

HOUSE BILL 178

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Matthew McQueen

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO THE STATE GAME COMMISSION; REFORMING THE STATE GAME COMMISSION APPOINTMENT PROCESS; SETTING TERM LIMITS FOR COMMISSIONERS; ADDING REQUIREMENTS FOR APPOINTMENT AND REMOVAL OF COMMISSIONERS ~~HENRC~~; **CREATING THE STATE GAME COMMISSION NOMINATING COMMITTEE; RENAMING THE DEPARTMENT OF GAME AND FISH AS THE WILDLIFE DEPARTMENT; RENAMING THE STATE GAME COMMISSION AS THE STATE WILDLIFE COMMISSION; AMENDING STATUTORY POLICY; EXPANDING THE MANAGEMENT OF WILDLIFE; ADDING DEFINITIONS;**

.227445.1AIC January 29, 2024 (12:01pm)

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PROVIDING REPORTING REQUIREMENTS; AMENDING LICENSING FEES;
PROVIDING FOR FEE ADJUSTMENTS TO ACCOUNT FOR INFLATION;
PROVIDING DISCOUNTS FOR RESIDENTS AND FAMILY MEMBERS OF
RESIDENTS WHO RECEIVE SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM
BENEFITS; PROVIDING TRANSFERS; REPEALING SECTION 17-2-2 NMSA
1978 (BEING LAWS 1937, CHAPTER 23, SECTION 1) ←HENRC .

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

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

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

~~A. To carry out the purpose of Chapter 17 NMSA 1978 and all other acts for like purpose, there is created a "state game commission" of seven members. [not more than four of whom shall be of the same political party at the time of their appointment. The members of the commission shall be appointed by the governor with the advice and consent of the senate. The term of office for each member of the commission shall be four years. At the time of making the first appointments, the governor shall designate the commissioners' terms as being one, two, three or four years so that the term of no more than two commissioners shall expire each year.~~

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

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

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

~~C. District three: San Juan, McKinley, Gibola, Valencia, Sandoval, Los Alamos and Rio Arriba counties;~~

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

~~E. District five: Bernalillo county.~~

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

~~B. Three members of the commission shall be appointed by the governor, positions one, two and three, with no more than one residing in any one county and with no more than two affiliated with the same political party.~~

~~C. Four members of the commission shall be New~~

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~~Mexico residents and shall be appointed by the New Mexico legislative council, with no more than one residing in any one county, as follows:~~

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

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

~~(3) position six, a hunter or angler who has held a New Mexico hunting or fishing license each of the previous four years; and~~

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

~~D. No more than two of the commissioners appointed by the New Mexico legislative council shall be affiliated with the same political party.~~

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~~E. All commissioners shall be appointed with the advice and consent of the senate. Except as provided in Section 2 of this 2024 act, the term of office for each member of the commission shall be six years.~~

~~F. Commissioners shall serve for no more than two terms after the effective date of this 2024 act. A partial term shall be counted as one full term, unless the partial term is less than one full year.~~

~~G. When a commissioner dies, resigns or no longer meets the qualifications required for the commissioner's original selection, or misses three consecutive meetings, that position on the commission becomes vacant. The original appointing authority for the vacant position shall appoint a successor for the remainder of the term in the same manner as the original selection for that position was made.~~

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

~~I. The state game commission as provided in Chapter~~

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

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

~~K. The director of the New Mexico outdoor recreation division of the economic development department or the director's designee shall be an advisor to the commission."~~ ← HENRC

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

"17-1-1. DECLARATION OF POLICY.--It is the purpose of [this act] Chapter 17 NMSA 1978 and the policy of the state [of New Mexico to provide an adequate and flexible system for the protection of the game and fish of New Mexico and for their use and development for public recreation and food supply and to

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~~provide for their propagation, planting, protection, regulation and conservation to the extent necessary to provide and maintain an adequate supply of game and fish within the state of New Mexico] to provide for the conservation and management of the state's wildlife as a public trust resource with intrinsic and ecological value, as well as for the benefit, use, food supply and nonconsumptive enjoyment of all."~~

