THAT NO OTHER SPECIAL FEES BE COLLECTED TO  
HUNT OR FISH; PROVIDING FOR THE ORDER OF CHOICES IN DRAWINGS  
FOR HUNTING; MAKING APPROPRIATIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

**SECTION 1.** Section 17-3-2 NMSA 1978 (being Laws 1964 (1st  
S.S.), Chapter 17, Section 2, as amended) is amended to read:

"17-3-2. CLASSES OF LICENSES.--

A. As used with reference to licenses in Chapter 17  
NMSA 1978:

(1) "fishing" entitles the licensee to fish

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1 for game fish during the open seasons for each species;

2 (2) "small game" entitles the licensee to hunt  
3 game birds, other than wild turkey, and squirrel during the  
4 open seasons for each;

5 (3) "deer" entitles the licensee to hunt deer  
6 during the open season;

7 (4) "general hunting" entitles the licensee to  
8 hunt deer, squirrel and game birds during the open seasons for  
9 each;

10 (5) "general hunting and fishing" entitles the  
11 licensee to hunt deer, squirrel and game birds and to fish for  
12 game fish during the open seasons for each;

13 (6) "antelope" entitles the licensee to hunt  
14 antelope during the open season;

15 (7) "elk" entitles the licensee to hunt elk  
16 during the open season;

17 (8) "bighorn sheep" entitles the licensee to  
18 hunt bighorn sheep during the open season;

19 (9) "Barbary sheep" entitles the licensee to  
20 hunt Barbary sheep during the open season;

21 (10) "javelina" entitles the licensee to hunt  
22 javelina during the open season;

23 (11) "bear" entitles the licensee to hunt bear  
24 during the open season;

25 (12) "nongame" entitles the licensee to hunt

1 or take any animal or bird not protected by law;

2 (13) "temporary fishing" entitles the licensee  
3 to fish for game fish during a specific period of time  
4 indicated on the license;

5 (14) "oryx" entitles the licensee to hunt oryx  
6 during the open season;

7 (15) "ibex" entitles the licensee to hunt ibex  
8 during the open season;

9 (16) "cougar" entitles the licensee to hunt  
10 cougar during the open season;

11 (17) "turkey" entitles the licensee to hunt  
12 turkey during the open season;

13 (18) "special season turkey" entitles the  
14 licensee to hunt turkey during special seasons designated by  
15 the state game commission;

16 (19) "quality elk" entitles the licensee to  
17 hunt elk during a special quality elk season, to be established  
18 by the state game commission, when the timing of the season and  
19 hunter density is specially regulated and the elk population is  
20 managed with an intent to provide the licensee an increased  
21 opportunity to take a mature elk;

22 (20) "quality deer" entitles the licensee to  
23 hunt deer during a special quality deer season, to be  
24 established by the state game commission, when the timing of  
25 the season and hunter density is specially regulated and the

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1 deer population is managed with an intent to provide the  
2 licensee an increased opportunity to take a mature deer;

3 (21) "temporary small game" entitles the  
4 licensee to hunt game birds, except wild turkey, and squirrel  
5 during a specific period of time indicated on the license;

6 (22) "second rod" entitles the licensee to  
7 fish using two fishing rods to fish for game fish during the  
8 open seasons for each species; and

9 (23) "fishing and small game combination"  
10 entitles the licensee to hunt squirrel and game birds, other  
11 than wild turkey, and to fish for game fish during the open  
12 season for each.

13 B. A hunting license does not entitle the licensee  
14 to hunt, kill or take game animals or birds within or upon a  
15 park or enclosure licensed or posted as provided by law or  
16 within or upon a privately owned enclosure without consent of  
17 the owner or within or upon a game refuge or game management  
18 area.

19 C. A fishing license does not entitle the licensee  
20 to fish for or take fish within or upon a park or enclosure  
21 licensed or posted as provided by law or within or upon a  
22 privately owned enclosure without consent of the owner or in or  
23 on closed waters.

24 D. A junior fishing license may be purchased by a  
25 resident who has reached the age of twelve years but has not

1 reached the age of eighteen years. A junior fishing license  
2 entitles the licensee to fish for game fish during the open  
3 season for each species.

4 E. A senior fishing license may be purchased by a  
5 resident who has reached the age of sixty-five years. A senior  
6 fishing license entitles the licensee to fish for game fish  
7 during the open season for each species.

