

1 HOUSE BILL 184

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Matthew McQueen and Crystal R. Diamond

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10 AN ACT

11 RELATING TO THE STATE GAME COMMISSION; REFORMING THE STATE GAME
12 COMMISSION APPOINTMENT PROCESS; PROVIDING FOR AN INCREASE OF
13 MEMBERS IF THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE
14 CHANGES; SETTING TERM LIMITS FOR COMMISSIONERS; ADDING
15 REQUIREMENTS FOR APPOINTMENT AND REMOVAL OF COMMISSIONERS.

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

18 SECTION 1. Section 17-1-2 NMSA 1978 (being Laws 1921,
19 Chapter 35, Section 2, as amended) is amended to read:

20 "17-1-2. STATE GAME COMMISSION--APPOINTMENT--TERM.--

21 A. To carry out the purpose of Chapter 17 NMSA 1978
22 and all other acts for like purpose, there is created a "state
23 game commission" of seven members; ~~[not more than four of whom~~
24 ~~shall be of the same political party at the time of their~~
25 ~~appointment. The]~~ provided that if the number of congressional

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1 districts in the state increases to four or decreases to two,
2 the state game commission shall be composed of eight members in
3 accordance with Subsection C of this section.

4 B. Except as provided in Subsection C of this
5 section, three members of the commission shall be appointed by
6 the governor, with no more than one residing in any one county
7 and with no more than two affiliated with the same political
8 party, as follows:

9 (1) position one, a member of the general
10 public whose permanent, legal residence is in New Mexico's
11 first congressional district;

12 (2) position two, a member of the general
13 public whose permanent, legal residence is in New Mexico's
14 second congressional district; and

15 (3) position three, a member of the general
16 public whose permanent, legal residence is in New Mexico's
17 third congressional district.

18 C. If the number of congressional districts in the
19 state increases to four, the governor shall appoint four
20 members from the general public, with no more than one residing
21 in any one county, who each have permanent, legal residence in
22 a different congressional district and no more than two of
23 which are affiliated with the same political party. If the
24 number of congressional districts in the state decreases to
25 two, the governor shall appoint four members from the general

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1 public, with no more than one residing in any one county, two
2 of whom shall have permanent, legal residence in congressional
3 district one and two of whom shall have permanent, legal
4 residence in congressional district two and no more than two of
5 whom are affiliated with the same political party. In the
6 event that the membership of the state game commission
7 increases to eight, position eight is created and the members
8 appointed pursuant to this subsection shall serve in positions
9 one, two, three and eight.

10 D. Four members of the commission shall be New
11 Mexico residents and shall be appointed by the New Mexico
12 legislative council, with no more than one residing in any one
13 county, as follows:

14 (1) position four, a rancher or farmer who
15 owns or manages a New Mexico ranch or farm, on which at least
16 two species of animals for which game hunting is licensed under
17 the provisions of Section 17-3-2 NMSA 1978 are frequently
18 present;

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

24 (3) position six, a hunter or angler who has
25 held a New Mexico hunting or fishing license each of the

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1 previous four years; and

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

7 E. Other than the scientist appointed pursuant to
8 Paragraph (4) of Subsection D of this section, no more than two
9 of the commissioners appointed by the New Mexico legislative
10 council shall be affiliated with the same political party.

11 F. All commissioners appointed by the governor
12 shall be appointed with the advice and consent of the senate.
13 Except as provided in Section 2 of this 2023 act, the term of
14 office for each member of the commission shall be [four] six
15 years. [At the time of making the first appointments the
16 governor shall designate the commissioners' terms as being one,
17 two, three or four years so that the term of no more than two
18 commissioners shall expire each year.

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

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

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

25 ~~C. district three: San Juan, McKinley, Cibola,~~

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1 ~~Valencia, Sandoval, Los Alamos and Rio Arriba counties;~~

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

5 ~~E. district five: Bernalillo county. The~~
6 ~~remaining two members shall be appointed at-large. At least~~
7 ~~one member of the commission shall manage and operate a farm or~~
8 ~~ranch that contains at least two species of wildlife on that~~
9 ~~part which is deeded land requiring licensing prior to legal~~
10 ~~pursuit under the provisions of Section 17-3-2 NMSA 1978. At~~
11 ~~least one member shall have a demonstrated history of~~
12 ~~involvement in wildlife and habitat protection issues and whose~~
13 ~~activities or occupation are not in conflict with wildlife and~~
14 ~~habitat advocacy.]~~

15 G. An appointed commissioner shall serve and have
16 all of the duties, responsibilities and authority of that
17 office during the period of time prior to final action by the
18 senate confirming or rejecting the commissioner's appointment.

19 H. Commissioners shall serve for no more than two
20 terms after the effective date of this 2023 act. A partial
21 term shall be counted as one full term.

22 I. When a commissioner dies, resigns or no longer
23 meets the qualifications required for the commissioner's
24 original selection, that position on the commission becomes
25 vacant. The original appointing authority for the vacant

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1 position shall appoint a successor for the remainder of the
2 term in the same manner as the original selection for that
3 position was made.

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

12 K. The state game commission as provided in Chapter
13 17 NMSA 1978 shall have the same authority, powers and duties
14 as now vested in the state game commission by law [~~and each~~
15 member of the state game commission shall serve until his
16 successor has been appointed and qualified].

17 L. A person shall not be eligible to be appointed
18 as a commissioner if the person changed party affiliation
19 during the previous four years.

20 M. All commissioners shall be subject to the Gift
21 Act and the Governmental Conduct Act.

22 N. The director of the New Mexico outdoor
23 recreation division of the economic development department or
24 the director's designee shall be an ex-officio, nonvoting
25 advisor to the commission."

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