

HOUSE STATE GOVERNMENT, INDIAN AND
VETERANS AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 254

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

AN ACT

RELATING TO THE STATE GAME COMMISSION; PROVIDING FOR THE NEW
MEXICO LEGISLATIVE COUNCIL TO APPOINT FOUR COMMISSIONERS;
SETTING TERM LIMITS FOR COMMISSIONERS; ADDING REQUIREMENTS FOR
APPOINTMENT AND REMOVAL OF COMMISSIONERS.

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

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

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

A. To carry out the purpose of Chapter 17 NMSA 1978
and all other acts for like purpose, there is created a "state
game commission" of seven members. [~~not more than four of whom
shall be of the same political party at the time of their
appointment.~~ The]

B. Three members of the commission shall be

1 appointed by the governor, no two residing in the same
2 congressional district, and no more than two affiliated with
3 the same political party.

4 C. Four members of the commission shall be
5 appointed by the New Mexico legislative council. Those four
6 appointees shall consist of:

7 (1) one representative from the non-
8 consumptive outdoor recreation conservation community;

9 (2) one representative from the hunting and
10 fishing community, as evidenced by holding a current valid
11 hunting or fishing license and having held a valid hunting or
12 fishing license each of the previous four years;

13 (3) one representative from the agricultural
14 community, as evidenced by owning or managing a farm or ranch;
15 and

16 (4) one scientist specializing in biology,
17 ecology or wildlife management from a state educational
18 institution.

19 D. Other than the scientist appointed pursuant to
20 Paragraph (4) of Subsection C of this section:

21 (1) no more than two of the commissioners
22 appointed by the New Mexico legislative council shall be
23 affiliated with the same political party; and

24 (2) a person shall not be eligible to be
25 appointed as a commissioner if the person changed party

1 affiliation during the previous four years.

2 E. All commissioners shall be appointed with the
 3 advice and consent of the senate. The term of office for each
 4 member of the commission shall be [four] six years, except as
 5 provided in this subsection. At the time of making the
 6 governor's first three appointments pursuant to this 2017 act,
 7 the governor shall designate [the commissioners' terms as being
 8 one, two, three or four years so that the term of no more than
 9 two commissioners shall expire each year.

10 ~~In making appointments to the state game commission, one~~
 11 ~~member shall be appointed from each of the following districts:~~

12 ~~A. district one: Curry, De Baca, Roosevelt,~~
 13 ~~Ghaves, Lincoln, Otero, Eddy and Lea counties;~~

14 ~~B. district two: Catron, Socorro, Grant, Hidalgo,~~
 15 ~~Luna, Sierra and Dona Ana counties;~~

16 ~~C. district three: San Juan, McKinley, Cibola,~~
 17 ~~Valencia, Sandoval, Los Alamos and Rio Arriba counties;~~

18 ~~D. district four: Santa Fe, Taos, Colfax, Union,~~
 19 ~~Mora, Harding, Quay, San Miguel, Guadalupe and Torrance~~
 20 ~~counties; and~~

21 ~~E. district five: Bernalillo county. The~~
 22 ~~remaining two members shall be appointed at-large. At least~~
 23 ~~one member of the commission shall manage and operate a farm or~~
 24 ~~ranch that contains at least two species of wildlife on that~~
 25 ~~part which is deeded land requiring licensing prior to legal~~

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1 ~~pursuit under the provisions of Section 17-3-2 NMSA 1978. At~~
2 ~~least one member shall have a demonstrated history of~~
3 ~~involvement in wildlife and habitat protection issues and whose~~
4 ~~activities or occupation are not in conflict with wildlife and~~
5 ~~habitat advocacy.] one commissioner to serve a two-year term,~~
6 ~~one commissioner to serve a four-year term and one commissioner~~
7 ~~to serve a six-year term. At the time of making the New Mexico~~
8 ~~legislative council's first four appointments, the council~~
9 ~~shall designate:~~

10 (1) the representative of the conservation
11 community to serve a two-year term;

12 (2) the representative of the hunting and
13 fishing community to serve a four-year term;

14 (3) the representative of the agricultural
15 community to serve a six-year term; and

16 (4) the scientist to serve a six-year term.

17 F. An appointed commissioner shall serve and have
18 all of the duties, responsibilities and authority of that
19 office during the period of time prior to final action by the
20 senate confirming or rejecting the commissioner's appointment.

21 G. Commissioners shall serve for no more than two
22 terms. A partial term shall be counted as one full term.

23 H. When a commissioner dies, resigns or no longer
24 meets the qualifications required for the commissioner's
25 original selection, that position on the commission

1 becomes vacant. The original appointing authority for the
 2 vacant position shall appoint a successor for the remainder of
 3 the term in the same manner as the original selection for that
 4 position was made.

5 I. A commissioner shall not be removed except for
 6 incompetence, neglect of duty or malfeasance in office;
 7 provided, however, that no removal shall be made without notice
 8 of hearing and an opportunity to be heard having first been
 9 given to the commissioner. The supreme court of the state of
 10 New Mexico is hereby given exclusive original jurisdiction over
 11 proceedings to remove commissioners under such rules as it may
 12 promulgate, and its decision in connection with such matters
 13 shall be final.

14 J. The state game commission as provided in Chapter
 15 17 NMSA 1978 shall have the same authority, powers and duties
 16 as now vested in the state game commission by law [~~and each~~
 17 member of the state game commission shall serve until his
 18 successor has been appointed and qualified]."

19 **SECTION 2. [NEW MATERIAL] INITIAL APPOINTMENTS.--**The
 20 governor and the New Mexico legislative council shall make
 21 their initial appointments to the state game commission
 22 pursuant to the provisions of Section 1 of this 2017 act to be
 23 effective on January 1, 2019, at which time the terms of
 24 currently serving commissioners are terminated. A person who
 25 served as a commissioner prior to January 1, 2019 is eligible

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1 to be appointed only to one term commencing on January 1, 2019;
2 provided that the person previously served no more than one
3 term as a commissioner.

4 SECTION 3. EFFECTIVE DATE.--

5 A. The effective date of the provisions of Section
6 1 of this act is January 1, 2019.

7 B. The effective date of the provisions of Section
8 2 of this act is July 1, 2017.

underscored material = new
[bracketed material] = delete