

SENATE FINANCE COMMITTEE SUBSTITUTE FOR  
SENATE BILL 196

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO GAME AND FISH; AMENDING SECTIONS OF CHAPTER 17 NMSA  
1978 TO PROVIDE FOR A CHANGE IN THE PERCENTAGES OF HUNTING  
LICENSES ISSUED TO NONRESIDENTS AND RESIDENTS FOR PUBLIC LAND  
DRAWS AND TO CHANGE CERTAIN LICENSE FEES.

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

SECTION 1. Section 17-1-22 NMSA 1978 (being Laws 1964  
(1st S.S.), Chapter 18, Section 7, as amended) is amended to  
read:

"17-1-22. SECURITY--RETIREMENT OF BONDS.--

A. There is created in the state treasury the "game  
and fish bond retirement fund". The state game commission  
shall place into the game and fish bond retirement fund the sum  
of one dollar (\$1.00) from each license enumerated in this  
subsection that is sold after April 1, 1976:

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underscored material = new  
[bracketed material] = delete

- 1 (1) resident, fishing;
- 2 (2) resident, [~~small~~] game hunting;
- 3 (3) resident, deer;
- 4 [~~(4) resident, general hunting;~~
- 5 ~~(5)]~~ (4) resident, [~~general~~] game hunting and
- 6 fishing;
- 7 [~~(6)~~] (5) resident, trapper;
- 8 [~~(7)~~] (6) nonresident, fishing;
- 9 [~~(8)~~] (7) nonresident, [~~small~~] game hunting;
- 10 [~~(9)~~] (8) temporary fishing, five days; and
- 11 [~~(10)~~] (9) nonresident, deer.

12 Such payments to the game and fish bond retirement fund shall  
13 be effective for all bonds issued under the Game and Fish Bond  
14 Act up to the maximum limitation on the amount of bonds  
15 provided in that act.

16 B. Money in the game and fish bond retirement fund  
17 is first pledged for the payment of principal and interest on  
18 all state game commission bonds which have been issued and are  
19 outstanding [~~at the time of the effective date of this 1983~~  
20 ~~amendment~~] prior to June 17, 1983. Money in the game and fish  
21 bond retirement fund is further pledged for the payment of  
22 principal and interest on all state game commission bonds  
23 issued [~~after the effective date of this 1983 amendment~~] as of  
24 June 17, 1983. The issuance and sale of bonds under the Game  
25 and Fish Bond Act constitutes an irrevocable contract between

1 the state game commission and the owner of any bond, and so  
 2 long as any bond remains outstanding the fees pledged for  
 3 payment shall not be reduced.

4 C. Bonds issued under the Game and Fish Bond Act  
 5 are payable solely from the game and fish bond retirement fund,  
 6 and they are not general obligations of the state.

7 D. The state game commission shall continue to  
 8 place in the game and fish bond retirement fund the sum of one  
 9 dollar (\$1.00) from each of the licenses enumerated in  
 10 Subsection A of this section, even after the fund is sufficient  
 11 to pay the principal and interest of the outstanding bonds and  
 12 after all bonds issued have been retired."

13 SECTION 2. Section 17-3-2 NMSA 1978 (being Laws 1964 (1st  
 14 S.S.), Chapter 17, Section 2, as amended) is amended to read:

15 "17-3-2. CLASSES OF LICENSES.--

16 A. As used with reference to licenses in Chapter 17  
 17 NMSA 1978:

18 (1) "fishing" entitles the licensee to fish  
 19 for game fish during the open seasons for each species;

20 (2) "~~small~~ game hunting" entitles the  
 21 licensee to hunt game birds, other than wild turkey, and  
 22 squirrel during the open seasons for each and to apply for or  
 23 purchase a license to hunt for deer, antelope, elk, bighorn  
 24 sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and  
 25 wild turkey;

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1                   (3) "deer" entitles the licensee to hunt deer  
2 during the open season;

3                   ~~[(4) "general hunting" entitles the licensee~~  
4 ~~to hunt deer, squirrel and game birds during the open seasons~~  
5 ~~for each;~~