8 F. A nonresident junior fishing license may be  
9 purchased by a nonresident who has reached the age of twelve  
10 years but has not reached the age of eighteen years. A  
11 nonresident junior fishing license entitles the licensee to  
12 fish for game fish during the open season for each species.

13 G. A senior general hunting license may be  
14 purchased by a resident who has reached the age of sixty-five  
15 years. A senior general hunting license entitles the licensee  
16 to hunt for deer, squirrel and game birds during the open  
17 seasons for each species.

18 H. A junior general hunting license may be  
19 purchased by a resident who has not reached the age of eighteen  
20 years. A junior general hunting license entitles the licensee  
21 to hunt for deer, squirrel and game birds during the open  
22 seasons for each species.

23 I. A handicapped fishing license may be purchased  
24 by a resident who has a severe physical impairment that  
25 substantially limits one or more major life activities and who

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1 can furnish adequate proof of this disability to the state game  
2 commission. A handicapped fishing license may be purchased by  
3 a resident who has a developmental disability as defined in  
4 Subsection H of Section 43-1-3 NMSA 1978 and who can furnish  
5 adequate proof of this disability to the state game commission.  
6 A handicapped fishing license entitles the licensee to fish for  
7 game fish during the open season for each species.

8 J. A handicapped general hunting license may be  
9 purchased by a resident who has a severe physical impairment  
10 that substantially limits one or more major life activities and  
11 who can furnish adequate proof of this disability to the state  
12 game commission. A handicapped general hunting license  
13 entitles the licensee to hunt for deer, squirrel and game birds  
14 during the open season for each species.

15 K. A fishing license may be obtained at no cost by  
16 a resident who has reached the age of seventy years.

17 L. A second rod validation may be purchased by  
18 either a resident or nonresident. A second rod validation  
19 entitles the licensee to fish using two rods for game fish  
20 during the open season for each species.

21 M. A [~~junior-senior~~] junior or a senior elk license  
22 may be purchased by a resident who has not reached the age of  
23 eighteen years or by a resident who has reached the age of  
24 sixty-five years, respectively. A [~~junior-senior~~] junior or a  
25 senior elk license entitles the licensee to hunt for elk during

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1 the open season for that species.

2 N. A [~~junior-senior~~] junior or a senior deer  
3 license may be purchased by a resident who is younger than  
4 eighteen years or older than sixty-five years, respectively. A  
5 [~~junior-senior~~] junior or a senior deer license entitles the  
6 licensee to hunt for deer during the open season for that  
7 species.

8 O. A [~~junior-senior~~] junior or a senior fishing and  
9 small game combination license may be purchased by a resident  
10 who is younger than eighteen years or older than sixty-five  
11 years, respectively. A [~~junior-senior~~] junior or a senior  
12 fishing and small game combination license entitles the  
13 licensee to fish for game fish or hunt for squirrel and game  
14 birds, other than wild turkey, during the open seasons for each  
15 species.

16 P. A disabled veteran fishing and small game  
17 combination license may be purchased by a resident who has been  
18 granted a disability by the federal department of veterans  
19 affairs as a result of having served in the armed forces of the  
20 United States if the resident submits to the state game  
21 commission satisfactory proof that the resident was disabled as  
22 a result of having served in the armed forces of the United  
23 States. A disabled veteran fishing and small game combination  
24 license entitles the licensee to fish for game fish or hunt for  
25 squirrel and game birds, other than wild turkey, during the

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1 open season for each species.

2 Q. A military general hunting and fishing license  
3 may be purchased by a member of the armed forces of the United  
4 States who, for a period of not less than ninety days  
5 immediately preceding the date of application for the license,  
6 has been domiciled in New Mexico and has not claimed residency  
7 elsewhere for any purpose. A military general hunting and  
8 fishing license entitles the licensee to hunt deer, squirrel  
9 and game birds and to fish for game fish during the open  
10 seasons for each species."

11 SECTION 2. Section 17-3-13 NMSA 1978 (being Laws 1964  
12 (1st S.S.), Chapter 17, Section 5, as amended) is amended to  
13 read:

14 "17-3-13. LICENSE FEES.--

15 A. The director of the department of game and fish  
16 shall keep a record of all money received and licenses and  
17 permits issued by the department, numbering each class  
18 separately. Upon satisfactory proof that a license or permit  
19 has been lost before its expiration, the director may issue a  
20 duplicate and collect a just and reasonable fee for it as  
21 determined by regulation of the state game commission.

