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HOUSE BILL 149

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

INTRODUCED BY

William "Bill" R. Rehm

AN ACT

RELATING TO GAME AND FISH; AMENDING AND ENACTING SECTIONS OF
CHAPTER 17 NMSA 1978 TO CONSOLIDATE CERTAIN FEES UNDER HUNTING
AND FISHING LICENSES; PROVIDING FOR REDUCED LICENSE RATES FOR
NONRESIDENT JUNIOR HUNTERS; PROVIDING FOR A FREE SECOND ROD FOR
FISHING; PROVIDING THAT NO OTHER SPECIAL FEES BE COLLECTED TO
HUNT OR FISH; PROVIDING FOR THE ORDER OF CHOICES IN DRAWINGS
FOR HUNTING; MAKING APPROPRIATIONS.

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

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

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

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

(1) "fishing" entitles the licensee to fish

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1 for game fish during the open seasons for each species;

2 (2) "small game" entitles the licensee to hunt
3 game birds, other than wild turkey, and squirrel during the
4 open seasons for each;

5 (3) "deer" entitles the licensee to hunt deer
6 during the open season;

7 (4) "general hunting" entitles the licensee to
8 hunt deer, squirrel and game birds during the open seasons for
9 each;

10 (5) "general hunting and fishing" entitles the
11 licensee to hunt deer, squirrel and game birds and to fish for
12 game fish during the open seasons for each;

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

15 (7) "elk" entitles the licensee to hunt elk
16 during the open season;

17 (8) "bighorn sheep" entitles the licensee to
18 hunt bighorn sheep during the open season;

19 (9) "Barbary sheep" entitles the licensee to
20 hunt Barbary sheep during the open season;

21 (10) "javelina" entitles the licensee to hunt
22 javelina during the open season;

23 (11) "bear" entitles the licensee to hunt bear
24 during the open season;

25 (12) "nongame" entitles the licensee to hunt

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1 or take any animal or bird not protected by law;

2 (13) "temporary fishing" entitles the licensee
3 to fish for game fish during a specific period of time
4 indicated on the license;

5 (14) "oryx" entitles the licensee to hunt oryx
6 during the open season;

7 (15) "ibex" entitles the licensee to hunt ibex
8 during the open season;

9 (16) "cougar" entitles the licensee to hunt
10 cougar during the open season;

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

13 (18) "special season turkey" entitles the
14 licensee to hunt turkey during special seasons designated by
15 the state game commission;

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

22 (20) "quality deer" entitles the licensee to
23 hunt deer during a special quality deer 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

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

3 (21) "temporary small game" entitles the
4 licensee to hunt game birds, except wild turkey, and squirrel
5 during a specific period of time indicated on the license;

6 (22) "second rod" entitles the licensee to
7 fish using two fishing rods to fish for game fish during the
8 open seasons for each species; and

9 (23) "fishing and small game combination"
10 entitles the licensee to hunt squirrel and game birds, other
11 than wild turkey, and to fish for game fish during the open
12 season for each.

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

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

24 D. A junior fishing license may be purchased by a
25 resident who has reached the age of twelve years but has not

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1 reached the age of eighteen years. A junior fishing license
2 entitles the licensee to fish for game fish during the open
3 season for each species.

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

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

13 G. A senior general hunting license may be
14 purchased by a resident who has reached the age of sixty-five
15 years. A senior general hunting license entitles the licensee
16 to hunt for deer, squirrel and game birds during the open
17 seasons for each species.

18 H. A junior general hunting license may be
19 purchased by a resident who has not reached the age of eighteen
20 years. A junior general hunting license entitles the licensee
21 to hunt for deer, squirrel and game birds during the open
22 seasons for each species.

23 I. A handicapped fishing license may be purchased
24 by a resident who has a severe physical impairment that
25 substantially limits one or more major life activities and who

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1 can furnish adequate proof of this disability to the state game
2 commission. A handicapped fishing license may be purchased by
3 a resident who has a developmental disability as defined in
4 Subsection H of Section 43-1-3 NMSA 1978 and who can furnish
5 adequate proof of this disability to the state game commission.
6 A handicapped fishing license entitles the licensee to fish for
7 game fish during the open season for each species.

8 J. A handicapped general hunting license may be
9 purchased by a resident who has a severe physical impairment
10 that substantially limits one or more major life activities and
11 who can furnish adequate proof of this disability to the state
12 game commission. A handicapped general hunting license
13 entitles the licensee to hunt for deer, squirrel and game birds
14 during the open season for each species.

