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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:

- (1) resident, fishing;
- (2) resident, game hunting;
- (3) resident, deer;
- (4) resident, game hunting and fishing;
- (5) resident, trapper;
- (6) nonresident, fishing;
- (7) nonresident, game hunting;
- (8) temporary fishing, five days; and

1 (9) nonresident, deer.

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

6 B. Money in the game and fish bond retirement fund  
7 is first pledged for the payment of principal and interest on  
8 all state game commission bonds which have been issued and  
9 are outstanding prior to June 17, 1983. Money in the game  
10 and fish bond retirement fund is further pledged for the  
11 payment of principal and interest on all state game  
12 commission bonds issued as of June 17, 1983. The issuance  
13 and sale of bonds under the Game and Fish Bond Act  
14 constitutes an irrevocable contract between the state game  
15 commission and the owner of any bond, and so long as any bond  
16 remains outstanding the fees pledged for payment shall not be  
17 reduced.

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

21 D. The state game commission shall continue to  
22 place in the game and fish bond retirement fund the sum of  
23 one dollar (\$1.00) from each of the licenses enumerated in  
24 Subsection A of this section, even after the fund is  
25 sufficient to pay the principal and interest of the

1 outstanding bonds and after all bonds issued have been  
2 retired."

3 SECTION 2. Section 17-3-2 NMSA 1978 (being Laws 1964  
4 (1st S.S.), Chapter 17, Section 2, as amended) is amended to  
5 read:

6 "17-3-2. CLASSES OF LICENSES.--

7 A. As used with reference to licenses in Chapter  
8 17 NMSA 1978:

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

11 (2) "game hunting" entitles the licensee to  
12 hunt game birds, other than wild turkey, and squirrel during  
13 the open seasons for each and to apply for or purchase a  
14 license to hunt for deer, antelope, elk, bighorn sheep,  
15 Barbary sheep, javelina, bear, oryx, ibex, cougar and wild  
16 turkey;

17 (3) "deer" entitles the licensee to hunt  
18 deer during the open season;

19 (4) "antelope" entitles the licensee to hunt  
20 antelope during the open season;

21 (5) "elk" entitles the licensee to hunt elk  
22 during the open season;

23 (6) "bighorn sheep" entitles the licensee to  
24 hunt bighorn sheep during the open season;

25 (7) "Barbary sheep" entitles the licensee to

1 hunt Barbary sheep during the open season;

2 (8) "javelina" entitles the licensee to hunt  
3 javelina during the open season;

4 (9) "bear" entitles the licensee to hunt  
5 bear during the open season;

6 (10) "nongame" entitles the licensee to hunt  
7 or take any animal or bird not protected by law;

8 (11) "temporary fishing" entitles the  
9 licensee to fish for game fish during a specific period of  
10 time indicated on the license;

11 (12) "oryx" entitles the licensee to hunt  
12 oryx during the open season;

13 (13) "ibex" entitles the licensee to hunt  
14 ibex during the open season;

15 (14) "cougar" entitles the licensee to hunt  
16 cougar during the open season;

17 (15) "turkey" entitles the licensee to hunt  
18 turkey during the open season;

19 (16) "special season turkey" entitles the  
20 licensee to hunt turkey during special seasons designated by  
21 the state game commission;

22 (17) "quality elk" entitles the licensee to  
23 hunt elk during a special quality elk season, to be  
24 established by the state game commission, when the timing of  
25 the season and hunter density is specially regulated and the

1 elk population is managed with an intent to provide the  
2 licensee an increased opportunity to take a mature elk;

3 (18) "quality deer" entitles the licensee to  
4 hunt deer during a special quality deer season, to be  
5 established by the state game commission, when the timing of  
6 the season and hunter density is specially regulated and the  
7 deer population is managed with an intent to provide the  
8 licensee an increased opportunity to take a mature deer;

9 (19) "temporary game hunting" entitles the  
10 licensee to hunt game birds, except wild turkey, and squirrel  
11 during a specific period of time indicated on the license;

12 (20) "second rod" entitles the licensee to  
13 fish using two fishing rods to fish for game fish during the  
14 open seasons for each species; and

15 (21) "fishing and game hunting combination"  
16 entitles the licensee to hunt squirrel and game birds, other  
17 than wild turkey, and to fish for game fish during the open  
18 season for each.

19 B. A hunting license does not entitle the licensee  
20 to hunt, kill or take game animals or birds within or upon a  
21 park or enclosure licensed or posted as provided by law or  
22 within or upon a privately owned enclosure without consent of  
23 the owner or within or upon a game refuge or game management  
24 area.

