

1 SENATE BILL 104

2 **57TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2026**

3 INTRODUCED BY

4 Peter Wirth and Pete Campos and Nathan P. Small
5 and Matthew McQueen and Crystal Brantley

10 AN ACT

11 RELATING TO PUBLIC OFFICIALS; PROVIDING FOR THE REMOVAL OF
12 APPOINTED MEMBERS OF THE STATE WILDLIFE COMMISSION FOR
13 INCOMPETENCE, NEGLECT OF DUTY OR MALFEASANCE IN OFFICE;
14 REQUIRING NOTICE, AN OPPORTUNITY FOR A HEARING AND JUDICIAL
15 APPEAL.

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

18 SECTION 1. That version of Section 17-1-2 NMSA 1978
19 (being Laws 1921, Chapter 35, Section 2, as amended) that is to
20 become effective January 1, 2027 is amended to read:

21 "17-1-2. STATE WILDLIFE COMMISSION--APPOINTMENT--TERM.--

22 A. There is created a "state wildlife commission"
23 of seven voting members, all of whom shall possess knowledge of
24 wildlife, hunting and fishing and be New Mexico residents. The
25 governor shall appoint the members of the commission with the

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1 advice and consent of the senate from a list of qualified
2 nominees submitted to the governor by the state wildlife
3 commission nominating committee. The commission shall select
4 one commissioner to be chair and one commissioner to be vice
5 chair. The department shall provide administrative support to
6 the commission.

7 B. Three at-large members of the commission shall
8 hold positions one, two and three, with no more than one member
9 residing in any one county and with no more than two members
10 affiliated with the same political party; provided that at
11 least one member shall be a member of a federally recognized
12 Indian nation, tribe or pueblo in New Mexico.

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

17 (1) position four, a rancher or farmer who
18 actively works at growing and selling livestock or crops from a
19 ranch or farm where at least two big game species, as defined
20 by and for which hunting is licensed by the department, are
21 frequently present;

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

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1 primary focus of which is not game species;

2 (3) position six, an individual who is both a
3 hunter and an angler having held both a New Mexico hunting
4 license and fishing license each of the previous four years;
5 and

6 (4) position seven, a scientist who holds at
7 least a master's degree in wildlife biology, conservation
8 biology, fisheries science or management, wildlife science or
9 management or a comparable wildlife field.

10 D. Except for the initial appointments as provided
11 in ~~Section 12 of this 2025 act~~ Laws 2025, Chapter 9, Section
12 12, the term of office for each member of the commission shall
13 be six years.

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

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

25 G. Except when the position of commissioner becomes

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1 vacant pursuant to Subsection F of this section, a commissioner
2 shall not be removed except for incompetence, neglect of duty
3 or malfeasance in office. A proceeding for the removal of a
4 commissioner may be commenced by the governor. A commissioner
5 shall be given notice of the hearing and an opportunity to be
6 heard before the commissioner is removed. The supreme court is
7 given exclusive original jurisdiction over proceedings to
8 remove commissioners, and its decision in connection with such
9 matters shall be final.

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

19 I. The following persons shall serve as advisory,
20 nonvoting members of the commission:

21 (1) the director of the New Mexico outdoor
22 recreation division of the economic development department or
23 the director's designee;

24 (2) the director of the New Mexico department
25 of agriculture or the director's designee;

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(3) the commissioner of public lands or the commissioner's designee; and

(4) the secretary of Indian affairs or the secretary's designee."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2027.

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