

HOUSE BILL 184

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

INTRODUCED BY

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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; SRC → ~~PROVIDING FOR AN INCREASE OF MEMBERS IF THE NUMBER OF CONGRESSIONAL DISTRICTS IN THE STATE CHANGES;~~ ← SRC SETTING TERM LIMITS FOR COMMISSIONERS; ADDING REQUIREMENTS FOR APPOINTMENT AND REMOVAL OF COMMISSIONERS.

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

.223840.3AIC March 9, 2023 (5:14pm)

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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]~~ SRC ~~→~~ provided that if the number of congressional ~~←~~SRC SRC ~~→~~ districts in the state increases to four or decreases to two, the state game commission shall be composed of eight members in accordance with Subsection C of this section. ~~←~~SRC

B. SRC ~~→~~ Except as provided in Subsection C of this section, three ~~←~~SRC SRC ~~→~~ Three ~~←~~SRC members of the commission shall be appointed by the governor, SRC ~~→~~ positions one, two and three, ~~←~~SRC with no more than one residing in any one county and with no more than two affiliated with the same political party SRC ~~→~~ , as follows: ~~←~~SRC SRC ~~→~~ . ~~←~~SRC

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

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

(3) position three, a member of the general

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~~public whose permanent, legal residence is in New Mexico's
third congressional district.~~

~~G. If the number of congressional districts in the
state increases to four, the governor shall appoint four
members from the general public, with no more than one residing
in any one county, who each have permanent, legal residence in
a different congressional district and no more than two of
which are affiliated with the same political party. If the
number of congressional districts in the state decreases to
two, the governor shall appoint four members from the general
public, with no more than one residing in any one county, two
of whom shall have permanent, legal residence in congressional
district one and two of whom shall have permanent, legal
residence in congressional district two and no more than two of
whom are affiliated with the same political party. In the
event that the membership of the state game commission
increases to eight, position eight is created and the members
appointed pursuant to this subsection shall serve in positions
one, two, three and eight.~~ ←SRC

SRC → D. ←SRC SRC → C. ←SRC Four members of the
commission shall be New 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

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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.

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

SRC→F.←SRC SRC→E.←SRC All commissioners appointed by the governor←SRC shall be appointed with the advice and consent of the senate. Except as provided in Section 2 of this 2023 act, the term of office for each member

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of the commission shall be [~~four~~] six 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:~~

~~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, Cibola, 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~~

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habitat advocaey.]

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

SRC→~~H.~~←SRC SRC→~~F.~~←SRC Commissioners shall serve for no more than two terms after the effective date of this 2023 act. A partial term shall be counted as one full term SCONC→, unless the partial term is less than one full year.←SCONC .

SRC→~~I.~~←SRC SRC→~~G.~~←SRC When a commissioner dies, resigns or no longer meets the qualifications required for the commissioner's original selection, SCONC→or misses three consecutive meetings,←SCONC 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.

SRC→~~J.~~←SRC SRC→~~H.~~←SRC 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

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remove commissioners under such rules as it may promulgate, and its decision in connection with such matters shall be final.

SRC→~~K.~~←SRC SRC→~~I.~~←SRC 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~~].

SRC→~~L.~~←SRC SRC→~~J.~~←SRC A person shall not be eligible to be appointed as a commissioner if the person changed party affiliation during the previous four years
Hf11→; 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←Hf11 .

SRC→~~M. All commissioners shall be subject to the Gift Act and the Governmental Conduct Act.~~←SRC

SRC→~~N.~~←SRC SRC→~~K.~~←SRC The director of the New Mexico outdoor recreation division of the economic development department or the director's designee shall be an
SRC→ex-officio, nonvoting←SRC advisor to the commission."

SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS.--

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The initial appointments made to the state game commission by the governor and the New Mexico legislative council pursuant to the provisions of Section 1 of this act shall replace the members of the state game commission serving on the effective date of this act, whose terms shall end on the effective date of this act. Terms for the initial appointments to the commission appointed on the effective date of this act 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.

SECTION 3. EFFECTIVE DATE.--The effective date of the provisions of this act is January 1, 2024.