SECTION 2. Section 17-2A-1 NMSA 1978 (being Laws 1996, Chapter 89, Section 3) is recompiled as Section 17-1-1.1 NMSA 1978 and is amended to read:

"17-1-1.1. DEFINITIONS.--For the purposes of Chapter 17 NMSA 1978:

A. "commission" or "state game commission" means the state wildlife commission;

B. "department" or "department of game and fish" means the wildlife department;

C. "director", "warden", "state warden", "state game warden" or "state game and fish warden" means the director of the wildlife department;

[A-] D. "hunt code" means a description used to identify and define the species, weapon type and time frame authorized for a specific hunt;

[B-] E. "outfitter" or "guide" means a person who advertises or holds [himself] the person's self out to the

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public for hire or is employed or accepts compensation for providing, within the unit where a hunt occurs, facilities, equipment or services for hunting activities; provided, however, that "outfitter" or "guide" does not include a person who only cooks, cuts wood or performs other comparable or incidental duties not directly related to hunting activities; and

[G.] F. "unit" means a geographically bound area in the state that is used to manage game species."

SECTION 3. Section 17-1-2 NMSA 1978 (being Laws 1921, Chapter 35, Section 2, as amended) is amended to read:

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

A. To carry out the purpose of Chapter 17 NMSA 1978 and all other acts for like purpose, there is created a "state game commission" of seven members, [not more than four of whom shall be of the same political party at the time of their appointment. The members of the commission shall be appointed by the governor with the advice and consent of the senate. The term of office for each member of the commission shall be four years. At the time of making the first appointments, the governor shall designate the commissioners' terms as being one, two, three or four years so that the term of no more than two commissioners shall expire each year.

In making appointments to the state game commission, one

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~~member shall be appointed from each of the following districts:~~

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

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

~~C. district three: San Juan, McKinley, Gibola,
Valencia, Sandoval, Los Alamos and Rio Arriba counties;~~

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

~~E. district five: Bernalillo county. The
remaining two members shall be appointed at-large. At least
one member of the commission shall manage and operate a farm or
ranch that contains at least two species of wildlife on that
part which is deeded land requiring licensing prior to legal
pursuit under the provisions of Section 17-3-2 NMSA 1978. At
least one member shall have a demonstrated history of
involvement in wildlife and habitat protection issues and whose
activities or occupation are not in conflict with wildlife and
habitat advocaey. The state game commission as provided in
Chapter 17 NMSA 1978 shall have the same authority, powers and
duties as now vested in the state game commission by law and
each member of the state game commission shall serve until his
successor has been appointed and qualified] all of whom shall~~

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be New Mexico residents. The governor shall appoint the members of the commission for terms beginning January 1, 2027 and make subsequent appointments from a list of qualified nominees submitted to the governor by the state game commission nominating committee.

B. Three at-large members of the state game commission shall possess knowledge of wildlife issues in the state and hold positions one, two and three, with no more than one member residing in any one county and with no more than two members affiliated with the same political party.

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

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

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

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(3) position six, a hunter or angler who has held a New Mexico hunting or fishing license each of the previous four years; and

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

D. Except for the initial appointments as provided in Section 14 of this 2024 act, the term of office for each member of the state game commission shall be six years.

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

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

G. A commissioner shall not be removed except for incompetence, neglect of duty or malfeasance in office;

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provided that no removal shall be made without notice of hearing and an opportunity to be heard having first been given to the commissioner. The supreme court is given exclusive original jurisdiction over proceedings to remove commissioners under such rules as it may promulgate, and its decision in connection with such matters shall be final.

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

I. The director of the New Mexico outdoor recreation division of the economic development department or the director's designee shall be an advisor to the state game commission."

SECTION 4. A new Section 17-1-2.1 NMSA 1978 is enacted to read:

"17-1-2.1. [NEW MATERIAL] STATE GAME COMMISSION NOMINATING COMMITTEE.--

A. The "state game commission nominating committee"

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is created and consists of seven members as follows:

(1) four members appointed as follows: one by the speaker of the house of representatives, one by the minority floor leader of the house of representatives, one by the president pro tempore of the senate and one by the minority floor leader of the senate;

(2) two members as follows: the chair of the university of New Mexico's department of biology or the chair's designee and the chair of New Mexico state university's department of fish, wildlife and conservation ecology or the chair's designee; and

(3) one member appointed by the governor who shall represent an Indian nation, tribe or pueblo.