6                   ~~(5) "general hunting and fishing" entitles the~~  
7 ~~licensee to hunt deer, squirrel and game birds and to fish for~~  
8 ~~game fish during the open seasons for each;~~

9                   ~~(6)]~~ (4) "antelope" entitles the licensee to  
10 hunt antelope during the open season;

11                   ~~[(7)]~~ (5) "elk" entitles the licensee to hunt  
12 elk during the open season;

13                   ~~[(8)]~~ (6) "bighorn sheep" entitles the  
14 licensee to hunt bighorn sheep during the open season;

15                   ~~[(9)]~~ (7) "Barbary sheep" entitles the  
16 licensee to hunt Barbary sheep during the open season;

17                   ~~[(10)]~~ (8) "javelina" entitles the licensee to  
18 hunt javelina during the open season;

19                   ~~[(11)]~~ (9) "bear" entitles the licensee to  
20 hunt bear during the open season;

21                   ~~[(12)]~~ (10) "nongame" entitles the licensee to  
22 hunt or take any animal or bird not protected by law;

23                   ~~[(13)]~~ (11) "temporary fishing" entitles the  
24 licensee to fish for game fish during a specific period of time  
25 indicated on the license;

1                    [~~(14)~~] (12) "oryx" entitles the licensee to  
2 hunt oryx during the open season;

3                    [~~(15)~~] (13) "ibex" entitles the licensee to  
4 hunt ibex during the open season;

5                    [~~(16)~~] (14) "cougar" entitles the licensee to  
6 hunt cougar during the open season;

7                    [~~(17)~~] (15) "turkey" entitles the licensee to  
8 hunt turkey during the open season;

9                    [~~(18)~~] (16) "special season turkey" entitles  
10 the licensee to hunt turkey during special seasons designated  
11 by the state game commission;

12                    [~~(19)~~] (17) "quality elk" entitles the  
13 licensee to hunt elk during a special quality elk season, to be  
14 established by the state game commission, when the timing of  
15 the season and hunter density is specially regulated and the  
16 elk population is managed with an intent to provide the  
17 licensee an increased opportunity to take a mature elk;

18                    [~~(20)~~] (18) "quality deer" entitles the  
19 licensee to hunt deer during a special quality deer season, to  
20 be established by the state game commission, when the timing of  
21 the season and hunter density is specially regulated and the  
22 deer population is managed with an intent to provide the  
23 licensee an increased opportunity to take a mature deer;

24                    [~~(21)~~] (19) "temporary [~~small~~] game hunting"  
25 entitles the licensee to hunt game birds, except wild turkey,

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1 and squirrel during a specific period of time indicated on the  
2 license;

3 [~~(22)~~] (20) "second rod" entitles the licensee  
4 to fish using two fishing rods to fish for game fish during the  
5 open seasons for each species; and

6 [~~(23)~~] (21) "fishing and [~~small~~] game hunting  
7 combination" entitles the licensee to hunt squirrel and game  
8 birds, other than wild turkey, and to fish for game fish during  
9 the open season for each.

10 B. A hunting license does not entitle the licensee  
11 to hunt, kill or take game animals or birds within or upon a  
12 park or enclosure licensed or posted as provided by law or  
13 within or upon a privately owned enclosure without consent of  
14 the owner or within or upon a game refuge or game management  
15 area.

16 C. A fishing license does not entitle the licensee  
17 to fish for or take fish within or upon a park or enclosure  
18 licensed or posted as provided by law or within or upon a  
19 privately owned enclosure without consent of the owner or in or  
20 on closed waters.

21 D. A junior fishing license may be purchased by a  
22 resident who has reached the age of twelve years but has not  
23 reached the age of eighteen years. A junior fishing license  
24 entitles the licensee to fish for game fish during the open  
25 season for each species.

1           E. A senior fishing license may be purchased by a  
2 resident who has reached the age of sixty-five years. A senior  
3 fishing license entitles the licensee to fish for game fish  
4 during the open season for each species.

5           F. A nonresident junior fishing license may be  
6 purchased by a nonresident who has reached the age of twelve  
7 years but has not reached the age of eighteen years. A  
8 nonresident junior fishing license entitles the licensee to  
9 fish for game fish during the open season for each species.

