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HOUSE BILL 34

48TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2008

INTRODUCED BY

Miguel P. Garcia

FOR THE WELFARE REFORM OVERSIGHT COMMITTEE

AN ACT

RELATING TO HUNTING AND FISHING; SUBSIDIZING GENERAL HUNTING
AND FISHING LICENSES FOR PERSONS WHO RECEIVE PUBLIC ASSISTANCE.

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

Section 1. A new section of the Public Assistance Act is
enacted to read:

"[NEW MATERIAL] HUNTING AND FISHING LICENSES FOR
RECIPIENTS.--

A. The department shall issue a declaration of
public assistance, identifying a recipient as a current
recipient of public assistance as of the date the declaration
is signed, when so requested by the recipient for the
recipient's use in getting a general hunting and fishing
license at no cost. The declaration shall be in the following
form:

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1 "PROOF OF PUBLIC ASSISTANCE

2 _____(name) is currently receiving public assistance from
3 the state of New Mexico and the federal government.

4 Signed _____(departmental agent) _____(date)".

5 B. The department shall provide by rule for
6 issuance of a proof of public assistance."

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

9 "17-3-2. CLASSES OF LICENSES.--

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

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

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

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

19 (4) "general hunting" entitles the licensee to
20 hunt deer, squirrel and game birds during the open seasons for
21 each;

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

25 (6) "antelope" entitles the licensee to hunt

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1 antelope during the open season;

2 (7) "elk" entitles the licensee to hunt elk
3 during the open season;

4 (8) "bighorn sheep" entitles the licensee to
5 hunt bighorn sheep during the open season;

6 (9) "Barbary sheep" entitles the licensee to
7 hunt Barbary sheep during the open season;

8 (10) "javelina" entitles the licensee to hunt
9 javelina during the open season;

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

12 (12) "nongame" entitles the licensee to hunt
13 or take any animal or bird not protected by law;

14 (13) "temporary fishing" entitles the licensee
15 to fish for game fish during a specific period of time
16 indicated on the license;

17 (14) "oryx" entitles the licensee to hunt oryx
18 during the open season;

19 (15) "ibex" entitles the licensee to hunt ibex
20 during the open season;

21 (16) "cougar" entitles the licensee to hunt
22 cougar during the open season;

23 (17) "turkey" entitles the licensee to hunt
24 turkey during the open season;

25 (18) "special season turkey" entitles the

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1 licensee to hunt turkey during special seasons designated by
2 the state game commission;

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

9 (20) "quality deer" entitles the licensee to
10 hunt deer during a special quality deer season, to be
11 established by the state game commission, when the timing of
12 the season and hunter density is specially regulated and the
13 deer population is managed with an intent to provide the
14 licensee an increased opportunity to take a mature deer;

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

18 (22) "second rod" entitles the licensee to
19 fish using two fishing rods to fish for game fish during the
20 open seasons for each species.

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

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1 area.

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

7 D. A junior fishing license may be purchased by a
8 resident who has reached [~~his twelfth birthday~~] the age of
9 twelve years but has not reached [~~his eighteenth birthday~~] the
10 age of eighteen years. A junior fishing license entitles the
11 licensee to fish for game fish during the open season for each
12 species.

13 E. A senior fishing license may be purchased by a
14 resident who has reached [~~his sixty-fifth birthday~~] the age of
15 sixty-five years. A senior fishing license entitles the
16 licensee to fish for game fish during the open season for each
17 species.

18 F. A nonresident junior fishing license may be
19 purchased by a nonresident who has reached [~~his twelfth~~
20 ~~birthday~~] the age of twelve years but has not reached [~~his~~
21 ~~eighteenth birthday~~] the age of eighteen years. A nonresident
22 junior fishing license entitles the licensee to fish for game
23 fish during the open season for each species.

24 G. A senior general hunting license may be
25 purchased by a resident who has reached [~~his sixty-fifth~~

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1 ~~birthday]~~ the age of sixty-five years. A senior general
2 hunting license entitles the licensee to hunt for deer,
3 squirrel and game birds during the open seasons for each
4 species.