B. A state game commission nominating committee member shall serve without compensation but shall be reimbursed for expenses incurred in pursuit of the member's duties on the committee pursuant to the Per Diem and Mileage Act.

C. The state game commission nominating committee and individual members shall be subject to the Governmental Conduct Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

D. Administrative support shall be provided to the state game commission nominating committee by the staff of the department of game and fish.

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E. Appointments shall be made no later than thirty days before the end of a term.

F. The committee shall select one member to be chair and one member to be secretary. Following the first meeting, the committee shall meet as often as necessary in order to submit a list to the governor of between seven and ten qualified nominees for positions one, two and three of the state game commission and between two and five qualified nominees for each of positions four, five, six and seven of the commission. The list shall be developed to provide geographical and political party diversity, and nominees on the list shall be from at least seven different counties of the state.

G. The state game commission nominating committee shall meet at least ninety days prior to the date on which the term of a state game commissioner ends and as often as necessary thereafter in order to submit a list to the governor, at least thirty days prior to the beginning of the new term, of no fewer than four qualified nominees from diverse geographical areas of the state with no more than two nominees affiliated with the same political party for appointment to the state game commission for each commissioner position term that is ending.

H. Upon the occurrence of a vacancy in a state game commissioner position, the state game commission nominating

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committee shall meet within thirty days of the date of the beginning of the vacancy and as often as necessary thereafter in order to submit a list to the governor, within sixty days of the first meeting after the vacancy occurs, of no fewer than four qualified nominees from diverse geographical areas of the state with no more than two nominees affiliated with the same political party for appointment to the state game commission to fill the remainder of the term of each commissioner position that is vacant.

I. If a position on the state game commission nominating committee becomes vacant during a term, a successor shall be selected in the same manner as the original appointment for that position and shall serve for the remainder of the term of the position vacated.

J. The state game commission nominating committee shall actively solicit, accept and evaluate applications from qualified individuals for a position on the state game commission and may require an applicant to submit any information it deems relevant to the consideration of the individual's application.

K. The state game commission nominating committee shall select nominees for submission to the governor who, in the committee's judgment, are best qualified to serve as a member of the state game commission. A person shall not be

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eligible for nomination to the state game commission while serving on the state game commission nominating committee.

L. A majority vote of all members of the state game commission nominating committee in favor of a person is required for that person to be included on the list of qualified nominees submitted to the governor."

SECTION 5. Section 17-1-26 NMSA 1978 (being Laws 1931, Chapter 117, Section 2, as amended) is amended to read:

"17-1-26. RULEMAKING POWER.--

A. The [~~state game~~] commission is [~~hereby~~] authorized and directed to make [~~such~~] rules [~~and regulations~~] and establish [~~such~~] service as it may deem necessary to carry out all the provisions and purposes of [~~this Act~~] Chapter 17 NMSA 1978 and all other acts relating to [~~game and fish, and in making such rules and regulations and in providing when~~] wildlife.

B. The rules may include, as applicable, when, where, by what means and to what extent, if at all, [~~and by what means game animals, birds and fish~~] wildlife may be hunted, taken, captured, killed, possessed, released, bartered, sold, purchased, [~~and~~] shipped and imported into or exported from the state. [~~game and fish~~]

C. In making rules, the commission shall evaluate and give due [~~regard to the zones of temperatures and to the~~]

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~~distribution, abundance, economic value and breeding habits of such game animals, birds and fish.~~

~~The state game commission is hereby authorized to spend such reasonable amounts as in its judgment is desirable and necessary annually, from their funds not otherwise needed, for the eradication of predatory animals] consideration to a species' population size and trends, migration patterns, availability of suitable habitat response to changes in climate conditions, conservation actions necessary to sustain healthy populations and ecosystems and any other factors, natural or human-driven, that are judged to affect the health of a species or a species' ecosystem."~~

SECTION 6. Section 17-1-28 NMSA 1978 (being Laws 1939, Chapter 19, Section 1) is amended to read:

"17-1-28. ASSENT TO ACT OF CONGRESS.--The state of New Mexico hereby assents to the provisions of the act of congress of the United States of America entitled "An act to provide that the United States shall aid the states in wildlife restoration projects, and for other purposes", approved September [7] 2, 1937 (Public Law Number 415, 75th Congress), also known as the federal Pittman-Robertson Wildlife Restoration Act, and the ~~[state game]~~ commission is hereby authorized and directed to perform all ~~[such]~~ acts as may be necessary to the conduct and establishment of cooperative

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wildlife restoration projects as defined by ~~that~~ that act of congress and in compliance with ~~that~~ that act and rules and regulations promulgated by the ~~secretary of agriculture~~ United States secretary of the interior thereunder."

SECTION 7. Section 17-1-29 NMSA 1978 (being Laws 1939, Chapter 19, Section 2) is amended to read:

"17-1-29. DISTRIBUTION OF FEDERAL FUNDS.--The ~~state~~ game commission is authorized to receive any ~~moneys~~ money to which the state ~~of New Mexico~~ may become entitled under the ~~aforsaid act of congress~~ federal Pittman-Robertson Wildlife Restoration Act. Such ~~moneys~~ money, when received, ~~to~~ shall be deposited with the state treasurer ~~of the state of New Mexico~~ to the credit of the ~~state~~ game protection fund, expended for the purpose designated and withdrawn ~~and~~ as other ~~moneys are~~ money is withdrawn from the ~~state~~ game protection fund."

SECTION 8. A new section of the Wildlife Conservation Act is enacted to read:

"[NEW MATERIAL] WILDLIFE TO BE PROTECTED--MANAGEMENT.--

A. In addition to other species defined in statute, the commission is authorized to extend management and protection by rule or policy to any species of wildlife not protected by statute pursuant to Chapter 17 NMSA 1978.

B. When determining whether and how to protect a

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species of wildlife, the commission shall evaluate and give due consideration to:

(1) whether a species qualifies as a species of greatest conservation need;

(2) the science-based reasons for protection of a species; and

(3) the rules and management programs that would potentially accompany protected status.

C. The department is not required to respond to wildlife nuisance incidents unless:

(1) the commission, in its own discretion, adopts a policy or rule to do so; or

(2) as otherwise provided by law.

D. As used in this section, "wildlife" means a nondomestic mammal, bird, reptile, amphibian, fish or invertebrate species, including a living animal, or any part, egg, spawn, offspring or the dead body or parts thereof."

SECTION 9. Section 17-2-38 NMSA 1978 (being Laws 1974, Chapter 83, Section 2, as amended) is amended to read:

"17-2-38. DEFINITIONS.--As used in the Wildlife Conservation Act:

A. "commission" means the state [game] wildlife commission;

B. "director" means the director of the wildlife

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department [~~of game and fish~~];

C. "ecosystem" means a system of living organisms and their environment;

D. "endangered species" means any species of fish or wildlife whose prospects of survival or recruitment within the state are in jeopardy due to any of the following factors:

(1) the present or threatened destruction, modification or curtailment of its habitat;

(2) overutilization for scientific, commercial or sporting purposes;

(3) the effect of disease or predation;

(4) other natural or man-made factors affecting its prospects of survival or recruitment within the state; or

(5) any combination of the foregoing factors.

The term may also include any species of fish or wildlife appearing on the United States list of endangered native and foreign fish and wildlife as set forth in Section 4 of the federal Endangered Species Act of 1973 as endangered species; provided that the commission adopts those lists in whole or in part. The term [~~shall~~] does not include any species covered by the provisions of 16 U.S.C. 1331 through 1340 (1971) [~~and shall not include~~] or any species of the class insecta determined by the director to constitute a pest whose protection under the

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Wildlife Conservation Act would present an overwhelming and overriding risk to man;

E. "investigation" means a process pursuant to Subsections B through L of Section 17-2-40 NMSA 1978 undertaken whenever the director suspects that a species may be threatened or endangered and ~~which~~ that consists of a formal review of existing data and studies and may include additional field research to determine whether a species is threatened or endangered;

