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HOUSE BILL 24

**50TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2012**

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; CHANGING FEE STRUCTURES; 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 FOR HABITAT MANAGEMENT; RECONCILING  
MULTIPLE AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2011;  
MAKING APPROPRIATIONS.

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

**SECTION 1.** Section 17-3-13 NMSA 1978 (being Laws 1964  
(1st S.S., Chapter 17, Section 5, as amended by Laws 2011,  
Chapter 25, Section 2 and by Laws 2011, Chapter 186, Section 4)  
is amended to read:

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

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1           A. The director of the department of game and fish  
2 shall keep a record of all money received and licenses and  
3 permits issued by the department, numbering each class  
4 separately. Upon satisfactory proof that a license or permit  
5 has been lost before its expiration, the director may issue a  
6 duplicate and collect a just and reasonable fee for it as  
7 determined by regulation of the state game commission.

8           B. The director of the department of game and fish  
9 shall collect the following fees for each license of the class  
10 indicated:

11	Resident, fishing . . . . .	\$25.00
12	Resident, game hunting . . . . .	15.00
13	Resident, deer . . . . .	31.00
14	Resident, junior-senior, deer . . . . .	19.00
15	Resident, senior, handicapped, military, 16 game hunting and fishing . . . . .	20.00
17	Resident, fishing and game hunting 18 combination . . . . .	30.00
19	Resident, junior, fishing and game 20 hunting combination . . . . .	15.00
21	Resident, disabled veteran, fishing and game hunting 22 combination . . . . .	10.00
23	Resident, antelope . . . . .	50.00
24	Resident, elk cow . . . . .	50.00
25	Resident, elk bull or either sex . . . . .	80.00

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1	Resident, junior-senior, elk . . . . .	48.00
2	Resident, bighorn sheep, ram . . . . .	150.00
3	Resident, bighorn sheep, ewe . . . . .	75.00
4	Resident, Barbary sheep . . . . .	100.00
5	Resident, bear . . . . .	44.00
6	Resident, turkey . . . . .	25.00
7	Resident, cougar . . . . .	40.00
8	Resident, oryx . . . . .	150.00
9	Resident, ibex . . . . .	100.00
10	Resident, javelina . . . . .	55.00
11	Resident, fur dealer . . . . .	15.00
12	Resident, trapper . . . . .	20.00
13	Resident, junior trapper . . . . .	9.00
14	Nonresident, fishing . . . . .	56.00
15	Nonresident, junior fishing . . . . .	15.00
16	Nonresident, junior, game hunting . . . . .	15.00
17	Nonresident, game hunting . . . . .	65.00
18	Nonresident, deer . . . . .	260.00
19	Nonresident, quality deer . . . . .	345.00
20	Nonresident, bear . . . . .	250.00
21	Nonresident, cougar . . . . .	280.00
22	Nonresident, turkey . . . . .	100.00
23	Nonresident, antelope . . . . .	260.00
24	Nonresident, elk cow . . . . .	315.00
25	Nonresident, elk bull or either sex . . . . .	525.00

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1	Nonresident, quality elk . . . . .	750.00
2	Nonresident, bighorn sheep . . . . .	3,150.00
3	Nonresident, Barbary sheep . . . . .	350.00
4	Nonresident, oryx . . . . .	1,600.00
5	Nonresident, ibex . . . . .	1,600.00
6	Nonresident, javelina . . . . .	155.00
7	Nonresident, fur dealer . . . . .	125.00
8	Nonresident, trapper . . . . .	345.00
9	Nonresident, nongame . . . . .	65.00
10	Resident, senior, handicapped,	
11	fishing . . . . .	8.00
12	Resident, junior fishing . . . . .	5.00
13	Temporary active-duty fishing, five days . . . . .	12.00
14	Temporary fishing, one day . . . . .	12.00
15	Temporary fishing, five days . . . . .	24.00
16	Resident, senior, handicapped,	
17	game hunting . . . . .	15.00
18	Resident, junior, game hunting . . . . .	10.00
19	Temporary active-duty small game, four days . . . . .	16.00
20	Temporary game hunting, four days . . . . .	33.00
21	<del>[Second rod validation . . . . . 4.00.]</del>	
22	<u>Nonresident, junior deer . . . . .</u>	<u>143.00</u>
23	<u>Nonresident, junior game hunting . . . . .</u>	<u>50.00</u>
24	<u>Nonresident, junior elk . . . . .</u>	<u>273.00."</u>
25	SECTION 2. A new section of Chapter 17, Article 3 NMSA	

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1 1978 is enacted to read:

2 "[NEW MATERIAL] LICENSE FEES AND HABITAT MANAGEMENT.--

3 A. The department of game and fish shall add the  
4 license fees provided for pursuant to Section 17-3-13 NMSA 1978  
5 to the habitat management fee collected pursuant to Section  
6 17-4-34 NMSA 1978 and the big game depredation fee collected  
7 pursuant to Section 17-3-13.3 NMSA 1978, and no other fee shall  
8 be collected for habitat management. The department of game  
9 and fish is authorized to collect these fees in addition to and  
10 in conjunction with the collection of the license fees.

11 B. The state game commission shall not adopt a rule  
12 that holds a hunter in violation of Chapter 17 NMSA 1978 for  
13 failure to possess a free permit for hunts except those issued  
14 through a special drawing.

