

1 HOUSE BILL 439

2 **51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013**

3 INTRODUCED BY

4 Thomas C. Taylor

5  
6  
7  
8  
9  
10 AN ACT

11 RELATING TO THE STATE GAME COMMISSION; SETTING TERM LIMITS FOR  
12 COMMISSIONERS; PROVIDING FOR THE LEGISLATURE TO APPOINT TWO  
13 COMMISSIONERS; ADDING REQUIREMENTS FOR APPOINTMENT AND REMOVAL.

14  
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 17-1-2 NMSA 1978 (being Laws 1921,  
17 Chapter 35, Section 2, as amended) is amended to read:

18 "17-1-2. STATE GAME COMMISSION--APPOINTMENT--TERM.--

19 A. To carry out the purpose of Chapter 17 NMSA 1978  
20 and all other acts for like purpose, there is created a "state  
21 game commission" of seven members [~~not more than four of whom~~  
22 ~~shall be of the same political party at the time of their~~  
23 ~~appointment. The members of the commission shall be appointed~~  
24 ~~by the governor with the advice and consent of the senate].~~

25 The term of office for each member of the commission shall be

.191705.3

underscored material = new  
[bracketed material] = delete

underscored material = new  
[bracketed material] = delete

1 four years. [~~At the time of making the first appointments, the~~  
2 ~~governor shall designate the commissioners' terms as being one,~~  
3 ~~two, three or four years]~~ The terms of the commissioners shall  
4 be staggered so that the term of no more than two commissioners  
5 shall expire each year.

6 [~~In making appointments to the state game commission, one~~  
7 ~~member]~~

8 B. Commissioners shall serve for no more than two  
9 terms. If a commissioner is appointed to fill a vacancy, that  
10 commissioner shall serve the balance of the term for the  
11 commissioner being replaced. That partial term shall be  
12 counted as one full term.

13 C. The governor shall appoint five members to the  
14 commission, with the advice and consent of the senate. No more  
15 than three of the commissioners appointed by the governor shall  
16 be of the same political party at the time of their  
17 appointment. The commissioners appointed by the governor shall  
18 be appointed from each of the following districts:

19 [~~A-~~] (1) district one: Curry, De Baca,  
20 Roosevelt, Chaves, Lincoln, Otero, Eddy and Lea counties;

21 [~~B-~~] (2) district two: Catron, Socorro,  
22 Grant, Hidalgo, Luna, Sierra and Dona Ana counties;

23 [~~C-~~] (3) district three: San Juan, McKinley,  
24 Cibola, Valencia, Sandoval, Los Alamos and Rio Arriba counties;

25 [~~D-~~] (4) district four: Santa Fe, Taos,

.191705.3

underscored material = new  
[bracketed material] = delete

1 Colfax, Union, Mora, Harding, Quay, San Miguel, Guadalupe and  
2 Torrance counties; and

3 ~~[E.]~~ (5) district five: Bernalillo county.

4 D. The remaining two members shall be appointed at  
5 large. ~~[At least]~~ One at-large member shall be appointed by  
6 the speaker of the house of representatives and the president  
7 pro tempore of the senate; the other at-large member shall be  
8 appointed by the minority floor leaders of the house of  
9 representatives and the senate. One at-large member of the  
10 commission shall manage and operate a farm or ranch that  
11 contains at least two species of wildlife on that part ~~[which]~~  
12 that is deeded land requiring licensing prior to legal pursuit  
13 under the provisions of Section 17-3-2 NMSA 1978. ~~[At least~~  
14 ~~one]~~ The other at-large member shall have a demonstrated  
15 history of involvement in wildlife and habitat protection  
16 issues and ~~[whose]~~ have activities or occupation ~~[are]~~ not in  
17 conflict with wildlife and habitat advocacy. Both at-large  
18 members shall be appointed with the advice and consent of the  
19 governor. The at-large members shall not be members of the  
20 same political party at the time of their appointment.

21 E. For the purposes of this section, a person  
22 nominated for appointment to the commission shall not have  
23 changed party affiliation with the office of the secretary of  
24 state in the year prior to the person's nomination.

25 F. Whenever any member of the commission dies,

.191705.3

underscored material = new  
[bracketed material] = delete

1 resigns or no longer has the qualifications required for the  
2 member's original selection, that position on the commission  
3 becomes vacant. The remaining members of the commission shall  
4 certify the existence of the vacancy to the original appointing  
5 authority for the vacant position, which authority shall select  
6 a successor in the same manner as the original selection was  
7 made.

8 G. Members of the commission shall not be removed  
9 except for incompetence, neglect of duty or malfeasance in  
10 office; provided, however, that no removal shall be made  
11 without notice of hearing and an opportunity to be heard having  
12 first been given such member. The supreme court of the state  
13 of New Mexico shall have exclusive original jurisdiction over  
14 proceedings to remove members of the commission under such  
15 rules as it may promulgate, and its decision in connection with  
16 such matters shall be final.

17 H. The commission shall annually select a chair and  
18 vice chair. The chair of the commission shall alternate  
19 between a member appointed by the legislature and a member  
20 appointed by the governor. A commissioner may serve as chair  
21 of the commission only once in a four-year period.

22 I. The state game commission as provided in Chapter  
23 17 NMSA 1978 shall have the same authority, powers and duties  
24 as now vested in the state game commission by law, and each  
25 member of the state game commission shall serve until [his] a

.191705.3

underscored material = new  
[bracketed material] = delete

1 successor has been appointed and qualified."

2 SECTION 2. TEMPORARY PROVISION--TRANSITION FOR CURRENTLY  
3 SERVING COMMISSIONERS.--

4 A. The at-large commissioners of the state game  
5 commission who are serving at the time this act takes effect  
6 shall serve out the remainder of their terms. Upon a vacancy  
7 that occurs in one of the at-large commission positions held at  
8 the time this act takes effect, whether through the expiration  
9 of a commissioner's term, a commissioner's retirement or the  
10 removal of a commissioner, the legislature shall appoint a  
11 replacement consistent with the provisions of Section 17-1-2  
12 NMSA 1978.

13 B. The district-specific commissioners of the state  
14 game commission who are serving at the time this act takes  
15 effect shall serve out the remainder of their terms. Upon a  
16 vacancy that occurs in one of the district-specific commission  
17 positions held at the time this act takes effect, whether  
18 through the expiration of a commissioner's term, a  
19 commissioner's retirement or the removal of a commissioner, the  
20 governor shall appoint a replacement consistent with the  
21 provisions of Section 17-1-2 NMSA 1978.

22 SECTION 3. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2013.