25 C. A fishing license does not entitle the licensee SFC/SB 196  
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1 to fish for or take fish within or upon a park or enclosure  
2 licensed or posted as provided by law or within or upon a  
3 privately owned enclosure without consent of the owner or in  
4 or on closed waters.

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

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

14 F. A nonresident junior fishing license may be  
15 purchased by a nonresident who has reached the age of twelve  
16 years but has not reached the age of eighteen years. A  
17 nonresident junior fishing license entitles the licensee to  
18 fish for game fish during the open season for each species.

19 G. A senior game hunting license may be purchased  
20 by a resident who has reached the age of sixty-five years. A  
21 senior game hunting license entitles the licensee to hunt for  
22 squirrel and game birds, other than wild turkey, during the  
23 open seasons for each species and to apply for or purchase a  
24 license to hunt for deer, antelope, elk, bighorn sheep,  
25 Barbary sheep, javelina, bear, oryx, ibex, cougar and wild

1 turkey.

2 H. A junior, resident or nonresident, game hunting  
3 license may be purchased by a person who has not reached the  
4 age of eighteen years. A junior game hunting license  
5 entitles the licensee to hunt for squirrel and game birds,  
6 other than wild turkey, during the open seasons for each  
7 species and to apply for or purchase a license to hunt for  
8 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,  
9 bear, oryx, ibex, cougar and wild turkey.

10 I. A handicapped fishing license may be purchased  
11 by a resident who has a severe physical impairment that  
12 substantially limits one or more major life activities and  
13 who can furnish adequate proof of this disability to the  
14 state game commission. A handicapped fishing license may be  
15 purchased by a resident who has a developmental disability as  
16 defined in Subsection H of Section 43-1-3 NMSA 1978 and who  
17 can furnish adequate proof of this disability to the state  
18 game commission. A handicapped fishing license entitles the  
19 licensee to fish for game fish during the open season for  
20 each species.

21 J. A handicapped game hunting license may be  
22 purchased by a resident who has a severe physical impairment  
23 that substantially limits one or more major life activities  
24 and who can furnish adequate proof of this disability to the  
25 state game commission. A handicapped game hunting license

1 entitles the licensee to hunt for squirrel and game birds,  
2 other than wild turkey, during the open season for each  
3 species and to apply for or purchase a license to hunt for  
4 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,  
5 bear, oryx, ibex, cougar and wild turkey.

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

8 L. A second rod validation may be purchased by  
9 either a resident or nonresident. A second rod validation  
10 entitles the licensee to fish using two rods for game fish  
11 during the open season for each species.

12 M. A junior-senior elk license may be purchased by  
13 a resident who has not reached the age of eighteen years or  
14 by a resident who has reached the age of sixty-five years. A  
15 junior-senior elk license entitles the licensee to hunt for  
16 elk during the open season for that species.

17 N. A junior-senior deer license may be purchased  
18 by a resident who is younger than eighteen years or older  
19 than sixty-five years. A junior-senior deer license entitles  
20 the licensee to hunt for deer during the open season for that  
21 species.

22 O. A junior or senior fishing and game hunting  
23 combination license may be purchased by a resident who is  
24 younger than eighteen years or older than sixty-five years.

25 A junior or senior fishing and game hunting combination



1 license entitles the licensee to fish for game fish or hunt  
2 for squirrel and game birds, other than wild turkey, during  
3 the open seasons for each species and to apply for or  
4 purchase a license to hunt for deer, antelope, elk, bighorn  
5 sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and  
6 wild turkey.

7 P. A disabled veteran fishing and game hunting  
8 combination license may be purchased by a resident who has  
9 been granted a disability by the federal department of  
10 veterans affairs as a result of having served in the armed  
11 forces of the United States if the resident submits to the  
12 state game commission satisfactory proof that the resident  
13 was disabled as a result of having served in the armed forces  
14 of the United States. A disabled veteran fishing and game  
15 hunting combination license entitles the licensee to fish for  
16 game fish or hunt for squirrel and game birds, other than  
17 wild turkey, during the open season for each species and to  
18 apply for or purchase a license to hunt for deer, antelope,  
19 elk, bighorn sheep, Barbary sheep, javelina, bear, oryx,  
20 ibex, cougar and wild turkey.

21 Q. A military game hunting and fishing license may  
22 be purchased by a member of the armed forces of the United  
23 States who, for a period of not less than ninety days  
24 immediately preceding the date of application for the  
25 license, has been domiciled in New Mexico and has not claimed

1 residency elsewhere for any purpose. A military game hunting  
2 and fishing license entitles the licensee to hunt squirrel  
3 and game birds, other than wild turkey, and to fish for game  
4 fish during the open seasons for each species and to apply  
5 for or purchase a license to hunt for deer, antelope, elk,  
6 bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,  
7 cougar and wild turkey."