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

17 L. A second rod validation may be purchased by
18 either a resident or nonresident. A second rod validation
19 entitles the licensee to fish using two rods for game fish
20 during the open season for each species.

21 M. A [~~junior-senior~~] junior or a senior elk license
22 may be purchased by a resident who has not reached the age of
23 eighteen years or by a resident who has reached the age of
24 sixty-five years, respectively. A [~~junior-senior~~] junior or a
25 senior elk license entitles the licensee to hunt for elk during

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1 the open season for that species.

2 N. A [~~junior-senior~~] junior or a senior deer
3 license may be purchased by a resident who is younger than
4 eighteen years or older than sixty-five years, respectively. A
5 [~~junior-senior~~] junior or a senior deer license entitles the
6 licensee to hunt for deer during the open season for that
7 species.

8 O. A [~~junior-senior~~] junior or a senior fishing and
9 small game combination license may be purchased by a resident
10 who is younger than eighteen years or older than sixty-five
11 years, respectively. A [~~junior-senior~~] junior or a senior
12 fishing and small game combination license entitles the
13 licensee to fish for game fish or hunt for squirrel and game
14 birds, other than wild turkey, during the open seasons for each
15 species.

16 P. A disabled veteran fishing and small game
17 combination license may be purchased by a resident who has been
18 granted a disability by the federal department of veterans
19 affairs as a result of having served in the armed forces of the
20 United States if the resident submits to the state game
21 commission satisfactory proof that the resident was disabled as
22 a result of having served in the armed forces of the United
23 States. A disabled veteran fishing and small game combination
24 license entitles the licensee to fish for game fish or hunt for
25 squirrel and game birds, other than wild turkey, during the

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1 open season for each species.

2 Q. A military general hunting and fishing license
3 may be purchased by a member of the armed forces of the United
4 States who, for a period of not less than ninety days
5 immediately preceding the date of application for the license,
6 has been domiciled in New Mexico and has not claimed residency
7 elsewhere for any purpose. A military general hunting and
8 fishing license entitles the licensee to hunt deer, squirrel
9 and game birds and to fish for game fish during the open
10 seasons for each species."

11 SECTION 2. Section 17-3-13 NMSA 1978 (being Laws 1964
12 (1st S.S.), Chapter 17, Section 5, as amended) is amended to
13 read:

14 "17-3-13. LICENSE FEES.--

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

22 B. The director of the department of game and fish
23 shall collect the following fees for each license of the class
24 indicated:

25 Resident, fishing [~~\$25.00~~] \$33.00

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1	Resident, small game	[20.00]	<u>28.00</u>
2	Resident, deer	[36.00]	<u>49.00</u>
3	Resident, junior [senior], deer	[24.00]	<u>29.00</u>
4	<u>Resident, senior, deer</u>		<u>37.00</u>
5	Resident, general hunting	[40.00]	<u>53.00</u>
6	Resident, general hunting and fishing . . .	[59.00]	<u>72.00</u>
7	Resident, senior, handicapped, military,		
8	general hunting and fishing	[28.00]	<u>41.00</u>
9	Resident, junior, general		
10	hunting and fishing	[20.00]	<u>25.00</u>
11	Resident, fishing and small game combination	[33.00]	<u>41.00</u>
12	Resident, junior [senior], fishing and small game		
13	combination		16.00
14	<u>Resident, senior, fishing and small game</u>		
15	<u>combination</u>		<u>24.00</u>
16	Resident, disabled veteran, fishing and small game		
17	combination	[10.00]	<u>18.00</u>
18	Resident, antelope	[50.00]	<u>63.00</u>
19	Resident, elk cow	[50.00]	<u>63.00</u>
20	Resident, elk bull or either sex	[80.00]	<u>93.00</u>
21	Resident, junior [senior], elk	[48.00]	<u>53.00</u>
22	<u>Resident, senior, elk</u>		<u>61.00</u>
23	Resident, bighorn sheep, ram	[150.00]	<u>163.00</u>
24	Resident, bighorn sheep, ewe	[75.00]	<u>88.00</u>
25	Resident, Barbary sheep	[100.00]	<u>113.00</u>

