

1 SENATE BILL 312

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Jeff Steinborn and Nathan P. Small

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9  
10 AN ACT

11 RELATING TO WILDLIFE; RENAMING THE DEPARTMENT OF GAME AND FISH  
12 AS THE DEPARTMENT OF WILDLIFE CONSERVATION; RENAMING THE STATE  
13 GAME COMMISSION AS THE STATE WILDLIFE CONSERVATION COMMISSION;  
14 CHANGING STATUTORY REFERENCES; AMENDING STATUTORY POLICY;  
15 ADDING A DEFINITION; INCREASING THE NONRESIDENT LICENSE FEE TO  
16 HUNT BULL ELK; ELIMINATING THE OUTFITTER AND GUIDE SPECIAL DRAW  
17 LICENSE SET-ASIDE; REVISING THE SPECIAL DRAW LICENSE  
18 PERCENTAGES FOR RESIDENTS AND NONRESIDENTS; NARROWING  
19 CONDITIONS FOR LANDOWNER TAKING OR KILLING ANIMALS ON PRIVATE  
20 LAND; REVISING PENALTIES; PROVIDING FOR TRANSFERS; MAKING AN  
21 APPROPRIATION.

22  
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

24 SECTION 1. Section 7-1-6.6 NMSA 1978 (being Laws 1983,  
25 Chapter 211, Section 11) is amended to read:

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1 "7-1-6.6. DISTRIBUTION--~~[GAME PROTECTION]~~ WILDLIFE  
2 CONSERVATION FUND--A distribution pursuant to Section 7-1-6.1  
3 NMSA 1978 shall be made to the ~~[game protection]~~ wildlife  
4 conservation fund of all amounts designated as contributions to  
5 that fund under the provisions of Section 7-2-24 NMSA 1978."

6 SECTION 2. Section 7-2-24 NMSA 1978 (being Laws 1981,  
7 Chapter 343, Section 2, as amended) is amended to read:

8 "7-2-24. OPTIONAL DESIGNATION OF TAX REFUND  
9 CONTRIBUTION.--

10 A. Except as otherwise provided in Subsection C of  
11 this section, any individual whose state income tax liability  
12 after application of allowable credits and tax rebates in any  
13 year is lower than the amount of money held by the department  
14 to the credit of such individual for that tax year may  
15 designate any portion of the income tax refund due ~~[him]~~ the  
16 individual to be paid into the ~~[game protection]~~ wildlife  
17 conservation fund. In the case of a joint return, both  
18 individuals must make such designation.

19 B. The department shall revise the state income tax  
20 form to allow the designation of such contributions in  
21 substantially the following form:

22 "New Mexico ~~[Game Protection]~~ Wildlife Conservation Fund--  
23 Check  if you wish to contribute a part or all of your  
24 tax refund to the ~~[Game Protection]~~ Wildlife Conservation  
25

1 Fund. Enter here \$ \_\_\_\_\_ the amount of your  
2 contribution."

3 C. The provisions of this section do not apply to  
4 income tax refunds subject to interception under the provisions  
5 of the Tax Refund Intercept Program Act and any designation  
6 made under the provisions of this section to such refunds is  
7 void."

8 SECTION 3. Section 9-5A-3 NMSA 1978 (being Laws 1987,  
9 Chapter 234, Section 3, as amended by Laws 1997, Chapter 137,  
10 Section 1 and by Laws 1997, Chapter 149, Section 2) is amended  
11 to read:

12 "9-5A-3. DEPARTMENT ESTABLISHED.--

13 A. There is created in the executive branch the  
14 "energy, minerals and natural resources department". The  
15 department shall be a cabinet department and shall include but  
16 not be limited to the following organizational units:

- 17 (1) the administrative services division;  
18 (2) the state parks division;  
19 (3) the forestry division;  
20 (4) the energy conservation and management  
21 division;  
22 (5) the mining and minerals division; and  
23 (6) the oil conservation division.

24 B. The state [~~game~~] wildlife conservation  
25 commission is administratively attached to the department."

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1           SECTION 4. Section 9-15-14.1 NMSA 1978 (being Laws 2019,  
2 Chapter 117, Section 2, as amended) is amended to read:

3           "9-15-14.1. NEW MEXICO OUTDOOR RECREATION DIVISION--  
4 DUTIES--DEFINITIONS.--

5           A. The New Mexico outdoor recreation division of  
6 the department shall:

7                   (1) increase outdoor recreation-based economic  
8 development, tourism and ecotourism in the state;

9                   (2) recruit out-of-state-based outdoor  
10 recreation businesses to locate in New Mexico;

11                   (3) promote stewardship and preservation of  
12 New Mexico's unique environment and cultural assets;

13                   (4) promote education about and use of outdoor  
14 recreation assets to enhance public health; and

15                   (5) administer the outdoor equity grant  
16 program.

17           B. The department, the tourism department, the  
18 state land office, the Rio Grande trail commission, the state  
19 parks division of the energy, minerals and natural resources  
20 department, the department of [~~game and fish~~] wildlife  
21 conservation, the cultural affairs department, the Indian  
22 affairs department, the department of health and the department  
23 of transportation shall work in conjunction with the New Mexico  
24 outdoor recreation division to support the division's duties as  
25 they relate to the purposes of the respective departments and

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1 agencies.

2 C. For the purposes of administering functions of  
3 the New Mexico outdoor recreation division:

4 (1) "ecotourism" means a form of tourism that  
5 involves visiting areas of ecological interest and is intended  
6 as a low-impact and often small-scale alternative to standard  
7 commercial tourism; and

8 (2) "outdoor recreation" means a recreational  
9 activity that occurs outdoors in a natural environment,  
10 including the use of trails, the natural landscape, water or  
11 snow resources or other natural resources in the activity."

12 SECTION 5. Section 9-15-14.2 NMSA 1978 (being Laws 2019,  
13 Chapter 117, Section 3) is amended to read:

14 "9-15-14.2. OUTDOOR RECREATION ADVISORY COMMITTEE--  
15 CREATION--MEMBERSHIP--DUTIES.--

16 A. The "outdoor recreation advisory committee" is  
17 created and administratively attached to the New Mexico outdoor  
18 recreation division of the department. The director of the New  
19 Mexico outdoor recreation division, or the director's designee,  
20 shall serve as the chair of the committee.

21 B. The outdoor recreation advisory committee shall  
22 be composed of no more than fifteen members appointed by the  
23 director of the New Mexico outdoor recreation division. The  
24 members of the committee shall include representatives of the  
25 outdoor recreation industry, the tourism department, the

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1 cultural affairs department, the energy, minerals and natural  
2 resources department, the state parks division of the energy,  
3 minerals and natural resources department, the department of  
4 [~~game and fish~~] wildlife conservation and the Indian affairs  
5 department.

