

FIFTY-SIXTH LEGISLATURE
SECOND SESSION

PROPOSED AMENDMENT DIRECTED TO A COMMITTEE

January 27, 2024

Mr. Chair:

I propose to the HOUSE ENERGY, ENVIRONMENT AND NATURAL RESOURCES COMMITTEE the following amendments to

HOUSE BILL 178

1. On page 1, line 14, before the period, insert "; CREATING THE STATE GAME COMMISSION NOMINATING COMMITTEE".

2. On pages 1 through 5, strike Section 1 in its entirety and insert in lieu thereof:

"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 members of the commission shall be appointed by the governor with the advice and consent of the senate. The term of office for each member of the commission shall be four years. At the time of making the first appointments, the governor shall designate the commissioners' terms as being one, two, three or four years so that the term of no more than two commissioners shall expire each year.~~

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

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

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

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

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

~~E. district five: Bernalillo county. The remaining two members shall be appointed at-large. At least one member of the commission shall manage and operate a farm or ranch that contains at least two species of wildlife on that part which is deeded land requiring licensing prior to legal pursuit under the provisions of Section 17-3-2 NMSA 1978. At least one member shall have a demonstrated history of involvement in wildlife and habitat protection issues and whose activities or occupation are not in conflict with wildlife and habitat advocacy. The state game commission as provided in Chapter 17 NMSA 1978 shall have the same authority, powers and duties as now vested in the state game commission by law and each member of the state game commission shall serve until his successor has been appointed and qualified] all of whom shall be New Mexico residents. The governor shall appoint the members of the commission for the initial terms and make subsequent appointments from a list of qualified nominees submitted to the governor by the state game commission nominating committee.~~

B. Three at-large members of the state game commission shall possess knowledge of wildlife issues in the state and hold positions one, two and three, with no more than one member residing in any one county and with no more than two members affiliated with the same political party.

C. Four members of the state game commission shall hold positions four, five, six and seven, with no more than one member residing in any one county and with no more than two members affiliated with the same political party, as follows:

(1) position four, a rancher or farmer who owns or

manages a New Mexico ranch or farm, on which at least two species of animals for which game hunting is licensed under the provisions of Section 17-3-2 NMSA 1978 are frequently present;

(2) position five, a conservationist who for the previous four years has been an employee, a member of the board or a member of an established advisory committee of a nonprofit habitat or wildlife conservation organization, the primary focus of which is not game species;

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

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

D. Except for the initial appointments as provided in Section 3 of this 2024 act, the term of office for each member of the state game commission shall be six years.

E. Commissioners shall serve for no more than two terms after January 1, 2027. A partial term shall be counted as one full term, unless the partial term is less than one full year.

F. When a commissioner dies, resigns or no longer meets the qualifications required for the commissioner's original appointment, or misses three consecutive meetings, that position on the state game commission becomes vacant. The governor shall appoint a successor for the remainder of the term from a list of qualified nominees submitted to the governor by the state game commission nominating committee.

G. A commissioner shall not be removed except for incompetence, neglect of duty or malfeasance in office; provided that no removal shall be made without notice of hearing and an opportunity to be heard having first been given to the commissioner. The supreme court is given exclusive original jurisdiction over proceedings to remove commissioners under such rules as it may promulgate, and its decision in connection with such matters shall

be final.

H. A person shall not be eligible to be appointed as a commissioner if the person changed party affiliation during the previous four years; provided that a person who changed party affiliation for the purpose of voting in a primary election pursuant to Section 1-4-5.7 NMSA 1978 and then changed party affiliation back to the status of that person's party affiliation immediately prior to the change within ninety days shall not be considered to have changed party affiliation for the purposes of this subsection.

I. The director of the New Mexico outdoor recreation division of the economic development department or the director's designee shall be an advisor to the state game commission."

SECTION 2. A new Section 17-1-2.1 NMSA 1978 is enacted to read:

"17-1-2.1. [NEW MATERIAL] STATE GAME COMMISSION NOMINATING COMMITTEE.--

A. The "state game commission nominating committee" is created and consists of seven members as follows:

(1) four members appointed as follows: one by the speaker of the house of representatives, one by the minority floor leader of the house of representatives, one by the president pro tempore of the senate and one by the minority floor leader of the senate;

(2) two members as follows: the chair of the university of New Mexico's department of biology or the chair's designee and the chair of New Mexico state university's department of fish, wildlife and conservation ecology or the chair's designee; and

(3) one member appointed by the governor who shall represent an Indian nation, tribe or pueblo.

B. A state game commission nominating committee member shall serve without compensation but shall be reimbursed for expenses incurred in pursuit of the member's duties on the committee

pursuant to the Per Diem and Mileage Act.

C. The state game commission nominating committee and individual members shall be subject to the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

D. Administrative support shall be provided to the state game commission nominating committee by the staff of the department of game and fish.

E. Appointments shall be made no later than thirty days before the end of a term.

F. The committee shall select one member to be chair and one member to be secretary. Following the first meeting, the committee shall meet as often as necessary in order to submit a list to the governor of between seven and ten qualified nominees for positions one, two and three of the state game commission and between two and five qualified nominees for each of positions four, five, six and seven of the commission for the terms beginning January 1, 2027. The list shall be developed to provide geographical and political party diversity, and nominees on the list shall be from at least seven different counties of the state.

G. Subsequent to January 1, 2027, the state game commission nominating committee shall meet at least ninety days prior to the date on which the term of a state game commissioner ends and as often as necessary thereafter in order to submit a list to the governor, at least thirty days prior to the beginning of the new term, of no fewer than four qualified nominees from diverse geographical areas of the state with no more than two nominees affiliated with the same political party for appointment to the state game commission for each commissioner position term that is ending.

H. Upon the occurrence of a vacancy in a state game commissioner position, the state game commission nominating committee shall meet within thirty days of the date of the beginning of the vacancy and as often as necessary thereafter in order to submit a list to the governor, within sixty days of the first meeting after the vacancy occurs, of no fewer than four qualified

nominees from diverse geographical areas of the state with no more than two nominees affiliated with the same political party for appointment to the state game commission to fill the remainder of the term of each commissioner position that is vacant.

I. If a position on the state game commission nominating committee becomes vacant during a term, a successor shall be selected in the same manner as the original appointment for that position and shall serve for the remainder of the term of the position vacated.

J. The state game commission nominating committee shall actively solicit, accept and evaluate applications from qualified individuals for a position on the state game commission and may require an applicant to submit any information it deems relevant to the consideration of the individual's application.

K. The state game commission nominating committee shall select nominees for submission to the governor who, in the committee's judgment, are best qualified to serve as a member of the state game commission. A person shall not be eligible for nomination to the state game commission while serving on the state game commission nominating committee.

L. A majority vote of all members of the state game commission nominating committee in favor of a person is required for that person to be included on the list of qualified nominees submitted to the governor."".

3. On page 5, line 24, strike "and the New Mexico legislative council".

4. On page 5, line 25, strike "Section 1" and insert in lieu thereof "Sections 1 and 2".

5. On page 6, lines 1 and 2, strike "serving on the effective date of this act".

6. On page 6, lines 2 and 3, strike "the effective date of this act" and insert in lieu thereof "December 31, 2026".

7. On page 6, line 4, strike "appointed on the effective date

of this act" and insert in lieu thereof "beginning January 1, 2027".

8. On page 6, line 14, strike "January 1, 2025" and insert in lieu thereof "January 1, 2027".

9. Renumber sections to correspond to these amendments.

Respectfully submitted,

Matthew McQueen