5 H. A junior general hunting license may be
6 purchased by a resident who has not reached [~~his eighteenth~~
7 ~~birthday]~~ the age of eighteen years. A junior general hunting
8 license entitles the licensee to hunt for deer, squirrel and
9 game birds during the open seasons for each species.

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

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

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1 during the open season for each species.

2 K. A fishing license may be obtained at no cost by
3 a resident who has reached [~~his seventieth birthday~~] the age of
4 seventy years.

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

9 M. A junior-senior elk license may be purchased by
10 a resident who has not reached [~~his eighteenth birthday~~] the
11 age of eighteen years or by a resident who has reached [~~his~~
12 ~~sixty-fifth birthday~~] the age of sixty-five years. A junior-
13 senior elk license entitles the licensee to hunt for elk during
14 the open season for that species.

15 N. A general hunting and fishing license may be
16 obtained at no cost by a resident who is a recipient of public
17 assistance and who furnishes a declaration of public assistance
18 provided by the human services department."

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

21 "17-3-5. APPLICATION FOR HUNTING OR FISHING LICENSES--
22 CONTENTS--FILING.--

23 A. The director of the department of game and fish
24 shall prepare and furnish blank applications for all persons
25 applying for fishing or hunting licenses within the state.

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1 Except as provided in Subsection B or E of this section, each
2 person, before receiving any fishing or hunting license, shall
3 make application on a blank so provided. Among other matters
4 that may be shown by the application, [~~shall be~~] a statement
5 [~~showing~~] shall show the exact residence of the applicant.

6 Except as provided in Subsection B or E of this section, the
7 application shall be signed by the applicant. All applications
8 for licenses shall be filed with and issued by license vendors
9 appointed by the director. All fishing and hunting licenses
10 and the applications therefor shall contain the place of
11 residence of the person to whom any license may be issued.

12 B. License vendors, as authorized by the director
13 of the department of game and fish, [~~shall be allowed to~~] may
14 take applications for hunting and fishing licenses or
15 authorizations via telephone or the internet. The vendor or
16 applicant shall fill out a license application with the same
17 information as required for other applications. The vendor
18 shall mail the license to the applicant, and the license shall
19 be in the possession of the hunter or angler unless otherwise
20 provided in Chapter 17 NMSA 1978. All money collected through
21 telephone or internet sales shall be remitted to the director
22 by the tenth day of the month following the sale. An
23 individual receiving a license pursuant to this subsection is
24 not required to sign an application prior to issuance of the
25 license; provided, however, that such individual is subject to

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1 prosecution pursuant to Section 17-3-6 NMSA 1978 for any false
2 or fraudulent statement or other misrepresentation as if the
3 individual had signed an application for license.

4 C. Upon request, an applicant for a fishing or
5 small game license shall receive an authorization number as
6 assigned by the director of the department of game and fish
7 through the vendor. The authorization number may be used in
8 lieu of the actual license only by the individual who applies
9 and meets the requirements for a license. The authorization
10 number shall serve as a license for the purposes of Sections
11 17-3-1 and 17-3-17 NMSA 1978. It is a misdemeanor to hunt or
12 fish with an invalid authorization number or a number issued to
13 another person.

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

18 E. The director of the department of game and fish
19 may prepare and furnish an electronic application for all
20 persons applying for hunting license drawings. A person making
21 an electronic application is not required to sign an
22 application prior to issuance of the license; provided that the
23 person is subject to prosecution pursuant to Section
24 17-3-6 NMSA 1978 for any false or fraudulent statement or other
25 misrepresentation as if the person had signed an application.

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1 F. A public assistance recipient may be issued a
2 general hunting and fishing license at no cost so long as the
3 public assistance recipient applies for the general hunting and
4 fishing license, fulfills the requirements for issuance of the
5 license and furnishes a declaration of public assistance
6 provided by the human services department."

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