6 C. The members shall serve at the pleasure of the  
7 director.

8 D. Staff and other administrative support for the  
9 outdoor recreation advisory committee shall be provided by the  
10 administrative services division of the department.

11 E. Members of the outdoor recreation advisory  
12 committee are entitled to receive per diem and mileage as  
13 provided in the Per Diem and Mileage Act but shall receive no  
14 other perquisite, compensation or allowance."

15 SECTION 6. Section 9-27-18 NMSA 1978 (being Laws 1971,  
16 Chapter 115, Section 2, as amended) is amended to read:

17 "9-27-18. PROPERTY TRANSFER.--Ownership of all radio  
18 communication property at mountaintop or remote sites,  
19 including buildings, towers, antennas, emergency power plants  
20 and radio equipment owned by the New Mexico state police  
21 division of the department of public safety, department of  
22 transportation, department of [~~game and fish~~] wildlife  
23 conservation and forestry division of the energy, minerals and  
24 natural resources department, is transferred to the department  
25 of information technology."

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1 SECTION 7. Section 11-16-11 NMSA 1978 (being Laws 2001,  
2 Chapter 101, Section 11) is amended to read:

3 "11-16-11. LICENSING AUTHORITY--ADMINISTRATOR--  
4 EXPENSES.--

5 A. The department of [~~game and fish~~] wildlife  
6 conservation is designated as the licensing authority in New  
7 Mexico for the purposes of the Wildlife Violator Compact.

8 B. The director of the department of [~~game and~~  
9 ~~fish~~] wildlife conservation shall furnish to the appropriate  
10 authorities of the participating states any information or  
11 documents reasonably necessary to facilitate the administration  
12 of the Wildlife Violator Compact.

13 C. The compact administrator shall not be entitled  
14 to any additional compensation for [~~his~~] service as the compact  
15 administrator, but shall be entitled to expenses incurred in  
16 connection with [~~his~~] the duties and responsibilities as  
17 compact administrator in the same manner as for expenses  
18 incurred in connection with other duties or responsibilities of  
19 [~~his~~] the compact administrator's office or employment."

20 SECTION 8. Section 13-4A-3 NMSA 1978 (being Laws 1986,  
21 Chapter 11, Section 3, as amended) is amended to read:

22 "13-4A-3. DEFINITIONS.--As used in the Art in Public  
23 Places Act:

24 A. "agency" means all state departments and  
25 agencies, boards, councils, institutions, commissions and

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1 quasi-public corporations, including all state educational  
2 institutions enumerated in Article 12, Section 11 of the  
3 constitution of New Mexico, and all statutorily created post-  
4 secondary educational institutions;

5 B. "architect" means the person or firm designing  
6 the project for the contracting agency to which the one percent  
7 provision pursuant to Section 13-4A-4 NMSA 1978 applies;

8 C. "contracting agency" means the agency having the  
9 control, management and power to enter into contracts for new  
10 construction or renovation of any public building;

11 D. "division" means the arts division of the  
12 cultural affairs department;

13 E. "public buildings" means those buildings under  
14 the control and management of the facilities management  
15 division of the general services department, the department of  
16 ~~[game and fish]~~ wildlife conservation, the energy, minerals and  
17 natural resources department, the department of transportation,  
18 the state fair commission, the supreme court, the commissioner  
19 of public lands, the cultural affairs department, the governing  
20 boards of the state educational institutions and statutorily  
21 created post-secondary educational institutions, the public  
22 education department and the legislature or all buildings  
23 constructed with funds appropriated by the legislature. For  
24 the purposes of the Art in Public Places Act, "public  
25 buildings" does not include such auxiliary buildings as

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1 maintenance plants, correctional facilities, warehouses or  
2 temporary structures; and

3 F. "work of art" means any work of visual art,  
4 including ~~[but not limited to]~~ a drawing, painting, mural,  
5 fresco, sculpture, mosaic or photograph; a work of calligraphy;  
6 a work of graphic art, including an etching, lithograph, offset  
7 print, silk screen or a work of graphic art of like nature;  
8 works in clay, textile, fiber, wood, metal, plastic, glass and  
9 like materials; or mixed media, including a collage or  
10 assemblage or any combination of the foregoing art media that  
11 is chosen to be included in or immediately adjoining the public  
12 building under consideration. Under special circumstances, the  
13 term may include environmental landscaping if approved by the  
14 division."

15 SECTION 9. Section 15-3B-2 NMSA 1978 (being Laws 1972,  
16 Chapter 74, Section 2, as amended) is amended to read:

17 "15-3B-2. DEFINITIONS.--As used in the Property Control  
18 Act:

19 A. "capital outlay project" means the acquisition,  
20 improvement, alteration or reconstruction of assets of a long-  
21 term character that are intended to continue to be held or  
22 used, including land, buildings, machinery, furniture and  
23 equipment. A "capital outlay project" includes all proposed  
24 expenditures related to the entire undertaking;

25 B. "department" means the general services

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1 department;

2 C. "director" means the director of the division;

3 D. "division" means the facilities management  
4 division of the department;

5 E. "jurisdiction" means all state buildings and  
6 land except those under the control and management of the state  
7 armory board, the border authority, the cultural affairs  
8 department, the state fair commission, the department of [~~game~~  
9 ~~and fish~~] wildlife conservation, the department of  
10 transportation, the commissioner of public lands, the state  
11 parks division of the energy, minerals and natural resources  
12 department, the state institutions of higher learning, regional  
13 education cooperatives, the New Mexico school for the deaf, the  
14 New Mexico school for the blind and visually impaired, the  
15 judicial branch, the legislative branch, property acquired by  
16 the economic development department pursuant to the Statewide  
17 Economic Development Finance Act and property acquired by the  
18 public school facilities authority pursuant to the Public  
19 School Capital Outlay Act; and

20 F. "secretary" means the secretary of general  
21 services."

22 SECTION 10. Section 15-8-6 NMSA 1978 (being Laws 1994,  
23 Chapter 119, Section 6, as amended) is amended to read:

24 "15-8-6. STATE VEHICLES--USE--MARKINGS--STATE GOVERNMENT  
25 PLATES.--

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1           A. The division shall adopt rules governing the use  
2 of vehicles used by state agencies or by other persons pursuant  
3 to Subsection I of this section, including driver requirements  
4 and responsibilities, under what circumstances someone can be  
5 assigned a state vehicle on a permanent or semipermanent basis  
6 and when custody of a state vehicle can be vested in another  
7 state agency.

