

HOUSE FLOOR SUBSTITUTE FOR  
HOUSE BILL 263

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

AN ACT

RELATING TO THE STATE GAME COMMISSION; REFORMING THE STATE GAME  
COMMISSION APPOINTMENT PROCESS; 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, with no more than one residing in  
2 any one county and with no more than two affiliated with the  
3 same political party, as follows:

4 (1) position one, a member of the general  
5 public whose permanent, legal residence is in New Mexico's  
6 first congressional district;

7 (2) position two, a member of the general  
8 public whose permanent, legal residence is in New Mexico's  
9 second congressional district; and

10 (3) position three, a member of the general  
11 public whose permanent, legal residence is in New Mexico's  
12 third congressional district.

13 C. Four members of the commission shall be New  
14 Mexico residents and shall be appointed by the New Mexico  
15 legislative council, with no more than one residing in any one  
16 county, as follows:

17 (1) position four, a rancher or farmer who  
18 owns or manages a New Mexico ranch or farm, on which at least  
19 two species of animals for which game hunting is licensed under  
20 the provisions of Section 17-3-2 NMSA 1978 are frequently  
21 present;

22 (2) position five, a conservationist who for  
23 the previous four years has been an employee, member of the  
24 board or member of an established advisory committee of a  
25 nonprofit habitat or wildlife conservation organization the

1 primary focus of which is not game species;

2 (3) position six, a hunter or angler who has  
 3 held a New Mexico hunting or fishing license each of the  
 4 previous four years; and

5 (4) position seven, a scientist who holds at  
 6 least a master's degree from an accredited college or  
 7 university in wildlife biology, conservation biology, fisheries  
 8 science or management or wildlife science or management.

9 D. Other than the scientist appointed pursuant to  
 10 Paragraph (4) of Subsection C of this section, no more than two  
 11 of the commissioners appointed by the New Mexico legislative  
 12 council shall be affiliated with the same political party.

13 E. All commissioners appointed by the governor  
 14 shall be appointed with the advice and consent of the senate.  
 15 Except as provided in Section 2 of this 2019 act, the term of  
 16 office for each member of the commission shall be [four] six  
 17 years. [At the time of making the first appointments the  
 18 governor shall designate the commissioners' terms as being one,  
 19 two, three or four years so that the term of no more than two  
 20 commissioners shall expire each year.

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

23 A. district one: Curry, De Baca, Roosevelt,  
 24 Chaves, Lincoln, Otero, Eddy and Lea counties;

25 B. district two: Catron, Socorro, Grant, Hidalgo,

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1 ~~Luna, Sierra and Dona Ana counties;~~

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

4 ~~D. district four: Santa Fe, Taos, Colfax, Union,~~  
5 ~~Mora, Harding, Quay, San Miguel, Guadalupe and Torrance~~  
6 ~~counties; and~~

7 ~~E. district five: Bernalillo county. The~~  
8 ~~remaining two members shall be appointed at-large. At least~~  
9 ~~one member of the commission shall manage and operate a farm or~~  
10 ~~ranch that contains at least two species of wildlife on that~~  
11 ~~part which is deeded land requiring licensing prior to legal~~  
12 ~~pursuit under the provisions of Section 17-3-2 NMSA 1978. At~~  
13 ~~least one member shall have a demonstrated history of~~  
14 ~~involvement in wildlife and habitat protection issues and whose~~  
15 ~~activities or occupation are not in conflict with wildlife and~~  
16 ~~habitat advocacy.]~~

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 after the effective date of this 2019 act. A partial  
23 term shall be counted as one full term.

24 H. When a commissioner dies, resigns or no longer  
25 meets the qualifications required for the commissioner's

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

6 I. A commissioner shall not be removed except for  
 7 incompetence, neglect of duty or malfeasance in office;  
 8 provided, however, that no removal shall be made without notice  
 9 of hearing and an opportunity to be heard having first been  
 10 given to the commissioner. The supreme court is given  
 11 exclusive original jurisdiction over proceedings to remove  
 12 commissioners under such rules as it may promulgate, and its  
 13 decision in connection with such matters 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 K. A person shall not be eligible to be appointed  
 20 as a commissioner if the person changed party affiliation  
 21 during the previous four years.

22 L. All commissioners shall be subject to the Gift  
 23 Act and the Governmental Conduct Act."

24 **SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS.--**

25 The initial appointments made to the state game commission by

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1 the governor and the New Mexico legislative council pursuant to  
2 the provisions of Section 1 of this act shall replace the  
3 commissioners, whose terms shall end on the effective date of  
4 this act. Terms for the initial appointments to the commission  
5 appointed on the effective date of this act shall be as  
6 follows:

- 7 A. for position one, a one-year term;
- 8 B. for position two, a three-year term;
- 9 C. for position three, a five-year term;
- 10 D. for position four, a one-year term;
- 11 E. for position five, a three-year term;
- 12 F. for position six, a five-year term; and
- 13 G. for position seven, a five-year term.

14 SECTION 3. EFFECTIVE DATE.--The effective date of the  
15 provisions of this act is January 1, 2020.