10           G. A senior [~~general~~] game hunting license may be  
11 purchased by a resident who has reached the age of sixty-five  
12 years. A senior [~~general~~] game hunting license entitles the  
13 licensee to hunt for [~~deer~~] squirrel and game birds, other than  
14 wild turkey, during the open seasons for each species and to  
15 apply for or purchase a license to hunt for deer, antelope,  
16 elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,  
17 cougar and wild turkey.

18           H. A junior [~~general~~], resident or nonresident,  
19 game hunting license may be purchased by a [~~resident~~] person  
20 who has not reached the age of eighteen years. A junior  
21 [~~general~~] game hunting license entitles the licensee to hunt  
22 for [~~deer~~] squirrel and game birds, other than wild turkey,  
23 during the open seasons for each species and to apply for or  
24 purchase a license to hunt for deer, antelope, elk, bighorn  
25 sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and

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1 wild turkey.

2 I. A handicapped fishing license may be purchased  
3 by a resident who has a severe physical impairment that  
4 substantially limits one or more major life activities and who  
5 can furnish adequate proof of this disability to the state game  
6 commission. A handicapped fishing license may be purchased by  
7 a resident who has a developmental disability as defined in  
8 Subsection H of Section 43-1-3 NMSA 1978 and who can furnish  
9 adequate proof of this disability to the state game commission.  
10 A handicapped fishing license entitles the licensee to fish for  
11 game fish during the open season for each species.

12 J. A handicapped [~~general~~] game hunting license may  
13 be purchased by a resident who has a severe physical impairment  
14 that substantially limits one or more major life activities and  
15 who can furnish adequate proof of this disability to the state  
16 game commission. A handicapped [~~general~~] game hunting license  
17 entitles the licensee to hunt for [~~deer~~] squirrel and game  
18 birds, other than wild turkey, during the open season for each  
19 species and to apply for or purchase a license to hunt for  
20 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,  
21 bear, oryx, ibex, cougar and wild turkey.

22 K. A fishing license may be obtained at no cost by  
23 a resident who has reached the age of seventy years.

24 L. A second rod validation may be purchased by  
25 either a resident or nonresident. A second rod validation

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1 entitles the licensee to fish using two rods for game fish  
2 during the open season for each species.

3 M. A junior-senior elk license may be purchased by  
4 a resident who has not reached the age of eighteen years or by  
5 a resident who has reached the age of sixty-five years. A  
6 junior-senior elk license entitles the licensee to hunt for elk  
7 during the open season for that species.

8 N. A junior-senior deer license may be purchased by  
9 a resident who is younger than eighteen years or older than  
10 sixty-five years. A junior-senior deer license entitles the  
11 licensee to hunt for deer during the open season for that  
12 species.

13 O. A [~~junior-senior~~] junior or senior fishing and  
14 [~~small~~] game hunting combination license may be purchased by a  
15 resident who is younger than eighteen years or older than  
16 sixty-five years. A [~~junior-senior~~] junior or senior fishing  
17 and [~~small~~] game hunting combination license entitles the  
18 licensee to fish for game fish or hunt for squirrel and game  
19 birds, other than wild turkey, during the open seasons for each  
20 species and to apply for or purchase a license to hunt for  
21 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,  
22 bear, oryx, ibex, cougar and wild turkey.

23 P. A disabled veteran fishing and [~~small~~] game  
24 hunting combination license may be purchased by a resident who  
25 has been granted a disability by the federal department of

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1 veterans affairs as a result of having served in the armed  
2 forces of the United States if the resident submits to the  
3 state game commission satisfactory proof that the resident was  
4 disabled as a result of having served in the armed forces of  
5 the United States. A disabled veteran fishing and ~~[small]~~ game  
6 hunting combination license entitles the licensee to fish for  
7 game fish or hunt for squirrel and game birds, other than wild  
8 turkey, during the open season for each species and to apply  
9 for or purchase a license to hunt for deer, antelope, elk,  
10 bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,  
11 cougar and wild turkey.