8           B. The division may determine that it is  
9 impractical to retain custody of certain state vehicles, and it  
10 may provide that custody reside in another state agency in the  
11 following cases:

12                   (1) the state vehicle is used for emergency or  
13 law enforcement purposes; or

14                   (2) the state vehicle is a department of  
15 transportation, energy, minerals and natural resources  
16 department, department of ~~[game and fish]~~ wildlife conservation  
17 or homeland security and emergency management department  
18 passenger vehicle, truck or tractor or heavy road equipment.

19           C. Except as provided in Subsections F, G and H of  
20 this section, all state vehicles shall be marked as state  
21 vehicles. Each side of the vehicle shall be marked, in letters  
22 not less than two inches in height, with the following  
23 designation of ownership: "State of New Mexico, .....  
24 Department" or "State of New Mexico Department of ....."  
25 and naming the department using the vehicle.

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1           D. Except as provided in Subsections F, G and H of  
2 this section, all state vehicles shall have specially designed  
3 government registration plates.

4           E. Except as provided in Subsections F, G and H of  
5 this section, all state vehicles owned or in the custody of  
6 state agencies that have law enforcement functions shall be  
7 marked and have state government registration plates.

8           F. State vehicles used for legitimate undercover  
9 law enforcement purposes are exempt from the requirements of  
10 Subsections C, D and E of this section and may be issued an  
11 undercover license plate when it is determined by the division  
12 that issuance of such a license plate is necessary to protect  
13 legitimate undercover law enforcement activities.

14           G. State vehicles used for sensitive activities  
15 other than legitimate undercover law enforcement purposes are  
16 exempt from the requirements of Subsections C, D and E of this  
17 section and may be issued a protective license plate when it is  
18 determined by the division that issuance of such a license  
19 plate is necessary to protect the health, safety or welfare of  
20 a state employee using a state-owned vehicle for sensitive  
21 activities. The standards for the issuance of a protective  
22 license plate pursuant to this subsection shall be determined  
23 by rule jointly promulgated by the division and the motor  
24 vehicle division of the taxation and revenue department.

25           H. A state agency may seek custody of state

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1 vehicles as an exception to Subsection B of this section or an  
2 exemption to the provisions of Subsection C of this section by  
3 making a written request to the director, specifying the  
4 reasons for the proposed custody or exemption. The director  
5 may approve the custody or exemption, in writing, indicating  
6 the duration and any conditions of the custody or exemption.

7 I. The division shall adopt rules permitting  
8 individuals enrolled in the state's adaptive driving program to  
9 use special-use state vehicles for evaluation and training  
10 purposes in that program."

11 SECTION 11. Section 16-2-32 NMSA 1978 (being Laws 1935,  
12 Chapter 57, Section 19, as amended) is amended to read:

13 "16-2-32. CRIMINAL OFFENSES--PENALTY.--A person who  
14 commits any of the following acts is guilty of a petty  
15 misdemeanor and shall be sentenced in accordance with the  
16 provisions of Section 31-19-1 NMSA 1978:

17 A. cut, break, injure, destroy, take or remove a  
18 tree, shrub, timber, plant or natural object in any state park  
19 and recreation area, except in areas designated by the  
20 secretary and permitted by rules adopted by the secretary.  
21 Such rules shall only permit the removal of a tree, shrub,  
22 timber, plant or natural object for scientific study or for  
23 noncommercial use by an individual as a souvenir. The quantity  
24 of material authorized for removal from any area shall be  
25 strictly regulated by park personnel in order to minimize

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1 resource damage;

2 B. kill, cause to be killed or pursue with intent  
3 to kill a bird or animal in a state park and recreation area,  
4 except in areas designated by the secretary and except in  
5 conformity with the provisions of general law and the rules of  
6 the state [~~game~~] wildlife conservation commission;

7 C. take a fish from the waters of a state park and  
8 recreation area, except in conformity with the provisions of  
9 general law and the rules of the state [~~game~~] wildlife  
10 conservation commission;

11 D. willfully mutilate, injure, deface or destroy  
12 any guidepost, notice, tablet, fence, enclosure or work that is  
13 for the protection or ornamentation of a state park and  
14 recreation area;

15 E. light a fire in a state park and recreation  
16 area, except in those places authorized for fires by the  
17 secretary, or willfully or carelessly permit any fire that is  
18 authorized and that the person has lighted or caused to be  
19 lighted or under the person's charge to spread or extend to or  
20 burn the shrubbery, trees, timber, ornaments or improvements in  
21 a state park and recreation area or leave a campfire that the  
22 person has lighted or that has been left in the person's charge  
23 unattended by a competent person without extinguishing it;

24 F. place in a state park and recreation area or  
25 affix to an object in a state park and recreation area a word,

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1 character or device designed to advertise a business,  
2 profession, article, thing, exhibition, matter or event without  
3 a written license from the secretary permitting the person to  
4 do it; or

5 G. violate a rule adopted by the secretary pursuant  
6 to the provisions of Chapter 16, Article 2 NMSA 1978 when the  
7 violation has caused or contributed to the cause of an accident  
8 resulting in injury or death to a person or disappearance of a  
9 person."

10 SECTION 12. Section 16-4-5 NMSA 1978 (being Laws 1977,  
11 Chapter 242, Section 5, as amended) is amended to read:

12 "16-4-5. MANAGEMENT.--

13 A. The secretary shall administer the state-  
14 administered segment of El Rio Chama scenic and pastoral river  
15 and shall develop, by rule [~~and regulation~~] and after public  
16 hearings, a management plan and guidelines to realize the  
17 scenic and pastoral objectives of El Rio Chama Scenic and  
18 Pastoral Act. The plan shall be prepared in cooperation with  
19 the appropriate federal agencies and shall include among other  
20 things:

21 (1) consideration for cooperative management  
22 arrangements between state and federal authorities; and

23 (2) measures to control recreational use of the  
24 designated river to protect the river's natural values.

25 B. The secretary shall seek the assistance and aid of

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1 the state [~~game~~] wildlife conservation commission for resource  
2 and recreation management within the state-administered segment  
3 of El Rio Chama scenic and pastoral river.

4 C. The secretary shall report annually to the  
5 governor and to the legislature concerning the development and  
6 the administration of the cooperative federal-state management  
7 plan."

8 SECTION 13. Section 16-4-13 NMSA 1978 (being Laws 1983,  
9 Chapter 18, Section 5, as amended) is amended to read:

10 "16-4-13. MANAGEMENT.--

11 A. The provisions of the Rio Grande Valley State Park  
12 Act shall not take effect until the secretary has fully  
13 executed a management agreement with an operating party and  
14 shall cease to be in effect if the management agreement is  
15 terminated. The management agreement shall include a map  
16 delineating the boundaries of the park. The park shall be  
17 established when the management agreement is signed by the  
18 secretary and the designated representative of the operating  
19 party. A provision of the management agreement shall require  
20 twelve months' written notice prior to any termination taking  
21 effect.