F. "land or aquatic habitat interests" means interests in real property or water rights consisting of fee simple title, easements in perpetuity, time certain easements, long-term leases and short-term leases;

G. "management" means the collection and application of biological information for the purposes of establishing and maintaining a congruous relationship between individuals within species and populations of wildlife and the carrying capacity of their habitat. The term includes the entire range of activities that constitutes a full scientific resource program ~~[of]~~, including ~~[but not limited to]~~ research, census, law enforcement, propagation, acquisition or maintenance of land or aquatic habitat interests appropriate for recovery of the species; improvement and maintenance, education and related activities; ~~[or]~~ and protection and

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regulated taking;

H. "recovery plan" means a designated program or methodology reasonably expected to lead to restoration and maintenance of a species and its habitat;

I. "peer review panel" means an advisory panel of scientists, each of whom possesses expertise relevant to the proposed investigation and at least one of whom is a wildlife biologist, convened to review the scientific methodology for collection and analysis of data by a researcher based on commonly accepted scientific peer review;

J. "species" means any species or subspecies;

K. "substantial public interest" means a nonfrivolous claim indicated by a broad-based expression of public concern;

L. "take" or "taking" means to harass, hunt, capture or kill any wildlife or attempt to do so;

M. "threatened species" means any species that is likely to become an endangered species within the foreseeable future throughout all or a significant portion of its range in New Mexico; the term may also include any species of fish or wildlife appearing on the United States list of endangered native and foreign fish and wildlife as set forth in Section 4 of the federal Endangered Species Act of 1973 as threatened species; provided that the commission adopts the list in whole

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or in part; and

N. "wildlife" means ~~[any]~~ a nondomestic mammal, bird, reptile, amphibian, fish ~~[mollusk or crustacean]~~ or invertebrate species, including a living animal, or any part, egg, spawn, ~~[or]~~ offspring or the dead body or parts thereof."

SECTION 10. A new section of the Wildlife Conservation Act is enacted to read:

"[NEW MATERIAL] SPECIES OF GREATEST CONSERVATION NEED-- DEFINITION--REPORTING.--"

A. For the purposes of Chapter 17 NMSA 1978, "species of greatest conservation need" means species existing within New Mexico that are subject to one or more of the following factors:

(1) species that have experienced substantial long-term declines in habitat or population, known as declining species;

(2) species in which some aspect of their life histories and ecology makes them disproportionately susceptible to decline, including concentration to small areas during migration or hibernation, low reproductive rates, susceptibility to disease, inability to respond to changing climate conditions, habitat loss, wildfire and overexploitation for anthropogenic purposes, known as vulnerable species;

(3) species that are limited to New Mexico,

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known as endemic species;

(4) species that have populations geographically isolated from other populations of the same species and are thereby susceptible to local decline or extirpation, known as disjunct species; or

(5) species that are crucial to the integrity and the functioning of their ecosystems and that may represent more value to conservation of biological diversity than the size of their population or their distribution would suggest, known as keystone species.

B. The wildlife department shall report annually by November 1 to the appropriate interim legislative committee and publish on the department's website data collected on species of greatest conservation need and the use of state and federal funds for the support and recovery of species of greatest conservation need."

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

"17-3-13. LICENSE FEES--FEE ADJUSTMENTS---

A. The director of the department of game and fish shall keep a record of all money received and licenses and permits issued by the department, numbering each class separately. Upon satisfactory proof that a license or permit

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has been lost before its expiration, the director may issue a duplicate and collect a just and reasonable fee [for it] as determined by [regulation of the] state game commission rule.

