

HOUSE BILL 263

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Matthew McQueen

Pursuant to House Rule 24-1, this document incorporates amendments that have been adopted prior to consideration of this measure by the House. It is a tool to show the amendments in context and is not to be used for the purpose of amendments.

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.

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

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

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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]

B. Three members of the commission shall be appointed by the governor, HJC→with no more than one residing in any one county and←HJC with no more than two affiliated with the same political party HJC→,←HJC as follows:

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

C. Four members of the commission shall be New Mexico residents and shall be appointed by the New Mexico legislative council HJC→, with no more than one residing in any one county,←HJC as follows:

(1) position four, a rancher or farmer who owns HJC→and←HJC HJC→or←HJC manages a New Mexico ranch or farm HJC→, the majority of whose income is derived from the sale of agricultural products and whose ranch or farm←HJC

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HJC→that←HJC contains at least two species of animals for which game hunting is licensed under the provisions of Section 17-3-2 NMSA 1978;

(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 or wildlife science or management.

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

E. All commissioners shall be appointed HJC→by the governor←HJC with the advice and consent of the senate. Except as provided in Section 2 of this 2019 act, the term of office for each member 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,

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~~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 habitat advocacy.]~~

F. An appointed commissioner shall serve and have all of the duties, responsibilities and authority of that

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office during the period of time prior to final action by the senate confirming or rejecting the commissioner's appointment.

G. Commissioners shall serve for no more than two terms after the effective date of this 2019 act. A partial term shall be counted as one full term.

H. When a commissioner dies, resigns or no longer meets the qualifications required for the commissioner's original selection, 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.

I. 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.

J. 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~~].

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

L. All commissioners shall be subject to the Gift Act and the Governmental Conduct Act."

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

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 commissioners, 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, 2020.