22 B. The operating party shall administer the Rio  
23 Grande Valley state park. The operating party shall develop,  
24 after public hearings, a management plan, for approval by the  
25 secretary, [~~which~~] that is consistent with the provisions of

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1 the feasibility study previously prepared that satisfies the  
2 requirements of Subsection G of Section 16-2-11 NMSA 1978, to  
3 realize the objectives of the Rio Grande Valley State Park Act.  
4 The plan shall be prepared in cooperation with the appropriate  
5 federal, state and local agencies and shall include among other  
6 things:

7 (1) consideration for cooperative management  
8 arrangements between state, federal, conservancy, flood control  
9 and municipal authorities;

10 (2) measures to control recreational use of the  
11 designated river to protect the river's natural values; and

12 (3) measures to minimize any adverse impact to  
13 the park caused by public transportation or other public  
14 improvement projects to be located in close proximity to the  
15 park.

16 C. The operating party may seek the assistance and  
17 aid of the [~~game and fish~~] department of wildlife conservation  
18 for resource and wildlife management within the Rio Grande  
19 Valley state park."

20 SECTION 14. Section 17-1-1 NMSA 1978 (being Laws 1921,  
21 Chapter 35, Section 1, as amended) is amended to read:

22 "17-1-1. DECLARATION OF POLICY.--It is the purpose of  
23 [~~this act~~] Chapter 17 NMSA 1978 and the policy of the state [~~of~~  
24 ~~New Mexico to provide an adequate and flexible system for the~~  
25 ~~protection of the game and fish of New Mexico and for their use~~

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1 ~~and development for public recreation and food supply and to~~  
2 ~~provide for their propagation, planting, protection, regulation~~  
3 ~~and conservation to the extent necessary to provide and~~  
4 ~~maintain an adequate supply of game and fish within the state~~  
5 ~~of New Mexico]~~ to provide for the conservation and management  
6 of the state's wildlife as a public trust resource with  
7 intrinsic and ecological value, for the benefit, use, enjoyment  
8 and food supply of all New Mexicans, including future  
9 generations, regardless of wealth, privilege or land  
10 ownership."

11 SECTION 15. Section 17-1-2 NMSA 1978 (being Laws 1921,  
12 Chapter 35, Section 2, as amended) is amended to read:

13 "17-1-2. STATE [~~GAME~~] WILDLIFE CONSERVATION COMMISSION--  
14 APPOINTMENT--TERM.--

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

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1 each year.

2 B. In making appointments to the state [~~game~~]  
3 wildlife conservation commission, one member shall be appointed  
4 from each of the following districts:

5 [~~A.~~] (1) district one: Curry, De Baca,  
6 Roosevelt, Chaves, Lincoln, Otero, Eddy and Lea counties;

7 [~~B.~~] (2) district two: Catron, Socorro, Grant,  
8 Hidalgo, Luna, Sierra and Dona Ana counties;

9 [~~C.~~] (3) district three: San Juan, McKinley,  
10 Cibola, Valencia, Sandoval, Los Alamos and Rio Arriba counties;

11 [~~D.~~] (4) district four: Santa Fe, Taos, Colfax,  
12 Union, Mora, Harding, Quay, San Miguel, Guadalupe and Torrance  
13 counties; and

14 [~~E.~~] (5) district five: Bernalillo county.

15 The remaining two members shall be appointed at-large. At  
16 least one member of the commission shall manage and operate a  
17 farm or ranch that contains at least two species of wildlife on  
18 that part [~~which~~] that is deeded land requiring licensing prior  
19 to legal pursuit under the provisions of Section 17-3-2 NMSA  
20 1978. At least one member shall have a demonstrated history of  
21 involvement in wildlife and habitat protection issues and  
22 [~~whose~~] have activities or occupation [~~are~~] not in conflict  
23 with wildlife and habitat advocacy.

24 C. The state [~~game~~] wildlife conservation commission  
25 as provided in Chapter 17 NMSA 1978 shall have the same

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1 authority, powers and duties as now vested in the state [~~game~~]  
2 wildlife conservation commission by law, and each member of the  
3 state [~~game~~] wildlife conservation commission shall serve until  
4 [~~his~~] a successor has been appointed and qualified."

5 SECTION 16. Section 17-1-3 NMSA 1978 (being Laws 1921,  
6 Chapter 35, Section 3, as amended) is amended to read:

7 "17-1-3. MEMBERS TO SERVE WITHOUT COMPENSATION--PER DIEM  
8 AND MILEAGE.--The members of the state [~~game~~] wildlife  
9 conservation commission shall receive no pay for their services  
10 as members of the commission, but shall be allowed per diem and  
11 mileage pursuant to the provisions of the Per Diem and Mileage  
12 Act. All salaries, per diem and contingent expenses incurred  
13 by the department of [~~game and fish~~] wildlife conservation or  
14 the state [~~game~~] wildlife conservation commission shall be paid  
15 upon warrants of the secretary of finance and administration,  
16 supported by vouchers of the director of the department of  
17 [~~game and fish~~] wildlife conservation."

18 SECTION 17. Section 17-1-4 NMSA 1978 (being Laws 1921,  
19 Chapter 35, Section 4) is amended to read:

20 "17-1-4. ORGANIZATION--MEETINGS--SECRETARY.--[~~Within~~  
21 ~~sixty days after this act shall take effect~~] The state [~~game~~]  
22 wildlife conservation commission shall [~~meet at the capitol and~~  
23 ~~organize by electing~~] elect from its membership a [~~chairman~~]  
24 chair and [~~thereafter~~] hold one meeting [~~shall be held~~]  
25 annually and [~~others~~] additional meetings at the call of the

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1 governor or a majority of the commission. The [~~state game~~  
2 ~~warden~~] director of the department of wildlife conservation  
3 shall be secretary of the commission."

4 SECTION 18. Section 17-1-5 NMSA 1978 (being Laws 1931,  
5 Chapter 117, Section 5, as amended) is amended to read:

6 "17-1-5. EMPLOYMENT AND DISCHARGE OF DIRECTOR AND OTHER  
7 EMPLOYEES--DEPARTMENT OF [~~GAME AND FISH~~] WILDLIFE CONSERVATION  
8 CREATED.--

9 A. The state [~~game~~] wildlife conservation commission  
10 shall employ a director who shall, under such authorization  
11 that the [~~game~~] commission shall approve, employ such  
12 conservation officers, clerks and other employees as [~~he shall~~  
13 ~~deem~~] the director deems proper and necessary to enforce and  
14 administer the laws and [~~regulations~~] rules relating to [~~game~~  
15 ~~and fish~~] wildlife, and who shall prescribe their duties  
16 respectively, and who with the advice and consent of the state  
17 [~~game~~] wildlife conservation commission shall fix the  
18 compensation of all the employees of the "department of [~~game~~  
19 ~~and fish~~] wildlife conservation", which is hereby created.