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1	Resident, bear	[44.00]	<u>57.00</u>
2	Resident, turkey	[25.00]	<u>33.00</u>
3	Resident, cougar	[40.00]	<u>53.00</u>
4	Resident, oryx	[150.00]	<u>163.00</u>
5	Resident, ibex	[100.00]	<u>113.00</u>
6	Resident, javelina	[55.00]	<u>68.00</u>
7	Resident, fur dealer	[15.00]	<u>23.00</u>
8	Resident, trapper	[20.00]	<u>28.00</u>
9	Resident, junior trapper		9.00
10	Nonresident, fishing	[56.00]	<u>64.00</u>
11	Nonresident, junior fishing	[28.00]	<u>17.00</u>
12	Nonresident, small game	[90.00]	<u>98.00</u>
13	Nonresident, deer	[260.00]	<u>278.00</u>
14	Nonresident, quality deer	[345.00]	<u>363.00</u>
15	Nonresident, bear	[250.00]	<u>268.00</u>
16	Nonresident, cougar	[280.00]	<u>298.00</u>
17	Nonresident, turkey	[100.00]	<u>108.00</u>
18	Nonresident, antelope	[260.00]	<u>278.00</u>
19	Nonresident, elk cow	[315.00]	<u>170.00</u>
20	Nonresident, elk bull or either sex	[525.00]	<u>280.00</u>
21	Nonresident, quality elk	[750.00]	<u>768.00</u>
22	Nonresident, bighorn sheep	[3,150.00]	<u>3,168.00</u>
23	Nonresident, Barbary sheep	[350.00]	<u>368.00</u>
24	Nonresident, oryx	[1,600.00]	<u>1,618.00</u>
25	Nonresident, ibex	[1,600.00]	<u>1,618.00</u>

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1	Nonresident, javelina	[155.00]	<u>173.00</u>
2	Nonresident, fur dealer	[125.00]	<u>133.00</u>
3	Nonresident, trapper	[345.00]	<u>353.00</u>
4	Nonresident, nongame	[65.00]	<u>73.00</u>
5	Resident, senior, handicapped, 6 fishing	[8.00]	<u>16.00</u>
7	Resident, junior fishing		5.00
8	Temporary fishing, one day	[12.00]	<u>20.00</u>
9	Temporary fishing, five days	[24.00]	<u>32.00</u>
10	Resident, senior, handicapped, 11 general hunting	[24.00]	<u>37.00</u>
12	Resident, junior general hunting	[15.00]	<u>20.00</u>
13	Temporary small game, four days	[33.00]	<u>41.00</u>
14	[Second rod validation	4.00]	
15	<u>Nonresident, junior deer</u>		<u>143.00</u>
16	<u>Nonresident, junior small game</u>		<u>50.00</u>
17	<u>Nonresident, junior elk</u>		<u>273.00</u>
18	<u>Nonresident, junior general hunting</u>		<u>53.00.</u>

19 C. The license fees provided for in this section
20 shall include the habitat management fee collected pursuant to
21 Section 17-4-34 NMSA 1978 and the big game depredation fee
22 collected pursuant to Section 17-3-13.3 NMSA 1978, and no other
23 fee shall be collected for habitat management.

24 D. Free permits to hunt shall be provided as a
25 check-off option on the license obtained pursuant to this

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1 section.

2 E. No additional license fee shall be charged for a
3 second fishing rod."

4 SECTION 3. Section 17-3-13.3 NMSA 1978 (being Laws 2001,
5 Chapter 213, Section 1) is amended to read:

6 "17-3-13.3. BIG GAME DEPREDATION DAMAGE [~~STAMP~~] FEE
7 REQUIRED--DISPOSITION OF RECEIPTS.--

8 A. Each license to hunt big game shall include a
9 big game depredation damage [~~stamp~~] fee. The department of
10 game and fish shall, by rule, set the fee [~~for the stamp;~~
11 ~~provided that the fee shall~~] not to exceed five dollars (\$5.00)
12 for each resident license or ten dollars (\$10.00) for each
13 nonresident license.

14 [~~B. No license to hunt big game shall be considered~~
15 ~~to be a proper and valid license unless it indicates, by a~~
16 ~~stamp, check off or other official mark, that the fee for the~~
17 ~~big game depredation damage stamp has been paid.~~

18 ~~G.]~~ B. Revenues received by the department of game
19 and fish from the [~~sale of~~] big game depredation damage
20 [~~stamps~~] fees shall be deposited to the credit of the big game
21 depredation damage fund."