12 Q. A military ~~[general]~~ game hunting and fishing  
13 license may be purchased by a member of the armed forces of the  
14 United States who, for a period of not less than ninety days  
15 immediately preceding the date of application for the license,  
16 has been domiciled in New Mexico and has not claimed residency  
17 elsewhere for any purpose. A military ~~[general]~~ game hunting  
18 and fishing license entitles the licensee to hunt ~~[deer]~~  
19 squirrel and game birds, other than wild turkey, and to fish  
20 for game fish during the open seasons for each species and to  
21 apply for or purchase a license to hunt for deer, antelope,  
22 elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,  
23 cougar and wild turkey."

24 SECTION 3. Section 17-3-5 NMSA 1978 (being Laws 1923,  
25 Chapter 129, Section 1, as amended) is amended to read:

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1 "17-3-5. APPLICATION FOR HUNTING OR FISHING LICENSES--  
2 CONTENTS--FILING.--

3 A. The director of the department of game and fish  
4 shall prepare and furnish blank applications for all persons  
5 applying for fishing or hunting licenses within the state.  
6 Except as provided in Subsection B or E of this section, each  
7 person, before receiving any fishing or hunting license, shall  
8 make application on a blank so provided. Among other matters  
9 that may be shown by the application, [~~shall be~~] a statement  
10 [~~showing~~] shall show the exact residence of the applicant.  
11 Except as provided in Subsection B or E of this section, the  
12 application shall be signed by the applicant. All applications  
13 for licenses shall be filed with and issued by license vendors  
14 appointed by the director. All fishing and hunting licenses  
15 and the applications therefor shall contain the place of  
16 residence of the person to whom any license may be issued.

17 B. License vendors, as authorized by the director  
18 of the department of game and fish, [~~shall be allowed to~~] may  
19 take applications for hunting and fishing licenses or  
20 authorizations via telephone or the internet. The vendor or  
21 applicant shall fill out a license application with the same  
22 information as required for other applications. The vendor  
23 shall mail the license to the applicant, and the license shall  
24 be in the possession of the hunter or angler unless otherwise  
25 provided in Chapter 17 NMSA 1978. All money collected through

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1 telephone or internet sales shall be remitted to the director  
2 by the tenth day of the month following the sale. An  
3 individual receiving a license pursuant to this subsection is  
4 not required to sign an application prior to issuance of the  
5 license; provided, however, that [~~such~~] the individual is  
6 subject to prosecution pursuant to Section 17-3-6 NMSA 1978 for  
7 any false or fraudulent statement or other misrepresentation as  
8 if the individual had signed an application for license.

9 C. Upon request, an applicant for a fishing or  
10 [~~small~~] game hunting license shall receive an authorization  
11 number as assigned by the director of the department of game  
12 and fish through the vendor. The authorization number may be  
13 used in lieu of the actual license only by the individual who  
14 applies and meets the requirements for a license. The  
15 authorization number shall serve as a license for the purposes  
16 of Sections 17-3-1 and 17-3-17 NMSA 1978. It is a misdemeanor  
17 to hunt or fish with an invalid authorization number or a  
18 number issued to another person.

19 D. Each license vendor authorized to sell licenses  
20 via telephone or internet may collect the actual cost, not to  
21 exceed five dollars (\$5.00), of shipping and handling the  
22 application and license issuance.

23 E. The director of the department of game and fish  
24 may prepare and furnish an electronic application for all  
25 persons applying for hunting license drawings. A person making

1 an electronic application is not required to sign an  
2 application prior to issuance of the license; provided that the  
3 person is subject to prosecution pursuant to Section  
4 17-3-6 NMSA 1978 for any false or fraudulent statement or other  
5 misrepresentation as if the person had signed an application."

6 SECTION 4. Section 17-3-13 NMSA 1978 (being Laws 1964  
7 (1st S.S.), Chapter 17, Section 5, as amended) is amended to  
8 read:

9 "17-3-13. LICENSE FEES.--

10 A. The director of the department of game and fish  
11 shall keep a record of all money received and licenses and  
12 permits issued by the department, numbering each class  
13 separately. Upon satisfactory proof that a license or permit  
14 has been lost before its expiration, the director may issue a  
15 duplicate and collect a just and reasonable fee for it as  
16 determined by regulation of the state game commission.