20 B. The state [~~game~~] wildlife conservation commission  
21 may at any time discharge the director for reasons that the  
22 [~~state game~~] commission [~~shall deem~~] deems sufficient. The  
23 director may dismiss employees in accordance with the  
24 provisions of the Personnel Act."

25 SECTION 19. Section 17-1-5.1 NMSA 1978 (being Laws 1994,  
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1 Chapter 129, Section 1) is amended to read:

2 "17-1-5.1. CONSERVATION SERVICES DIVISION--DUTIES.--

3 A. The "conservation services division" is created  
4 within the department of [~~game and fish~~] wildlife conservation.

5 B. The conservation services division is responsible  
6 for:

7 (1) management, enhancement, research and  
8 conservation of public wildlife habitat;

9 (2) the lease, purchase, enhancement and  
10 management of state wildlife habitat;

11 (3) assisting landowners in improving wildlife  
12 habitats;

13 (4) development of educational programs related  
14 to conservation of wildlife and the environment, including the  
15 expanded dissemination of wildlife publications; and

16 (5) communication and consultation with federal  
17 and other state agencies, local governments and communities,  
18 private organizations and affected interests responsible for  
19 habitat, wilderness, recreation, water quality and  
20 environmental protection to ensure comprehensive conservation  
21 services for hunters, anglers and nonconsumptive wildlife  
22 users."

23 SECTION 20. Section 17-1-7 NMSA 1978 (being Laws 1955,  
24 Chapter 181, Section 1) is amended to read:

25 "17-1-7. RESERVE CONSERVATION OFFICER.--There is hereby  
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1 created within the department of [~~game and fish~~] wildlife  
2 conservation the position of reserve conservation officer,  
3 which shall be a nonsalaried position."

4 SECTION 21. Section 17-1-8 NMSA 1978 (being Laws 1955,  
5 Chapter 181, Section 2) is amended to read:

6 "17-1-8. QUALIFICATIONS.--

7 A. Reserve conservation officer commissions shall be  
8 issued only to [~~the following: (a)~~] persons who have  
9 successfully completed a school of at least twenty-five hours  
10 conducted by the department of [~~game and fish~~] wildlife  
11 conservation covering procedures and techniques of wildlife  
12 management, law enforcement, public relations and such other  
13 subjects as may be deemed desirable by the department of [~~game~~  
14 ~~and fish~~] wildlife conservation.

15 [~~(b)~~] B. The director of the department of wildlife  
16 conservation may substitute a minimum of six [~~months~~] months'  
17 experience as an employee of a state or federal conservation  
18 agency or a state livestock law enforcement board in lieu of  
19 the [~~aforementioned~~] schooling required under Subsection A of  
20 this section. Any substitution made under the provisions of  
21 this [~~paragraph~~] subsection shall be limited to personnel  
22 currently employed by one of the [~~aforementioned~~] conservation  
23 agencies set forth in this subsection. Any appointments the  
24 director may make under the provisions of this [~~paragraph will~~]  
25 subsection shall terminate automatically with the termination

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1 of employment by ~~said~~ the agency of the individual so  
2 appointed or the individual's transfer from the state."

3 SECTION 22. Section 17-1-9 NMSA 1978 (being Laws 1955,  
4 Chapter 181, Section 3, as amended) is amended to read:

5 "17-1-9. POWERS AND DUTIES OF RESERVE CONSERVATION  
6 OFFICERS.--

7 A. Under the supervision of the department of ~~game~~  
8 ~~and fish~~ wildlife conservation and subject to such  
9 restrictions as may be provided by the state ~~game~~ wildlife  
10 conservation commission, reserve conservation officers shall  
11 have authority to enforce laws and ~~valid regulations~~ rules of  
12 the ~~state game~~ commission relating to ~~game and fish~~  
13 wildlife and perform such duties with respect to wildlife  
14 management and conservation education as may be assigned to  
15 them from time to time by the department of ~~game and fish~~  
16 wildlife conservation. When on duty, reserve conservation  
17 officers shall be covered by the ~~Workmen's~~ Workers'  
18 Compensation Act. Reserve conservation officers shall have  
19 only the rights of private citizens in the enforcement of laws  
20 other than those relating to ~~game and fish~~ wildlife.

21 B. For the purpose of calculating the amount of  
22 reserve conservation officer's disability or death benefits  
23 pursuant to the ~~Workmen's~~ Workers' Compensation Act, the  
24 officer's average weekly wages shall be deemed to be the base  
25 wage of a wildlife management officer II as classified by the

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1 personnel board."

2 SECTION 23. Section 17-1-10 NMSA 1978 (being Laws 1955,  
3 Chapter 181, Section 4) is amended to read:

4 "17-1-10. COMMISSION ISSUANCE--REVOCATION.--Reserve  
5 conservation officer commissions shall be issued annually to  
6 such persons meeting the qualifications prescribed in Section  
7 [2] 17-1-8 NMSA 1978 as may be deemed necessary or desirable by  
8 the director of the department of [~~game and fish~~] wildlife  
9 conservation. Such commissions may be revoked at any time by  
10 [~~said~~] the director at [~~his discretion~~] the director's  
11 discretion."

12 SECTION 24. Section 17-1-11 NMSA 1978 (being Laws 1977,  
13 Chapter 290, Section 5) is amended to read:

14 "17-1-11. CONSERVATION OFFICERS--OFFICIAL DUTIES--  
15 INSURANCE.--Conservation officers shall, in emergency  
16 situations, be considered on duty and within the scope of their  
17 employment for purposes of employee benefits when they follow  
18 specific instructions from a duly qualified full-time peace  
19 officer and in aid of [~~such~~] the peace officer in the carrying  
20 out of [~~his~~] the peace officer's duties. The state [~~game~~]  
21 wildlife conservation commission shall expand current insurance  
22 coverage to provide protection in such situations."

23 SECTION 25. Section 17-1-13 NMSA 1978 (being Laws 1912,  
24 Chapter 85, Section 46, as amended) is amended to read:

25 "17-1-13. [~~GAME WARDEN~~] DIRECTOR--SEAL OF OFFICE [~~SHALL~~  
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1 ~~KEEP~~].--~~[Sec. 46.]~~ The ~~[state warden]~~ director of the  
2 department of wildlife conservation shall keep a seal of office  
3 ~~[which]~~ that shall be used to authenticate all papers and  
4 documents issued and executed by ~~[him]~~ the director as such  
5 officer."

