

HOUSE HEALTH AND GOVERNMENT AFFAIRS COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 24

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

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; CHANGING FEE STRUCTURES; 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 FOR HABITAT MANAGEMENT; RECONCILING  
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2011;  
MAKING APPROPRIATIONS.

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

**SECTION 1.** Section 17-3-13 NMSA 1978 (being Laws 1964  
(1st S.S., Chapter 17, Section 5, as amended by Laws 2011,  
Chapter 25, Section 2 and by Laws 2011, Chapter 186, Section 4)  
is amended to read:

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

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underscoring material = new  
[bracketed material] = delete

1           A. The director of the department of game and fish  
2 shall keep a record of all money received and licenses and  
3 permits issued by the department, numbering each class  
4 separately. Upon satisfactory proof that a license or permit  
5 has been lost before its expiration, the director may issue a  
6 duplicate and collect a just and reasonable fee for it as  
7 determined by regulation of the state game commission.

8           B. The director of the department of game and fish  
9 shall collect the following fees for each license of the class  
10 indicated:

11	Resident, fishing . . . . .	\$25.00
12	Resident, game hunting . . . . .	15.00
13	Resident, deer . . . . .	31.00
14	Resident, junior-senior, deer . . . . .	19.00
15	Resident, senior, handicapped, military, 16 game hunting and fishing . . . . .	20.00
17	Resident, fishing and game hunting 18 combination . . . . .	30.00
19	Resident, junior, fishing and game 20 hunting combination . . . . .	15.00
21	Resident, disabled veteran, fishing and game hunting 22 combination . . . . .	10.00
23	Resident, antelope . . . . .	50.00
24	Resident, elk cow . . . . .	50.00
25	Resident, elk bull or either sex . . . . .	80.00

underscored material = new  
[bracketed material] = delete

1	Resident, junior-senior, elk . . . . .	48.00
2	Resident, bighorn sheep, ram . . . . .	150.00
3	Resident, bighorn sheep, ewe . . . . .	75.00
4	Resident, Barbary sheep . . . . .	100.00
5	Resident, bear . . . . .	44.00
6	Resident, turkey . . . . .	25.00
7	Resident, cougar . . . . .	40.00
8	Resident, oryx . . . . .	150.00
9	Resident, ibex . . . . .	100.00
10	Resident, javelina . . . . .	55.00
11	Resident, fur dealer . . . . .	15.00
12	Resident, trapper . . . . .	20.00
13	Resident, junior trapper . . . . .	9.00
14	Nonresident, fishing . . . . .	56.00
15	Nonresident, junior fishing . . . . .	15.00
16	Nonresident, junior, game hunting . . . . .	15.00
17	Nonresident, game hunting . . . . .	65.00
18	Nonresident, deer . . . . .	260.00
19	Nonresident, quality deer . . . . .	345.00
20	Nonresident, bear . . . . .	250.00
21	Nonresident, cougar . . . . .	280.00
22	Nonresident, turkey . . . . .	100.00
23	Nonresident, antelope . . . . .	260.00
24	Nonresident, elk cow . . . . .	315.00
25	Nonresident, elk bull or either sex . . . . .	525.00

underscored material = new  
~~[bracketed material] = delete~~

1	Nonresident, quality elk . . . . .	750.00
2	Nonresident, bighorn sheep . . . . .	3,150.00
3	Nonresident, Barbary sheep . . . . .	350.00
4	Nonresident, oryx . . . . .	1,600.00
5	Nonresident, ibex . . . . .	1,600.00
6	Nonresident, javelina . . . . .	155.00
7	Nonresident, fur dealer . . . . .	125.00
8	Nonresident, trapper . . . . .	345.00
9	Nonresident, nongame . . . . .	65.00
10	Resident, senior, handicapped,	
11	fishing . . . . .	8.00
12	Resident, junior fishing . . . . .	5.00
13	Temporary active-duty fishing, five days . . . . .	12.00
14	Temporary fishing, one day . . . . .	12.00
15	Temporary fishing, five days . . . . .	24.00
16	Resident, senior, handicapped,	
17	game hunting . . . . .	15.00
18	Resident, junior, game hunting . . . . .	10.00
19	Temporary active-duty small game, four days . . . . .	16.00
20	Temporary game hunting, four days . . . . .	33.00
21	<del>[Second rod validation . . . . . 4.00.]</del>	
22	<u>Nonresident, junior deer . . . . .</u>	<u>143.00</u>
23	<u>Nonresident, junior elk . . . . .</u>	<u>273.00."</u>

SECTION 2. A new section of Chapter 17, Article 3 NMSA 1978

is enacted to read:

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underscored material = new  
[bracketed material] = delete

1           "[NEW MATERIAL] LICENSE FEES AND HABITAT MANAGEMENT.--

2           A. The department of game and fish shall add the  
3 license fees provided for pursuant to Section 17-3-13 NMSA 1978  
4 to the habitat management fee collected pursuant to Section  
5 17-4-34 NMSA 1978 and the big game depredation fee collected  
6 pursuant to Section 17-3-13.3 NMSA 1978, and no other fee shall  
7 be collected for habitat management. The department of game and  
8 fish is authorized to collect these fees in addition to and in  
9 conjunction with the collection of the license fees.

10           B. The state game commission shall not adopt a rule  
11 that holds a hunter in violation of Chapter 17 NMSA 1978 for  
12 failure to possess a free permit for hunts except those issued  
13 through a special drawing.