B. Beginning January 1, 2026 and on January 1 of each successive year, the state game commission may adjust the fees provided by this section for inflation as provided in Subsection C of this section. The director of the department of game and fish shall collect the following fees for each license of the class indicated:

Resident, fishing	[\$25.00] <u>\$35.00</u>
Resident, game hunting	[15.00] <u>25.00</u>
Resident, deer	[31.00] <u>50.00</u>
Resident, junior-senior, deer	[19.00] <u>25.00</u>
Resident, senior, handicapped, game hunting and fishing	<u>20.00</u>
Resident, fishing and game hunting combination	[30.00] <u>42.00</u>
Resident, junior, fishing and game hunting combination	<u>15.00</u>
Resident, disabled veteran, fishing and game hunting combination	<u>10.00</u>
Resident, antelope	[50.00] <u>60.00</u>
Resident, elk cow	[50.00] <u>60.00</u>
Resident, elk bull or either sex	[80.00] <u>90.00</u>

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Resident, junior-senior, elk	[48.00]	<u>60.00</u>
Resident, bighorn sheep, ram		150.00
Resident, bighorn sheep, ewe		75.00
Resident, Barbary sheep	[100.00]	<u>120.00</u>
Resident, bear	[44.00]	<u>55.00</u>
Resident, turkey	[25.00]	<u>35.00</u>
Resident, cougar	[40.00]	<u>55.00</u>
Resident, oryx	[150.00]	<u>175.00</u>
Resident, ibex	[100.00]	<u>110.00</u>
Resident, javelina		55.00
Resident, fur dealer	[15.00]	<u>100.00</u>
Resident, trapper	[20.00]	<u>100.00</u>
Resident, junior trapper	[9.00]	<u>50.00</u>
Nonresident, fishing	[56.00]	<u>90.00</u>
Nonresident, junior fishing	[15.00]	<u>20.00</u>
Nonresident, junior, game hunting	[15.00]	<u>20.00</u>
Nonresident, game hunting	[65.00]	<u>85.00</u>
Nonresident, deer	[260.00]	<u>375.00</u>
Nonresident, quality deer	[345.00]	<u>600.00</u>
Nonresident, bear	[250.00]	<u>350.00</u>
Nonresident, cougar	[280.00]	<u>350.00</u>
Nonresident, turkey	[100.00]	<u>125.00</u>
Nonresident, antelope	[260.00]	<u>400.00</u>
Nonresident, elk cow	[315.00]	<u>550.00</u>

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Nonresident, elk bull or either sex . . .	[525.00]	<u>750.00</u>
Nonresident, quality elk	[750.00]	<u>975.00</u>
Nonresident, bighorn sheep		3,150.00
Nonresident, Barbary sheep		350.00
Nonresident, oryx		1,600.00
Nonresident, ibex		1,600.00
Nonresident, javelina		155.00
Nonresident, fur dealer	[125.00]	<u>200.00</u>
Nonresident, trapper	[345.00]	<u>500.00</u>
Nonresident, nongame		65.00
Resident, senior, handicapped, fishing		8.00
Resident, junior fishing		5.00
Temporary fishing, one day		12.00
Temporary fishing, five days	[24.00]	<u>30.00</u>
Resident, senior, handicapped, game hunting		15.00
Resident, junior, game hunting		10.00
Temporary game hunting, four days	[33.00]	<u>40.00</u>
Second rod validation	[4.00]	<u>10.00</u>

C. On January 1, 2026 and on January 1 of each successive year, the state game commission may adjust the fees provided by Subsection B of this section by multiplying the fee as of January 1, 2025 by a fraction, the numerator of which is

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the consumer price index ending in September of the previous year and the denominator of which is the consumer price index ending in September 2024; provided that the fees shall not be adjusted below the minimum amounts provided in Subsection B of this section as a result of a decrease in the consumer price index, and the fees shall be adjusted on January 1, 2031 and every five years thereafter. The amount of the adjustment shall be rounded to the nearest dollar. By November 1, 2025 and by November 1 of each successive year, the department of game and fish shall post on its website the fees in Subsection B of this section for the next year.

D. Residents and family members of residents who participate in the supplemental nutrition assistance program are eligible to receive a twenty-five percent discount on all license fees after qualifying with the department of game and fish.

E. As used in this section, "consumer price index" means the consumer price index, not seasonally adjusted, for all urban consumers, United States city average for all items, or its successor index, as published by the United States department of labor for a twelve-month period ending September 30."