15 C. No additional license fee shall be charged for a  
16 second fishing rod."

17 SECTION 3. Section 17-4-34 NMSA 1978 (being Laws 2005,  
18 Chapter 177, Section 2) is amended to read:

19 "17-4-34. HABITAT MANAGEMENT [~~STAMP~~] FEE--FUND--  
20 EXPENDITURE FOR HABITAT MANAGEMENT--EXCEPTION.--

21 A. [~~On and after April 1, 2006~~] Each of the  
22 following licenses or permits shall include a habitat  
23 management [~~stamp~~] fee. The fee for [~~a~~] habitat management  
24 [~~stamp~~]:

25 (1) shall be [~~three dollars (\$3.00)~~]. Each of

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1 ~~the following licenses or permits shall not be considered to be~~  
2 ~~a proper and valid license unless the licensee can demonstrate,~~  
3 ~~by a stamp, check off or other official mark, that the fee for~~  
4 ~~the habitat management stamp has been paid, provided that an~~  
5 ~~individual purchaser shall be required to purchase only one~~  
6 ~~stamp each license year, regardless of the number of licenses~~  
7 ~~or permits purchased by that purchaser] nine dollars (\$9.00)~~  
8 for:

9                   ~~[(1)]~~ (a) a resident or nonresident game  
10 hunting or fishing license specified in Section 17-3-13 NMSA  
11 1978; or

12                   ~~[(2)]~~ (b) a wildlife-associated  
13 recreation permit issued by the state game commission pursuant  
14 to Section ~~[17-1-4]~~ 17-1-14 NMSA 1978; provided that the state  
15 game commission shall be permitted to modify the habitat  
16 management fee; and

17                   (2) shall include one dollar (\$1.00) of the  
18 habitat management fee to be used for leasing or purchasing of  
19 properties or acquisition of easements for hunting, fishing or  
20 trapping.

21                   B. Revenue from the ~~[sale of]~~ habitat management  
22 ~~[stamps]~~ fee shall be deposited in the "habitat management  
23 fund", hereby created in the state treasury. The fund shall  
24 consist of money appropriated and transferred to the fund and  
25 revenue from the sale of habitat management ~~[stamps]~~ fees

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1 deposited in the fund. Earnings from investment of the fund  
2 shall be credited to the fund. Any unexpended or unencumbered  
3 balance remaining at the end of a fiscal year shall not revert.  
4 Disbursements from the fund shall be made upon warrants drawn  
5 by the secretary of finance and administration pursuant to  
6 vouchers signed by the director of the department of game and  
7 fish.

8 C. Upon appropriation by the legislature, money in  
9 the habitat management fund may be expended by the state game  
10 commission only for the improvement, maintenance, development  
11 and operation of ~~[property]~~ United States forest service and  
12 bureau of land management property and property managed  
13 pursuant to agreement with the department of game and fish or  
14 by the department for fish and wildlife habitat management.  
15 The department of game and fish shall enter into agreements  
16 with the United States forest service and the bureau of land  
17 management prior to expenditure of money to ensure the fund is  
18 apportioned for reasonable and appropriate habitat improvement  
19 projects on those lands that are open to hunting and fishing.  
20 At least fifty-five percent of funds appropriated pursuant to  
21 this section shall be expended for habitat improvement projects  
22 on United States forest service and bureau of land management  
23 property and administrative expenses associated with the cost  
24 of employing one full-time program manager and that manager's  
25 operational expenses. The department shall not use the fund to

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1 cover administrative expenses above those provided for pursuant  
2 to this section.

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

5 SECTION 4. Section 17-2-1 NMSA 1978 (being Laws 1931,  
6 Chapter 117, Section 3, as amended) is amended to read:

7 "17-2-1. COMMISSION POWERS.--The state game commission,  
8 in addition to the powers now vested in it and not as a  
9 limitation of those powers, is expressly authorized and  
10 empowered by regulation adopted and promulgated in the manner  
11 provided in Chapter 17 NMSA 1978 to:

12 A. define game birds, game animals and game fish;

13 B. establish open and closed seasons for the  
14 killing or taking of all kinds of game animals, game birds and  
15 game fish and to change such open seasons from year to year and  
16 to fix different seasons for different parts of the state;

17 C. establish bag limits covering all kinds of game  
18 animals, game birds and game fish and the numbers thereof  
19 [~~which~~] that may be killed or taken by any one person during  
20 any one day or during any one open season;

21 D. authorize or prohibit the killing or taking of  
22 any game animals, game birds or game fish of any kind or sex;

23 E. prescribe the manner, methods and devices  
24 [~~which~~] that may be used in hunting, taking or killing game  
25 animals, game birds and game fish;

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1 F. prescribe rules and regulations to prohibit any  
2 vehicle or vehicles used in transporting persons engaged in  
3 hunting, taking or killing game animals, game birds and game  
4 fish from leaving established roadways; and

5 G. appoint one or more advisory committees to  
6 furnish advice, evaluations and recommendations for wildlife  
7 management projects utilizing revenue derived from the sale of  
8 public land management [~~stamps~~] fees. The advisory committees  
9 shall be created pursuant to the procedures of Section 9-1-9  
10 NMSA 1978, provided that the restrictions on the life of  
11 advisory committees contained in Subsection F of that section  
12 shall not be applicable."

13 SECTION 5. EFFECTIVE DATE.--The effective date of the  
14 provisions of this act is April 1, 2013.