14           C. No additional license fee shall be charged for a  
15 second fishing rod."

16           **SECTION 3.** Section 17-4-34 NMSA 1978 (being Laws 2005,  
17 Chapter 177, Section 2) is amended to read:

18           "17-4-34. HABITAT MANAGEMENT [~~STAMP~~] FEE--FUND--EXPENDITURE  
19 FOR HABITAT MANAGEMENT--EXCEPTION.--

20           A. [~~On and after April 1, 2006~~] Each of the following  
21 licenses or permits shall include a habitat management [~~stamp~~]  
22 fee. The fee for [~~a~~] habitat management [~~stamp~~]:

23                   (1) shall be [~~three dollars (\$3.00)~~]. ~~Each of~~  
24 ~~the following licenses or permits shall not be considered to be a~~  
25 ~~proper and valid license unless the licensee can demonstrate, by~~

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1 a stamp, check off or other official mark, that the fee for the  
2 habitat management stamp has been paid, provided that an  
3 individual purchaser shall be required to purchase only one stamp  
4 each license year, regardless of the number of licenses or  
5 permits purchased by that purchaser] not less than nine dollars  
6 (\$9.00) for:

7 [~~1~~] (a) a resident or nonresident game  
8 hunting or fishing license specified in Section 17-3-13 NMSA  
9 1978; or

10 [~~2~~] (b) a wildlife-associated recreation  
11 permit issued by the state game commission pursuant to Section  
12 [~~17-1-4~~] 17-1-14 NMSA 1978; provided that the state game  
13 commission shall be permitted to modify the habitat management  
14 fee; and

15 (2) shall include not less than one dollar  
16 (\$1.00) of the habitat management fee to be used for leasing or  
17 purchasing of properties or acquisition of easements for hunting,  
18 fishing or trapping.

19 B. Revenue from the [~~sale of~~] habitat management  
20 [~~stamps~~] fee shall be deposited in the "habitat management fund",  
21 hereby created in the state treasury. The fund shall consist of  
22 money appropriated and transferred to the fund and revenue from  
23 the sale of habitat management [~~stamps~~] fees deposited in the  
24 fund. Earnings from investment of the fund shall be credited to  
25 the fund. Any unexpended or unencumbered balance remaining at

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1 the end of a fiscal year shall not revert. Disbursements from  
 2 the fund shall be made upon warrants drawn by the secretary of  
 3 finance and administration pursuant to vouchers signed by the  
 4 director of the department of game and fish.

5 C. Upon appropriation by the legislature, money in  
 6 the habitat management fund may be expended by the state game  
 7 commission only for the improvement, maintenance, development and  
 8 operation of ~~[property]~~ United States forest service and bureau  
 9 of land management property and property managed pursuant to  
 10 agreement with the department of game and fish or by the  
 11 department for fish and wildlife habitat management. The  
 12 department of game and fish shall enter into agreements with the  
 13 United States forest service and the bureau of land management  
 14 prior to expenditure of money to ensure the fund is apportioned  
 15 for reasonable and appropriate habitat improvement projects on  
 16 those public lands that are open to hunting and fishing. Not  
 17 less than five dollars (\$5.00) per fee received and appropriated  
 18 pursuant to this section shall be expended for habitat  
 19 improvement projects on United States forest service property and  
 20 bureau of land management property and administrative expenses  
 21 associated with the cost of employing one full-time program  
 22 manager and that manager's operational expenses. The department  
 23 shall not use the fund to cover administrative expenses above  
 24 those provided for pursuant to this section.

25 D. A habitat management ~~[stamp]~~ fee shall not be

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1 required for persons under the age of eighteen."

2 SECTION 4. Section 17-2-1 NMSA 1978 (being Laws 1931,  
3 Chapter 117, Section 3, as amended) is amended to read:

4 "17-2-1. COMMISSION POWERS.--The state game commission, in  
5 addition to the powers now vested in it and not as a limitation  
6 of those powers, is expressly authorized and empowered by  
7 regulation adopted and promulgated in the manner provided in  
8 Chapter 17 NMSA 1978 to:

9 A. define game birds, game animals and game fish;

10 B. establish open and closed seasons for the killing  
11 or taking of all kinds of game animals, game birds and game fish  
12 and to change such open seasons from year to year and to fix  
13 different seasons for different parts of the state;

14 C. establish bag limits covering all kinds of game  
15 animals, game birds and game fish and the numbers thereof [~~which~~]  
16 that may be killed or taken by any one person during any one day  
17 or during any one open season;

18 D. authorize or prohibit the killing or taking of any  
19 game animals, game birds or game fish of any kind or sex;

20 E. prescribe the manner, methods and devices [~~which~~]  
21 that may be used in hunting, taking or killing game animals, game  
22 birds and game fish;

23 F. prescribe rules and regulations to prohibit any  
24 vehicle or vehicles used in transporting persons engaged in  
25 hunting, taking or killing game animals, game birds and game fish

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1 from leaving established roadways; and

2 G. appoint one or more advisory committees to furnish  
3 advice, evaluations and recommendations for wildlife management  
4 projects utilizing revenue derived from the sale of public land  
5 management [~~stamps~~] fees. The advisory committees shall be  
6 created pursuant to the procedures of Section 9-1-9 NMSA 1978,  
7 provided that the restrictions on the life of advisory committees  
8 contained in Subsection F of that section shall not be  
9 applicable."

10 SECTION 5. EFFECTIVE DATE.--The effective date of the  
11 provisions of this act is April 1, 2013.

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