17 B. The director of the department of game and fish  
18 shall collect the following fees for each license of the class  
19 indicated:

20	Resident, fishing . . . . .	\$25.00
21	Resident, <del>[small]</del> game <u>hunting</u> . . . . .	<del>[20.00]</del> <u>15.00</u>
22	Resident, deer . . . . .	<del>[36.00]</del> <u>31.00</u>
23	Resident, junior-senior, deer . . . . .	<del>[24.00]</del> <u>19.00</u>
24	<del>[Resident, general hunting . . . . .</del>	<del>40.00</del>
25	<del>Resident, general hunting and fishing . . . . .</del>	<del>59.00]</del>

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1	Resident, senior, handicapped, military,	
2	[ <del>general</del> ] <u>game</u> hunting and fishing . . . .	[ <del>28.00</del> ] <u>20.00</u>
3	[ <del>Resident, junior, general</del>	
4	<del>hunting and fishing . . . . .</del>	<del>20.00]</del>
5	Resident, fishing and [ <del>small</del> ] <u>game</u> <u>hunting</u>	
6	combination . . . . .	[ <del>33.00</del> ] <u>30.00</u>
7	Resident, [ <del>junior-senior</del> ] <u>junior</u> , fishing and [ <del>small</del> ] <u>game</u>	
8	<u>hunting</u> combination . . . . .	[ <del>16.00</del> ] <u>15.00</u>
9	Resident, disabled veteran, fishing and [ <del>small</del> ] <u>game</u>	
10	<u>hunting</u> combination . . . . .	10.00
11	Resident, antelope . . . . .	50.00
12	Resident, elk cow . . . . .	50.00
13	Resident, elk bull or either sex . . . . .	80.00
14	Resident, junior-senior, elk . . . . .	48.00
15	Resident, bighorn sheep, ram . . . . .	150.00
16	Resident, bighorn sheep, ewe . . . . .	75.00
17	Resident, Barbary sheep . . . . .	100.00
18	Resident, bear . . . . .	44.00
19	Resident, turkey . . . . .	25.00
20	Resident, cougar . . . . .	40.00
21	Resident, oryx . . . . .	150.00
22	Resident, ibex . . . . .	100.00
23	Resident, javelina . . . . .	55.00
24	Resident, fur dealer . . . . .	15.00
25	Resident, trapper . . . . .	20.00

1	Resident, junior trapper . . . . .	9.00
2	Nonresident, fishing . . . . .	56.00
3	Nonresident, junior fishing . . . . .	<del>[28.00]</del> <u>15.00</u>
4	<u>Nonresident, junior, game hunting . . . . .</u>	<u>15.00</u>
5	Nonresident, [ <del>small</del> ] game <u>hunting</u> . . . . .	<del>[90.00]</del> <u>65.00</u>
6	Nonresident, deer . . . . .	260.00
7	Nonresident, quality deer . . . . .	345.00
8	Nonresident, bear . . . . .	250.00
9	Nonresident, cougar . . . . .	280.00
10	Nonresident, turkey . . . . .	100.00
11	Nonresident, antelope . . . . .	260.00
12	Nonresident, elk cow . . . . .	315.00
13	Nonresident, elk bull or either sex . . . . .	525.00
14	Nonresident, quality elk . . . . .	750.00
15	Nonresident, bighorn sheep . . . . .	3,150.00
16	Nonresident, Barbary sheep . . . . .	350.00
17	Nonresident, oryx . . . . .	1,600.00
18	Nonresident, ibex . . . . .	1,600.00
19	Nonresident, javelina . . . . .	155.00
20	Nonresident, fur dealer . . . . .	125.00
21	Nonresident, trapper . . . . .	345.00
22	Nonresident, nongame . . . . .	65.00
23	Resident, senior, handicapped,	
24	fishing . . . . .	8.00
25	Resident, junior fishing . . . . .	5.00

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 [bracketed material] = delete

1	Temporary fishing, one day . . . . .	12.00
2	Temporary fishing, five days . . . . .	24.00
3	Resident, senior, handicapped,	
4	<del>[general]</del> <u>game</u> hunting . . . . .	<del>[24.00]</del> <u>15.00</u>
5	Resident, junior, <del>[general]</del> <u>game</u> hunting .	<del>[15.00]</del> <u>10.00</u>
6	Temporary <del>[small]</del> <u>game</u> hunting, four days . . . . .	33.00
7	Second rod validation . . . . .	4.00."