6 SECTION 26. Section 17-1-14 NMSA 1978 (being Laws 1921,  
7 Chapter 35, Section 7, as amended) is amended to read:

8 "17-1-14. GENERAL POWERS AND DUTIES OF STATE ~~[GAME]~~  
9 WILDLIFE CONSERVATION COMMISSION--~~[GAME PROTECTION]~~ WILDLIFE  
10 CONSERVATION FUND--LIABILITY SUSPENSE ACCOUNT.--

11 A. The state ~~[game]~~ wildlife conservation commission  
12 shall have general control over the collection and disbursement  
13 of all money collected or received under the state laws for the  
14 protection and propagation of ~~[game and fish]~~ wildlife, which  
15 money shall be paid over to the state treasurer to the credit  
16 of the ~~[game protection]~~ wildlife conservation fund, unless  
17 otherwise provided by law, and the fund, including all earned  
18 income, shall not be transferred to another fund. Prior to  
19 depositing money into the ~~[game protection]~~ wildlife  
20 conservation fund, the department of ~~[game and fish]~~ wildlife  
21 conservation shall ensure that an amount adequate to cover the  
22 cost of refunds allowed by the provisions of Chapter 17 NMSA  
23 1978 is held in a liability suspense account. All refunds  
24 shall be made from the liability suspense account. Money not  
25 needed to cover the cost of refunds shall be deposited in the

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1 ~~[game protection]~~ wildlife conservation fund at the end of each  
2 month. Chapter 17 NMSA 1978 shall be guaranty to the person  
3 who pays for hunting and fishing licenses and permits that the  
4 money in that fund shall not be used for any purpose other than  
5 as provided in Chapter 17 NMSA 1978.

6 B. The state ~~[game]~~ wildlife conservation commission  
7 shall have authority to:

8 (1) establish and, through the director of the  
9 department of ~~[game and fish]~~ wildlife conservation, to operate  
10 fish hatcheries for the purpose of stocking public waters of  
11 the state and to furnish fish fry and fingerlings to stock  
12 private waters, receipts from such sources to go into the ~~[game~~  
13 ~~protection]~~ wildlife conservation fund;

14 (2) declare closed seasons in any specified  
15 locality and on any species of ~~[game]~~ wildlife or fish  
16 threatened with undue depletion from any cause;

17 (3) establish ~~[game]~~ wildlife refuges for the  
18 purpose of providing safe sanctuaries in which ~~[game]~~ wildlife  
19 may breed and replenish adjacent hunting ranges, it being the  
20 purpose of this provision to establish small refuges rather  
21 than large preserves or to close large areas to hunting;

22 (4) purchase lands for ~~[game]~~ wildlife refuges  
23 where suitable public lands do not exist, to purchase lands for  
24 fish hatcheries and to purchase lands to be maintained  
25 perpetually as public hunting grounds, particularly lands

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1 suitable for waterfowl hunting, all such lands to be paid for  
2 from the [~~game protection~~] wildlife conservation fund;

3 (5) receive by gift or bequest, in the name and  
4 on behalf of the state, lands suitable for [~~game~~] wildlife  
5 refuges, hunting grounds, fish hatcheries or for any other  
6 purpose necessary to carry out the provisions of Chapter 17  
7 NMSA 1978;

8 (6) apply for and accept any state, federal or  
9 private funds, grants or donations from any source for [~~game~~  
10 ~~and fish~~] wildlife programs and projects;

11 (7) designate certain areas as rest grounds for  
12 migratory birds, in which hunting shall be forbidden at all  
13 times or at such times as the state [~~game~~] wildlife  
14 conservation commission shall provide, it being the purpose of  
15 this provision not to interfere unduly with the hunting of  
16 waterfowl but to provide havens in which they can rest and feed  
17 without molestation;

18 (8) close any public stream or lake or portion  
19 thereof to fishing when such action is necessary to protect a  
20 recently stocked water, to protect spawning waters or to  
21 prevent undue depletion of the fish;

22 (9) propagate, capture, purchase, transport or  
23 sell any species of [~~game~~] wildlife or fish needed for  
24 restocking any lands or streams of the state;

25 (10) after reasonable notice and hearing,

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1 suspend or revoke any license or permit issued pursuant to the  
2 provisions of Chapter 17 NMSA 1978 and withhold license  
3 privileges from any person procuring a license through  
4 misrepresentation, violating any provisions of Chapter 17 NMSA  
5 1978 or hunting without a proper license;

6 (11) adopt rules establishing procedures that  
7 provide reasonable notice and a hearing before the state [~~game~~]  
8 wildlife conservation commission for the suspension, revocation  
9 or withholding of license privileges for a definite period of  
10 time for a person charged with violating the provisions of  
11 Chapter 17 NMSA 1978, subject to such judicial review as may be  
12 provided by law;

13 (12) conduct studies [~~of~~] and programs for the  
14 management of endangered and nongame species of wildlife;

15 (13) establish licenses, permits and  
16 certificates not otherwise provided for in Section 17-3-13 NMSA  
17 1978 and charge and collect just and reasonable fees for them;  
18 provided that the fees shall not exceed the costs of  
19 administration associated with the licenses, permits or  
20 certificates;

21 (14) permit, regulate or prohibit the commercial  
22 taking or capturing of native, free-ranging amphibians or  
23 reptiles not specifically protected by law, except for  
24 rattlesnake roundups, collection of fish bait and lizard races;

25 (15) adopt rules to control, eradicate or

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1 prevent the spread of a contagious disease, pest or parasite,  
2 including chronic wasting disease, to or among game animals.

3 The rules shall include provisions for:

4 (a) notification to the department of [~~game~~  
5 ~~and fish~~] wildlife conservation of the diagnosis or suspected  
6 presence of a contagious disease;

7 (b) examination by the state veterinarian or  
8 the state veterinarian's designee of suspected infected game  
9 animals;

10 (c) quarantine, treatment or destruction of  
11 an infected game animal;

12 (d) disinfection and isolation of a licensed  
13 private park where an infected game animal has been; and

14 (e) indemnification and destruction of a  
15 protected game animal;

16 (16) as necessary, designate areas of the state  
17 in which bear-proof garbage containers are required on public  
18 and private lands to reduce potential human-bear interactions;

19 (17) pursuant to appropriation by the  
20 legislature, expend money from the [~~game protection~~] wildlife  
21 conservation fund and the habitat management fund for the  
22 improvement, maintenance, development and operation of property  
23 for fish and wildlife habitat management; and

24 (18) adopt rules to recruit, train and accept  
25 the services of volunteers for education and outreach

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1 activities, hunter and angler services and wildlife  
2 conservation activities administered by the department of [~~game~~  
3 ~~and fish~~] wildlife conservation; provided that a volunteer:

4 (a) shall comply with all policies and  
5 procedures of the director of the department of [~~game and fish~~]  
6 wildlife conservation; and

7 (b) shall not be deemed to be a state  
8 employee and shall not be subject to the provisions of law  
9 relating to state employment, including those relating to hours  
10 of work, rates of compensation, leave, unemployment  
11 compensation and state employee benefits.