SECTION 12. Section 17-5-4 NMSA 1978 (being Laws 1939, Chapter 178, Section 4, as amended) is amended to read:

.227445.1AIC January 29, 2024 (12:01pm)

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"17-5-4. [STATE GAME COMMISSION TO ADMINISTER ACT-RULES AND REGULATIONS] CONFLICT OF AUTHORITY--TAKING OF BOBCATS.-- [The state game commission is authorized and directed to administer the provisions of Sections 17-5-1 through 17-5-9 NMSA 1978 and to make such rules and regulations and establish such service as it may deem necessary to carry out all the provisions and purposes of those sections. In making such rules and regulations and providing when and by what means fur-bearing animals may be hunted, taken, captured, possessed or killed, the state game commission shall give due regard to the zones of temperatures and to the distribution, abundance, economic value and breeding habits of such animals. Provided] Nothing in Sections 17-5-1 through 17-5-9 NMSA 1978 shall interfere with the authority granted to the president of New Mexico state university under Sections 77-15-1 through 77-15-5 NMSA 1978 or [shall] prevent livestock producers without a permit from the taking of bobcats that are doing damage to livestock."

SECTION 13. TEMPORARY PROVISION--NAME CHANGE--TRANSFER OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES.--

A. The department of game and fish is renamed as the "wildlife department".

B. The state game commission is renamed as the

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"state wildlife commission".

C. On July 1, 2025, all:

(1) functions, personnel, money, appropriations, records, furniture, equipment, supplies and other personal and real property of the department of game and fish are transferred to the wildlife department;

(2) agreements and contractual obligations of the department of game and fish are binding on the wildlife department;

(3) references in law to the department of game and fish shall be deemed to be references to the wildlife department;

(4) functions, personnel, money, appropriations, records, furniture, equipment, supplies and other personal and real property of the state game commission are transferred to the state wildlife commission;

(5) agreements and contractual obligations of the state game commission are binding on the state wildlife commission; and

(6) references in law to the state game commission shall be deemed to be references to the state wildlife commission.

D. On July 1, 2025, statutory references in Chapter 17 NMSA 1978 to:

.227445.1AIC January 29, 2024 (12:01pm)

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(1) the "department of game and fish" or "department" shall be construed to be references to the wildlife department;

(2) the "state game commission" or "commission" shall be construed to be references to the state wildlife commission; and

(3) the "director", "warden", "state warden", "state game warden" or "state game and fish warden" shall be construed to be references to the director of the wildlife department.

E. Rules of the department of game and fish shall be rules of the wildlife department until amended or repealed.

F. Rules of the state game commission shall be rules of the state wildlife commission until amended or repealed. ←HENRC

SECTION HENRC→2.←HENRC HENRC→14.←HENRC TEMPORARY PROVISION--INITIAL APPOINTMENTS.--The initial appointments made to the state game commission by the governor HENRC→and the New Mexico legislative council←HENRC pursuant to the provisions of HENRC→Section 1←HENRC HENRC→Sections 3 and 4←HENRC of this act shall replace the members of the state game commission HENRC→serving on the effective date of this act←HENRC , whose terms shall end on HENRC→the effective date of this act←HENRC HENRC→December 31, 2026←HENRC . Terms for the initial

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appointments to the commission HENRC→~~appointed on the effective date of this act~~←HENRC HENRC→beginning January 1, 2027←HENRC

shall be as follows:

- A. for position one, a one-year term;
- B. for position two, a three-year term;
- C. for position three, a five-year term;
- D. for position four, a one-year term;
- E. for position five, a three-year term;
- F. for position six, a five-year term; and
- G. for position seven, a five-year term.

HENRC→SECTION 15. REPEAL.--Section 17-2-2 NMSA 1978 (being Laws 1937, Chapter 23, Section 1) is repealed.←HENRC

SECTION HENRC→3.←HENRC HENRC→16.←HENRC EFFECTIVE DATE.-- HENRC→~~The effective date of the provisions of this act is January 1, 2025.~~←HENRC

HENRC→A. The effective date of the provisions of Sections 1, 2, 5 through 10, 12, 13 and 15 of this act is July 1, 2025.

B. The effective date of the provisions of Sections 3, 4 and 14 of this act is January 1, 2027.

C. The effective date of the provisions of Section 11 of this act is April 1, 2025.←HENRC