22 B. The director of the department of game and fish  
23 shall collect the following fees for each license of the class  
24 indicated:

25 Resident, fishing . . . . . [~~\$25.00~~] \$33.00

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1	Resident, small game . . . . .	[ <del>20.00</del> ]	<u>28.00</u>
2	Resident, deer . . . . .	[ <del>36.00</del> ]	<u>49.00</u>
3	Resident, junior [ <del>senior</del> ], deer . . . . .	[ <del>24.00</del> ]	<u>29.00</u>
4	<u>Resident, senior, deer . . . . .</u>		<u>37.00</u>
5	Resident, general hunting . . . . .	[ <del>40.00</del> ]	<u>53.00</u>
6	Resident, general hunting and fishing . . .	[ <del>59.00</del> ]	<u>72.00</u>
7	Resident, senior, handicapped, military,		
8	general hunting and fishing . . . . .	[ <del>28.00</del> ]	<u>41.00</u>
9	Resident, junior, general		
10	hunting and fishing . . . . .	[ <del>20.00</del> ]	<u>25.00</u>
11	Resident, fishing and small game combination	[ <del>33.00</del> ]	<u>41.00</u>
12	Resident, junior [ <del>senior</del> ], fishing and small game		
13	combination . . . . .		16.00
14	<u>Resident, senior, fishing and small game</u>		
15	<u>combination . . . . .</u>		<u>24.00</u>
16	Resident, disabled veteran, fishing and small game		
17	combination . . . . .	[ <del>10.00</del> ]	<u>18.00</u>
18	Resident, antelope . . . . .	[ <del>50.00</del> ]	<u>63.00</u>
19	Resident, elk cow . . . . .	[ <del>50.00</del> ]	<u>63.00</u>
20	Resident, elk bull or either sex . . . . .	[ <del>80.00</del> ]	<u>93.00</u>
21	Resident, junior [ <del>senior</del> ], elk . . . . .	[ <del>48.00</del> ]	<u>53.00</u>
22	<u>Resident, senior, elk . . . . .</u>		<u>61.00</u>
23	Resident, bighorn sheep, ram . . . . .	[ <del>150.00</del> ]	<u>163.00</u>
24	Resident, bighorn sheep, ewe . . . . .	[ <del>75.00</del> ]	<u>88.00</u>
25	Resident, Barbary sheep . . . . .	[ <del>100.00</del> ]	<u>113.00</u>

1	Resident, bear . . . . .	<del>[44.00]</del>	<u>57.00</u>
2	Resident, turkey . . . . .	<del>[25.00]</del>	<u>33.00</u>
3	Resident, cougar . . . . .	<del>[40.00]</del>	<u>53.00</u>
4	Resident, oryx . . . . .	<del>[150.00]</del>	<u>163.00</u>
5	Resident, ibex . . . . .	<del>[100.00]</del>	<u>113.00</u>
6	Resident, javelina . . . . .	<del>[55.00]</del>	<u>68.00</u>
7	Resident, fur dealer . . . . .	<del>[15.00]</del>	<u>23.00</u>
8	Resident, trapper . . . . .	<del>[20.00]</del>	<u>28.00</u>
9	Resident, junior trapper . . . . .		9.00
10	Nonresident, fishing . . . . .	<del>[56.00]</del>	<u>64.00</u>
11	Nonresident, junior fishing . . . . .	<del>[28.00]</del>	<u>17.00</u>
12	Nonresident, small game . . . . .	<del>[90.00]</del>	<u>98.00</u>
13	Nonresident, deer . . . . .	<del>[260.00]</del>	<u>278.00</u>
14	Nonresident, quality deer . . . . .	<del>[345.00]</del>	<u>363.00</u>
15	Nonresident, bear . . . . .	<del>[250.00]</del>	<u>268.00</u>
16	Nonresident, cougar . . . . .	<del>[280.00]</del>	<u>298.00</u>
17	Nonresident, turkey . . . . .	<del>[100.00]</del>	<u>108.00</u>
18	Nonresident, antelope . . . . .	<del>[260.00]</del>	<u>278.00</u>
19	Nonresident, elk cow . . . . .	<del>[315.00]</del>	<u>330.00</u>
20	Nonresident, elk bull or either sex . . . . .	<del>[525.00]</del>	<u>543.00</u>
21	Nonresident, quality elk . . . . .	<del>[750.00]</del>	<u>768.00</u>
22	Nonresident, bighorn sheep . . . . .	<del>[3,150.00]</del>	<u>3,168.00</u>
23	Nonresident, Barbary sheep . . . . .	<del>[350.00]</del>	<u>368.00</u>
24	Nonresident, oryx . . . . .	<del>[1,600.00]</del>	<u>1,618.00</u>
25	Nonresident, ibex . . . . .	<del>[1,600.00]</del>	<u>1,618.00</u>