12 C. The director of the department of [~~game and fish~~]  
13 wildlife conservation shall exercise all the powers and duties  
14 conferred upon the [~~state game and fish warden~~] director by all  
15 previous statutes now in force not in conflict with Chapter 17  
16 NMSA 1978.

17 D. The state [~~game~~] wildlife conservation commission  
18 shall have authority to prohibit all hunting in periods of  
19 extreme forest fire danger, at such times and places as may be  
20 necessary to reduce the danger of destructive forest fires.

21 E. The hunting, pursuing, capturing, killing or  
22 wounding of any game animals, birds or fish in or upon any  
23 [~~game~~] wildlife refuge, rest ground or closed water or closed  
24 area or during any closed season established or proclaimed by  
25 the state [~~game~~] wildlife conservation commission in accordance

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1 with the authority conferred in Chapter 17 NMSA 1978  
2 constitutes a misdemeanor and shall be punishable as prescribed  
3 in Chapter 17 NMSA 1978."

4 SECTION 27. Section 17-1-15 NMSA 1978 (being Laws 1931,  
5 Chapter 117, Section 6, as amended) is amended to read:

6 "17-1-15. DISBURSEMENT OF MONEY--LIMITATION ON  
7 EXPENDITURES.--

8 A. All disbursements [~~of moneys, including salaries~~]  
9 by the state [~~game~~] wildlife conservation commission shall be  
10 by warrant of the secretary of finance and administration,  
11 supported by itemized voucher, [~~certified to be correct by the~~  
12 ~~state game~~] signed by the director of the department of  
13 wildlife conservation or the director's authorized  
14 representative, and shall be paid out of [~~moneys~~] money in the  
15 [~~game protection~~] wildlife conservation fund.

16 B. Expenditures by the state [~~game~~] wildlife  
17 conservation commission shall be limited to [~~funds~~] money  
18 available in the [~~game protection~~] wildlife conservation fund,  
19 and neither the [~~state game~~] commission nor any employee  
20 [~~thereof~~] of the department of wildlife conservation shall  
21 incur or authorize any obligation for the payment of which  
22 sufficient funds are not then available in the [~~game~~  
23 ~~protection~~] wildlife conservation fund.

24 C. The state shall not be liable for any obligation  
25 created by the state [~~game~~] wildlife conservation commission or

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1 the department of wildlife conservation or any employee  
2 [~~thereof~~] of the commission or the department, except to the  
3 extent of [~~such game protection~~] the wildlife conservation  
4 fund.

5 D. Neither the state [~~game~~] wildlife conservation  
6 commission nor any employee [~~thereof~~] of the commission or the  
7 department shall issue any voucher, nor shall the secretary of  
8 finance and administration approve any such voucher, for the  
9 payment of which [~~moneys are~~] money is not then available in  
10 the [~~game protection~~] wildlife conservation fund."

11 SECTION 28. Section 17-1-16 NMSA 1978 (being Laws 1964  
12 (1st S.S.), Chapter 18, Section 1) is amended to read:

13 "17-1-16. SHORT TITLE.--~~[This act]~~ Sections 17-1-16  
14 through 17-1-25 NMSA 1978 may be cited as the "~~[Game and Fish]~~  
15 Wildlife Bond Act"."

16 SECTION 29. Section 17-1-17 NMSA 1978 (being Laws 1964  
17 (1st S.S.), Chapter 18, Section 2) is amended to read:

18 "17-1-17. PURPOSE OF ACT.--The purpose of the [~~Game and~~  
19 ~~Fish~~] Wildlife Bond Act is to provide for use of revenues  
20 derived from fees for hunting and fishing licenses to issue  
21 bonds to provide for fish hatcheries and rearing facilities,  
22 [~~game and fish~~] wildlife habitat acquisition, development and  
23 improvement projects and other similar capital outlay  
24 projects."

25 SECTION 30. Section 17-1-18 NMSA 1978 (being Laws 1964

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1 (1st S.S.), Chapter 18, Section 3, as amended) is amended to  
2 read:

3 "17-1-18. BONDING AUTHORITY.--Whenever the state [~~game~~]  
4 wildlife conservation commission, by vote of a majority of its  
5 full membership entered in its minutes, determines by  
6 resolution that it is necessary to raise funds to provide for  
7 fish hatcheries and rearing facilities, [~~game and fish~~]  
8 wildlife habitat acquisition, development and improvement  
9 projects or other similar capital outlay projects, the  
10 commission may issue and sell bonds of the state [~~of New~~  
11 ~~Mexico~~] as provided in the [~~Game and Fish~~] Wildlife Bond Act;  
12 provided that the total amount of [~~such~~] bonds issued under the  
13 authority of [~~this~~] the Wildlife Bond Act shall not exceed two  
14 million dollars (\$2,000,000). The purposes stated by the  
15 commission and the amount of each bond issue shall be approved  
16 by the state board of finance before issuance of the bonds.  
17 The commission shall report annually to the legislature any  
18 bonds issued pursuant to [~~this~~] the Wildlife Bond Act and the  
19 purpose for which issued."

20 SECTION 31. Section 17-1-19 NMSA 1978 (being Laws 1964  
21 (1st S.S.), Chapter 18, Section 4, as amended) is amended to  
22 read:

23 "17-1-19. BONDS--FORM--TERMS.--Bonds issued under the  
24 [~~Game and Fish~~] Wildlife Bond Act shall be payable in  
25 consecutive order over a period of not more than twenty years

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1 from the date of issue. They shall be issued in denominations  
2 determined by the state [~~game~~] wildlife conservation commission  
3 and shall be sold at a net effective interest rate not  
4 exceeding the maximum net effective interest rate permitted by  
5 the Public Securities Act, as hereafter amended and  
6 supplemented. The form of the bonds shall be determined by the  
7 state [~~game~~] wildlife conservation commission, and, except with  
8 respect to bonds issued in book entry or similar form without  
9 the delivery of physical securities, signatures of the  
10 governor, the state treasurer and the [~~chairman~~] chair of the  
11 state [~~game~~] wildlife conservation commission shall be affixed  
12 in compliance with the Uniform Facsimile Signature of Public  
13 Officials Act. The form and terms of the bonds shall be  
14 approved by the state board of finance before issuance of the  
15 bonds."