8 SECTION 5. Section 17-3-16 NMSA 1978 (being Laws 1964  
9 (1st S.S.), Chapter 17, Section 7, as amended) is amended to  
10 read:

11 "17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES.--

12 A. The director of the department of game and fish  
13 may provide special envelopes and application blanks when a  
14 special drawing is to be held to determine the persons to  
15 receive licenses. Money required to be submitted with these  
16 applications, if enclosed in the special envelopes, need not be  
17 deposited with the state treasurer but may be held by the  
18 director until the successful applicants are determined. At  
19 that time, the fees of the successful applicants shall be  
20 deposited with the state treasurer and the fees submitted by  
21 the unsuccessful applicants shall be returned to them.

22 B. Beginning with the licenses issued from a  
23 special drawing for a hunt code ~~[on public lands]~~ that  
24 commences on or after April 1, ~~[1997+]~~

25 ~~(1) twenty-two percent of the licenses shall~~

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1 ~~be issued to nonresidents divided as follows:~~

2 ~~(a) twelve percent of the licenses to be~~  
 3 ~~drawn by nonresidents who will be guided by a New Mexico~~  
 4 ~~outfitter or guide; and~~

5 ~~(b) ten percent of the licenses to be~~  
 6 ~~drawn by nonresidents who are not required to be guided by a~~  
 7 ~~New Mexico outfitter or guide; and~~

8 ~~(2) seventy-eight] 2012:~~

9 (1) licenses shall be issued as follows:

10 (a) ten percent of the licenses to be  
 11 drawn by nonresidents and residents who will be contracted with  
 12 a New Mexico outfitter prior to application; and

13 (b) six percent of the licenses to be  
 14 drawn by nonresidents who are not required to be contracted  
 15 with an outfitter; and

16 (2) a minimum of eighty-four percent of the  
 17 licenses shall be issued to residents of New Mexico.

18 C. If the number of [~~nonresidents or residents~~]  
 19 applicants who apply for licenses pursuant to the provisions of  
 20 Paragraphs (1) and (2) of Subsection B of this section does not  
 21 constitute the allocated [~~percentages~~] licenses for either  
 22 category [~~of nonresidents or residents~~], then the additional  
 23 licenses available [~~shall~~] may be granted to [~~the other~~]  
 24 another category of [~~nonresidents or residents~~] applicants.

25 The director shall offer first choice of undersubscribed hunts

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1 to residents, whenever practicable.

2 D. If the determination of the percentages in  
3 Subsection B of this section yields a fraction of:

4 (1) five-tenths or greater, the number of  
5 licenses to be issued shall be rounded up to the next whole  
6 number; and

7 (2) less than five-tenths, the number of  
8 licenses shall be rounded down to the next whole number.

9 E. The fee for a nonresident license for a special  
10 drawing in a high-demand hunt covered in Subsection B of this  
11 section shall be assessed at the same rate as a license for  
12 nonresident quality elk or quality deer. As used in this  
13 subsection, "high-demand hunt" means:

14 (1) a hunt where the total number of  
15 nonresident applicants for a hunt code in each unit exceeds  
16 twenty-two percent of the total applicants and where the total  
17 applicants for a hunt exceeds the number of licenses available  
18 based on application data indicating that this criteria  
19 occurred in each of the two immediately preceding years; or

20 (2) an additional hunt code designated by the  
21 department of game and fish as a quality hunt.