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1	Nonresident, javelina . . . . .	[ <del>155.00</del> ]	<u>173.00</u>
2	Nonresident, fur dealer . . . . .	[ <del>125.00</del> ]	<u>133.00</u>
3	Nonresident, trapper . . . . .	[ <del>345.00</del> ]	<u>353.00</u>
4	Nonresident, nongame . . . . .	[ <del>65.00</del> ]	<u>73.00</u>
5	Resident, senior, handicapped,		
6	fishing . . . . .	[ <del>8.00</del> ]	<u>16.00</u>
7	Resident, junior fishing . . . . .		5.00
8	Temporary fishing, one day . . . . .	[ <del>12.00</del> ]	<u>20.00</u>
9	Temporary fishing, five days . . . . .	[ <del>24.00</del> ]	<u>32.00</u>
10	Resident, senior, handicapped,		
11	general hunting . . . . .	[ <del>24.00</del> ]	<u>37.00</u>
12	Resident, junior general hunting . . . . .	[ <del>15.00</del> ]	<u>20.00</u>
13	Temporary small game, four days . . . . .	[ <del>33.00</del> ]	<u>41.00</u>
14	[ <del>Second rod validation . . . . .</del> ]	[ <del>4.00</del> ]	
15	<u>Nonresident, junior deer . . . . .</u>		<u>143.00</u>
16	<u>Nonresident, junior small game . . . . .</u>		<u>50.00</u>
17	<u>Nonresident, junior elk . . . . .</u>		<u>273.00</u>
18	<u>Nonresident, junior general hunting . . . . .</u>		<u>53.00.</u>

19           C. The license fees provided for in this section  
 20 shall include the habitat management fee collected pursuant to  
 21 Section 17-4-34 NMSA 1978 and the big game depredation fee  
 22 collected pursuant to Section 17-3-13.3 NMSA 1978, and no other  
 23 fee shall be collected for habitat management.

24           D. The state game commission shall not adopt a rule  
 25 that holds a hunter in violation of Chapter 17 NMSA 1978 for

1 failure to possess a free permit for hunts except those issued  
2 through a special drawing.

3 E. No additional license fee shall be charged for a  
4 second fishing rod."

5 SECTION 3. Section 17-3-13.3 NMSA 1978 (being Laws 2001,  
6 Chapter 213, Section 1) is amended to read:

7 "17-3-13.3. BIG GAME DEPREDATION DAMAGE [~~STAMP~~] FEE  
8 REQUIRED--DISPOSITION OF RECEIPTS.--

9 A. Each license to hunt big game shall include a  
10 big game depredation damage [~~stamp~~] fee. The department of  
11 game and fish shall, by rule, set the fee [~~for the stamp;~~  
12 ~~provided that the fee shall~~] not to exceed five dollars (\$5.00)  
13 for each resident license or ten dollars (\$10.00) for each  
14 nonresident license.

15 [~~B. No license to hunt big game shall be considered~~  
16 ~~to be a proper and valid license unless it indicates, by a~~  
17 ~~stamp, check off or other official mark, that the fee for the~~  
18 ~~big game depredation damage stamp has been paid.~~

19 G.] B. Revenues received by the department of game  
20 and fish from the [~~sale of~~] big game depredation damage  
21 [~~stamps~~] fees shall be deposited to the credit of the big game  
22 depredation damage fund."

23 SECTION 4. Section 17-3-13.4 NMSA 1978 (being Laws 2001,  
24 Chapter 213, Section 2) is amended to read:

25 "17-3-13.4. BIG GAME DEPREDATION DAMAGE FUND--CREATION--

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1 EXPENDITURE.--

2 A. The "big game depredation damage fund" is  
 3 created in the state treasury. The fund consists of  
 4 appropriations made to the fund, revenues received by the  
 5 department of game and fish, [~~from the sale of big game~~  
 6 ~~depredation damage stamps~~] fees collected with each big game  
 7 hunting license issued pursuant to Sections 17-3-13 and  
 8 17-3-13.3 NMSA 1978 and earnings from the investment of the  
 9 fund. The fund shall be administered by the department, and  
 10 money in the fund is appropriated to the department to carry  
 11 out the provisions of Subsection B of this section. Payments  
 12 from the fund shall be by warrant of the secretary of finance  
 13 and administration upon vouchers signed by the director of the  
 14 department or [~~his~~] the director's authorized representative.  
 15 Balances in the fund shall not revert to any other fund.