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

10 "17-3-5. APPLICATION FOR HUNTING OR FISHING LICENSES--  
11 CONTENTS--FILING.--

12 A. The director of the department of game and fish  
13 shall prepare and furnish blank applications for all persons  
14 applying for fishing or hunting licenses within the state.  
15 Except as provided in Subsection B or E of this section, each  
16 person, before receiving any fishing or hunting license,  
17 shall make application on a blank so provided. Among other  
18 matters that may be shown by the application, a statement  
19 shall show the exact residence of the applicant. Except as  
20 provided in Subsection B or E of this section, the  
21 application shall be signed by the applicant. All  
22 applications for licenses shall be filed with and issued by  
23 license vendors appointed by the director. All fishing and  
24 hunting licenses and the applications therefor shall contain  
25 the place of residence of the person to whom any license may

1 be issued.

2 B. License vendors, as authorized by the director  
3 of the department of game and fish, may take applications for  
4 hunting and fishing licenses or authorizations via telephone  
5 or the internet. The vendor or applicant shall fill out a  
6 license application with the same information as required for  
7 other applications. The vendor shall mail the license to the  
8 applicant, and the license shall be in the possession of the  
9 hunter or angler unless otherwise provided in Chapter 17 NMSA  
10 1978. All money collected through telephone or internet  
11 sales shall be remitted to the director by the tenth day of  
12 the month following the sale. An individual receiving a  
13 license pursuant to this subsection is not required to sign  
14 an application prior to issuance of the license; provided,  
15 however, that the individual is subject to prosecution  
16 pursuant to Section 17-3-6 NMSA 1978 for any false or  
17 fraudulent statement or other misrepresentation as if the  
18 individual had signed an application for license.

19 C. Upon request, an applicant for a fishing or  
20 game hunting license shall receive an authorization number as  
21 assigned by the director of the department of game and fish  
22 through the vendor. The authorization number may be used in  
23 lieu of the actual license only by the individual who applies  
24 and meets the requirements for a license. The authorization  
25 number shall serve as a license for the purposes of Sections

1 17-3-1 and 17-3-17 NMSA 1978. It is a misdemeanor to hunt or  
2 fish with an invalid authorization number or a number issued  
3 to another person.

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

8 E. The director of the department of game and fish  
9 may prepare and furnish an electronic application for all  
10 persons applying for hunting license drawings. A person  
11 making an electronic application is not required to sign an  
12 application prior to issuance of the license; provided that  
13 the person is subject to prosecution pursuant to Section  
14 17-3-6 NMSA 1978 for any false or fraudulent statement or  
15 other misrepresentation as if the person had signed an  
16 application."

17 SECTION 4. Section 17-3-13 NMSA 1978 (being Laws 1964  
18 (1st S.S.), Chapter 17, Section 5, as amended) is amended to  
19 read:

20 "17-3-13. LICENSE FEES.--

21 A. The director of the department of game and fish  
22 shall keep a record of all money received and licenses and  
23 permits issued by the department, numbering each class  
24 separately. Upon satisfactory proof that a license or permit  
25 has been lost before its expiration, the director may issue a

1 duplicate and collect a just and reasonable fee for it as  
2 determined by regulation of the state game commission.

3 B. The director of the department of game and fish  
4 shall collect the following fees for each license of the  
5 class indicated:

6	Resident, fishing . . . . .	\$25.00
7	Resident, game hunting . . . . .	15.00
8	Resident, deer . . . . .	31.00
9	Resident, junior-senior, deer . . . . .	19.00
10	Resident, senior, handicapped, military, 11 game hunting and fishing . . . . .	20.00
12	Resident, fishing and game hunting 13 combination . . . . .	30.00
14	Resident, junior, fishing and game 15 hunting combination . . . . .	15.00
16	Resident, disabled veteran, fishing and game hunting 17 combination . . . . .	10.00
18	Resident, antelope . . . . .	50.00
19	Resident, elk cow . . . . .	50.00
20	Resident, elk bull or either sex . . . . .	80.00
21	Resident, junior-senior, elk . . . . .	48.00
22	Resident, bighorn sheep, ram . . . . .	150.00
23	Resident, bighorn sheep, ewe . . . . .	75.00
24	Resident, Barbary sheep . . . . .	100.00
25	Resident, bear . . . . .	44.00