22 SECTION 4. Section 17-3-13.4 NMSA 1978 (being Laws 2001,
23 Chapter 213, Section 2) is amended to read:

24 "17-3-13.4. BIG GAME DEPREDATION DAMAGE FUND--CREATION--
25 EXPENDITURE.--

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1 A. The "big game depredation damage fund" is
2 created in the state treasury. The fund consists of
3 appropriations made to the fund, revenues received by the
4 department of game and fish, [~~from the sale of big game~~
5 ~~depredation damage stamps~~] fees collected with each big game
6 hunting license issued pursuant to Sections 17-3-13 and
7 17-3-13.3 NMSA 1978 and earnings from the investment of the
8 fund. The fund shall be administered by the department, and
9 money in the fund is appropriated to the department to carry
10 out the provisions of Subsection B of this section. Payments
11 from the fund shall be by warrant of the secretary of finance
12 and administration upon vouchers signed by the director of the
13 department or [~~his~~] the director's authorized representative.
14 Balances in the fund shall not revert to any other fund.

15 B. The department of game and fish shall, by rule,
16 establish a program to correct damage to federal, state or
17 private land caused by big game and to prevent such damage in
18 the future. Pursuant to rules adopted by the department,
19 expenditures from the big game depredation damage fund shall be
20 made by the department to carry out the established program;
21 provided that money in the fund shall not be expended for any
22 administrative costs."

23 SECTION 5. Section 17-4-34 NMSA 1978 (being Laws 2005,
24 Chapter 177, Section 2) is amended to read:

25 "17-4-34. HABITAT MANAGEMENT [~~STAMP~~] FEE--FUND--

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1 EXPENDITURE FOR HABITAT MANAGEMENT--EXCEPTION.--

2 A. ~~[On and after April 1, 2006]~~ Each of the
3 following licenses or permits shall include a habitat
4 management ~~[stamp]~~ fee. The fee for ~~[a]~~ habitat management
5 ~~[stamp]~~ shall be ~~[three dollars (\$3.00)]~~. ~~Each of the following~~
6 ~~licenses or permits shall not be considered to be a proper and~~
7 ~~valid license unless the licensee can demonstrate, by a stamp,~~
8 ~~check off or other official mark, that the fee for the habitat~~
9 ~~management stamp has been paid, provided that an individual~~
10 ~~purchaser shall be required to purchase only one stamp each~~
11 ~~license year, regardless of the number of licenses or permits~~
12 ~~purchased by that purchaser]~~ eight dollars (\$8.00) for:

13 (1) a resident or nonresident license
14 specified in Section 17-3-13 NMSA 1978; or

15 (2) a wildlife-associated recreation permit
16 issued by the state game commission pursuant to Section
17 ~~[17-1-4]~~ 17-1-14 NMSA 1978.

18 B. Revenue from the ~~[sale of]~~ habitat management
19 ~~[stamps]~~ fee shall be deposited in the "habitat management
20 fund", hereby created in the state treasury. The fund shall
21 consist of money appropriated and transferred to the fund and
22 revenue from the sale of habitat management ~~[stamps]~~ fees
23 deposited in the fund. Earnings from investment of the fund
24 shall be credited to the fund. Any unexpended or unencumbered
25 balance remaining at the end of a fiscal year shall not revert.

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1 Disbursements from the fund shall be made upon warrants drawn
2 by the secretary of finance and administration pursuant to
3 vouchers signed by the director of the department of game and
4 fish.

5 C. Upon appropriation by the legislature, money in
6 the habitat management fund may be expended by the state game
7 commission only for the improvement, maintenance, development
8 and operation of ~~[property]~~ national forest and bureau of land
9 management property and property managed by the department of
10 game and fish for fish and wildlife habitat management
11 according to peer-reviewed and scientifically justified habitat
12 management protocols and shall not be distributed among land
13 ownership classes based upon relative acreage, institutional
14 priorities or political justifications or influence.

15 D. A habitat management ~~[stamp]~~ fee shall not be
16 required for persons under the age of eighteen."

17 SECTION 6. A new section of Chapter 17, Article 3 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] DRAWINGS FOR HUNTING.--When conducting a
20 drawing for a hunt code, the director of the department of game
21 and fish shall allot all first choices before allotting any
22 subsequent choices; thereafter, all second choices before
23 allotting subsequent choices; and thereafter, all subsequent
24 choices."

25