16 B. The department of game and fish shall, by rule,  
 17 establish a program to correct damage to federal, state or  
 18 private land caused by big game and to prevent such damage in  
 19 the future. Pursuant to rules adopted by the department,  
 20 expenditures from the big game depredation damage fund shall be  
 21 made by the department to carry out the established program;  
 22 provided that money in the fund shall not be expended for any  
 23 administrative costs."

24 SECTION 5. Section 17-4-34 NMSA 1978 (being Laws 2005,  
 25 Chapter 177, Section 2) is amended to read:

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1           "17-4-34. HABITAT MANAGEMENT [~~STAMP~~] FEE--FUND--  
2 EXPENDITURE FOR HABITAT MANAGEMENT--EXCEPTION.--

3           A. [~~On and after April 1, 2006~~] Each of the  
4 following licenses or permits shall include a habitat  
5 management [~~stamp~~] fee. The fee for [~~a~~] habitat management  
6 [~~stamp~~] shall be [~~three dollars (\$3.00)~~]. ~~Each of the following~~  
7 ~~licenses or permits shall not be considered to be a proper and~~  
8 ~~valid license unless the licensee can demonstrate, by a stamp,~~  
9 ~~check off or other official mark, that the fee for the habitat~~  
10 ~~management stamp has been paid, provided that an individual~~  
11 ~~purchaser shall be required to purchase only one stamp each~~  
12 ~~license year, regardless of the number of licenses or permits~~  
13 ~~purchased by that purchaser]~~ eight dollars (\$8.00) for:

14                       (1) a resident or nonresident license  
15 specified in Section 17-3-13 NMSA 1978; or

16                       (2) a wildlife-associated recreation permit  
17 issued by the state game commission pursuant to Section  
18 [~~17-1-4~~] 17-1-14 NMSA 1978; provided that the state game  
19 commission shall be permitted to modify the habitat management  
20 fee.

21           B. Revenue from the [~~sale of~~] habitat management  
22 [~~stamps~~] fee shall be deposited in the "habitat management  
23 fund", hereby created in the state treasury. The fund shall  
24 consist of money appropriated and transferred to the fund and  
25 revenue from the sale of habitat management [~~stamps~~] fees

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1 deposited in the fund. Earnings from investment of the fund  
 2 shall be credited to the fund. Any unexpended or unencumbered  
 3 balance remaining at the end of a fiscal year shall not revert.  
 4 Disbursements from the fund shall be made upon warrants drawn  
 5 by the secretary of finance and administration pursuant to  
 6 vouchers signed by the director of the department of game and  
 7 fish.

8 C. Upon appropriation by the legislature, money in  
 9 the habitat management fund may be expended by the state game  
 10 commission only for the improvement, maintenance, development  
 11 and operation of ~~[property]~~ national forest and bureau of land  
 12 management property and property managed by the department of  
 13 game and fish for fish and wildlife habitat management and  
 14 shall not be distributed among land ownership classes based  
 15 upon relative acreage, institutional priorities or political  
 16 justifications or influence; provided that no more than two  
 17 hundred fifty thousand dollars (\$250,000) from the fund may be  
 18 used annually for public access to private lands for the  
 19 purposes of hunting, fishing or trapping.

20 D. A habitat management ~~[stamp]~~ fee shall not be  
 21 required for persons under the age of eighteen."

22 SECTION 6. A new section of Chapter 17, Article 3 NMSA  
 23 1978 is enacted to read:

24 "[NEW MATERIAL] DRAWINGS FOR HUNTING.--When conducting a  
 25 drawing for a hunt code, the director of the department of game

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1 and fish shall allot all first choices before allotting any  
2 subsequent choices; thereafter, all second choices before  
3 allotting subsequent choices; and thereafter, all subsequent  
4 choices."

5 SECTION 7. EFFECTIVE DATE.--The effective date of the  
6 provisions of this act is April 1, 2012.

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