1	Resident, turkey . . . . .	25.00
2	Resident, cougar . . . . .	40.00
3	Resident, oryx . . . . .	150.00
4	Resident, ibex . . . . .	100.00
5	Resident, javelina . . . . .	55.00
6	Resident, fur dealer . . . . .	15.00
7	Resident, trapper . . . . .	20.00
8	Resident, junior trapper . . . . .	9.00
9	Nonresident, fishing . . . . .	56.00
10	Nonresident, junior fishing . . . . .	15.00
11	Nonresident, junior, game hunting . . . . .	15.00
12	Nonresident, game hunting . . . . .	65.00
13	Nonresident, deer . . . . .	260.00
14	Nonresident, quality deer . . . . .	345.00
15	Nonresident, bear . . . . .	250.00
16	Nonresident, cougar . . . . .	280.00
17	Nonresident, turkey . . . . .	100.00
18	Nonresident, antelope . . . . .	260.00
19	Nonresident, elk cow . . . . .	315.00
20	Nonresident, elk bull or either sex . . . . .	525.00
21	Nonresident, quality elk . . . . .	750.00
22	Nonresident, bighorn sheep . . . . .	3,150.00
23	Nonresident, Barbary sheep . . . . .	350.00
24	Nonresident, oryx . . . . .	1,600.00
25	Nonresident, ibex . . . . .	1,600.00

1	Nonresident, javelina . . . . .	155.00
2	Nonresident, fur dealer . . . . .	125.00
3	Nonresident, trapper . . . . .	345.00
4	Nonresident, nongame . . . . .	65.00
5	Resident, senior, handicapped,	
6	fishing . . . . .	8.00
7	Resident, junior fishing . . . . .	5.00
8	Temporary fishing, one day . . . . .	12.00
9	Temporary fishing, five days . . . . .	24.00
10	Resident, senior, handicapped,	
11	game hunting . . . . .	15.00
12	Resident, junior, game hunting . . . . .	10.00
13	Temporary game hunting, four days . . . . .	33.00
14	Second rod validation . . . . .	4.00."

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

18 "17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES.--

19 A. The director of the department of game and fish  
20 may provide special envelopes and application blanks when a  
21 special drawing is to be held to determine the persons to  
22 receive licenses. Money required to be submitted with these  
23 applications, if enclosed in the special envelopes, need not  
24 be deposited with the state treasurer but may be held by the  
25 director until the successful applicants are determined. At

1 that time, the fees of the successful applicants shall be  
2 deposited with the state treasurer and the fees submitted by  
3 the unsuccessful applicants shall be returned to them.

4 B. Beginning with the licenses issued from a  
5 special drawing for a hunt code that commences on or after  
6 April 1, 2012:

7 (1) licenses shall be issued as follows:

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

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

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

16 C. If the number of applicants who apply for  
17 licenses pursuant to the provisions of Paragraphs (1) and (2)  
18 of Subsection B of this section does not constitute the  
19 allocated licenses for either category, then the additional  
20 licenses available may be granted to another category of  
21 applicants. The director shall offer first choice of  
22 undersubscribed hunts to residents, whenever practicable.

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

25 (1) five-tenths or greater, the number of



1 licenses to be issued shall be rounded up to the next whole  
2 number; and

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

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

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

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

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

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

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

25 (1) with a valid New Mexico state, county or

1 municipal business registration and a valid outfitter license  
2 issued by the department of game and fish;

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

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

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

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

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

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

25 (8) that possesses all required federal or

1 state land use permits for the hunt; and

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

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

7 "17-3-40. REGULAR LICENSES.--Residents or nonresidents  
8 may hunt on private shooting preserves when possessed of the  
9 appropriate bird or hunting license. All hunting on shooting  
10 preserves covered in the Regulated Shooting Preserve Act  
11 shall be done only with the consent of the owner of the  
12 private preserve."

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

15 "20-1-8. STATE BENEFITS FOR MEMBERS OF ARMED FORCES  
16 CALLED TO ACTIVE DUTY AND DEPLOYED--BENEFITS FOR SURVIVING  
17 CHILDREN OF A MEMBER KILLED IN THE LINE OF DUTY.--

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

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

4 (2) an extension of one year after the  
5 return of the member to the state of the date the member is  
6 required to file a state personal income tax return if the  
7 filing date occurs while the member is on active duty and  
8 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 April 3, 2003 and ending on  
22 the date the president of the United States declares that the  
23 emergency requiring the call-up is terminated are entitled to  
24 waivers of tuition for four consecutive years at a state  
25 post-secondary educational institution, notwithstanding any

1 provision of law to the contrary."

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

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