22 F. All antlerless elk hunts pursuant to this  
23 section shall be exclusively for New Mexico residents.

24 G. Hunts on all state wildlife management areas  
25 shall be allocated exclusively to New Mexico residents.

1           H. As used in this section, "New Mexico outfitter"  
2 means a person who has a business:

3                   (1) with a valid New Mexico state, county or  
4 municipal business registration and a valid outfitter license  
5 issued by the department of game and fish;

6                   (2) that is authorized to do and is doing  
7 outfitting business under the laws of this state;

8                   (3) that has paid property taxes or rent on  
9 real property in New Mexico, paid gross receipts taxes and paid  
10 at least one other tax administered by the taxation and revenue  
11 department in each of the three years immediately preceding the  
12 submission of an affidavit to the department of game and fish;

13                   (4) the majority of which is owned by the  
14 person who has resided in New Mexico during the three-year  
15 period immediately preceding the submission of an affidavit to  
16 the department of game and fish;

17                   (5) that employs at least eighty percent of  
18 the total personnel of the business who are residents; and

19                   (6) that has either leased property for ten  
20 years or purchased property greater than fifty thousand dollars  
21 (\$50,000) in value in New Mexico;

22                   (7) that, if it has changed its name from that  
23 of a previously certified business, the business is identical  
24 in every way to the previously certified business that meets  
25 all criteria;

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1                   (8) that possesses all required federal or  
2 state land use permits for the hunt; and

3                   (9) that operates as a hunting guide service  
4 during which at least two days are accompanied with the client  
5 in the area where the license is valid."

6           SECTION 6. Section 17-3-40 NMSA 1978 (being Laws 1957,  
7 Chapter 194, Section 6) is amended to read:

8           "17-3-40. REGULAR LICENSES.--Residents or nonresidents  
9 may hunt on private shooting preserves when possessed of the  
10 appropriate bird or [~~general~~] hunting license. All hunting on  
11 [~~such~~] shooting preserves covered in [~~this~~] the Regulated  
12 Shooting Preserve Act shall be done only with the consent of  
13 the owner of [~~such~~] the private preserve."

14           SECTION 7. Section 20-1-8 NMSA 1978 (being Laws 2003,  
15 Chapter 136, Section 1) is amended to read:

16           "20-1-8. STATE BENEFITS FOR MEMBERS OF ARMED FORCES  
17 CALLED TO ACTIVE DUTY AND DEPLOYED--BENEFITS FOR SURVIVING  
18 CHILDREN OF A MEMBER KILLED IN THE LINE OF DUTY.--

19           A. A New Mexico resident who is a member of the New  
20 Mexico national guard or of a branch of the federal armed  
21 forces and who is called to active duty and is deployed and  
22 serves during the period beginning on the effective date of  
23 this section and ending on the date the president of the United  
24 States declares that the emergency requiring the  
25 call-up is terminated is entitled to the following benefits,

1 notwithstanding any provision of law to the contrary:

2 (1) a free ~~[general]~~ game hunting and fishing  
3 license for the year following the year of the member's  
4 deactivation and return to the state;

5 (2) an extension of one year after the return  
6 of the member to the state of the date the member is required  
7 to file a state personal income tax return if the filing date  
8 occurs while the member is on active duty and deployed;

9 (3) an extension for one month after the  
10 member's return to the state of the date to renew a driver's  
11 license if the renewal date occurs while the member is on  
12 active duty and deployed; and

13 (4) a refund or credit of tuition paid to a  
14 state post-secondary educational institution for attendance  
15 during a period when the attendance of the member was  
16 interrupted by activation and deployment.

17 B. The surviving children of a New Mexico resident  
18 who was a member of the New Mexico national guard or of a  
19 branch of the federal armed forces and who was killed in the  
20 line of duty after being called to active duty and deployed  
21 during the period beginning on ~~[the effective date of this~~  
22 ~~section]~~ April 3, 2003 and ending on the date the president of  
23 the United States declares that the emergency requiring the  
24 call-up is terminated are entitled to waivers of tuition for  
25 four consecutive years at a state post-secondary educational

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1 institution, notwithstanding any provision of law to the  
2 contrary."

3 SECTION 8. EFFECTIVE DATE.--The effective date of the  
4 provisions of this act is April 1, 2012.

underscoring material = new  
~~[bracketed material]~~ = delete