16 SECTION 32. Section 17-1-20 NMSA 1978 (being Laws 1964  
17 (1st S.S.), Chapter 18, Section 5, as amended) is amended to  
18 read:

19 "17-1-20. SALE OF BONDS.--Bonds issued under the [~~Game~~  
20 ~~and Fish~~] Wildlife Bond Act shall be sold at public or private  
21 sale as determined by the state [~~game~~] wildlife conservation  
22 commission. If sold at public sale, the [~~chairman~~] chair of  
23 the commission shall give notice of the time, place and terms  
24 of the sale by publication in a newspaper of general  
25 circulation published in Santa Fe, New Mexico, not less than  
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1 twenty days nor more than sixty days prior to the sale date."

2 SECTION 33. Section 17-1-21 NMSA 1978 (being Laws 1964  
3 (1st S.S.), Chapter 18, Section 6) is amended to read:

4 "17-1-21. PROCEEDS FROM SALE OF BONDS.--Proceeds from the  
5 sale of bonds issued under the [~~Game and Fish~~] Wildlife Bond  
6 Act shall be deposited in a special fund in the state treasury  
7 and used solely for the purposes for which the bonds were  
8 authorized. The cost of preparing, advertising and selling the  
9 bonds, including any necessary expense for financial and legal  
10 services, shall be paid out of the proceeds. Purchasers of the  
11 bonds are not responsible in any way for the application of the  
12 proceeds."

13 SECTION 34. Section 17-1-22 NMSA 1978 (being Laws 1964  
14 (1st S.S.), Chapter 18, Section 7, as amended) is amended to  
15 read:

16 "17-1-22. SECURITY--RETIREMENT OF BONDS.--

17 A. There is created in the state treasury the "[~~game~~  
18 ~~and fish~~] wildlife bond retirement fund". The state [~~game~~]  
19 wildlife conservation commission shall place into the [~~game and~~  
20 ~~fish~~] wildlife bond retirement fund the sum of one dollar  
21 (\$1.00) from the sale of each license enumerated in this  
22 subsection [~~that is sold after April 1, 1976~~]:

- 23 (1) resident, fishing;
- 24 (2) resident, game hunting;
- 25 (3) resident, deer;

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- 1 (4) resident, game hunting and fishing;
- 2 (5) resident, trapper;
- 3 (6) nonresident, fishing;
- 4 (7) nonresident, game hunting;
- 5 (8) temporary fishing, five days; and
- 6 (9) nonresident, deer.

7 Such payments to the [~~game and fish~~] wildlife bond retirement  
8 fund shall be effective for all bonds issued under the [~~Game~~  
9 ~~and Fish~~] Wildlife Bond Act up to the maximum limitation on the  
10 amount of bonds provided in that act.

11 B. Money in the [~~game and fish~~] wildlife bond  
12 retirement fund is first pledged for the payment of principal  
13 and interest on all state [~~game~~] wildlife conservation  
14 commission bonds [~~which~~] that have been issued and are  
15 outstanding prior to June 17, 1983. Money in the [~~game and~~  
16 ~~fish~~] wildlife bond retirement fund is [~~further~~] pledged for  
17 the payment of principal and interest on all state [~~game~~]  
18 wildlife conservation commission bonds issued [~~as of June 17,~~  
19 ~~1983~~] pursuant to the Wildlife Bond Act. The issuance and sale  
20 of bonds [~~under~~] pursuant to the [~~Game and Fish~~] Wildlife Bond  
21 Act constitutes an irrevocable contract between the state  
22 [~~game~~] wildlife conservation commission and the owner of any  
23 bond, and, so long as any bond remains outstanding, the fees  
24 pledged for payment shall not be reduced.

25 C. Bonds issued under the [~~Game and Fish~~] Wildlife

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1 Bond Act are payable solely from the [~~game and fish~~] wildlife  
2 bond retirement fund, and they are not general obligations of  
3 the state.

4 D. The state [~~game~~] wildlife conservation commission  
5 shall [~~continue to~~] place in the [~~game and fish~~] wildlife bond  
6 retirement fund the sum of one dollar (\$1.00) from each of the  
7 licenses enumerated in Subsection A of this section, even after  
8 the fund is sufficient to pay the principal and interest of the  
9 outstanding bonds and after all bonds issued have been  
10 retired."

11 SECTION 35. Section 17-1-22.1 NMSA 1978 (being Laws 1983,  
12 Chapter 143, Section 2) is amended to read:

13 "17-1-22.1. [~~GAME AND FISH~~] WILDLIFE CAPITAL OUTLAY  
14 FUND--CREATED--TRANSFER OF MONEY--STATE BOARD OF FINANCE  
15 APPROVAL.--

16 A. There is created in the state treasury the "[~~game~~  
17 ~~and fish~~] wildlife capital outlay fund".

18 B. Upon request of the state [~~game~~] wildlife  
19 conservation commission, approved by the state board of  
20 finance, the state treasurer shall transfer to the [~~game and~~  
21 ~~fish~~] wildlife capital outlay fund all money in the [~~game and~~  
22 ~~fish~~] wildlife bond retirement fund except the amount necessary  
23 to meet all principal and interest payments on state [~~game~~]  
24 wildlife conservation commission bonds due in the ensuing  
25 twelve months.

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1 C. Money in the [~~game and fish~~] wildlife capital  
2 outlay fund may be expended by the department of [~~game and~~  
3 ~~fish~~] wildlife conservation to provide for fish hatcheries and  
4 rearing facilities, [~~game and fish~~] wildlife habitat  
5 acquisition, development and improvements and other similar  
6 capital projects.

7 D. Projects to be funded pursuant to Subsection C of  
8 this section shall be approved by the state [~~game~~] wildlife  
9 conservation commission and the state board of finance prior to  
10 any money being encumbered for the project.

11 E. At any time that the [~~game and fish~~] wildlife bond  
12 retirement fund is insufficient to pay the principal and  
13 interest on all bonds [~~which~~] that have been issued and are  
14 outstanding, the unencumbered balance in the [~~game and fish~~]  
15 wildlife capital outlay fund shall be transferred to the [~~game~~  
16 ~~and fish~~] wildlife bond retirement fund."

17 SECTION 36. Section 17-1-23 NMSA 1978 (being Laws 1964  
18 (1st S.S.), Chapter 18, Section 8) is amended to read:

19 "17-1-23. CONSTRUCTION.--The [~~Game and Fish~~] Wildlife  
20 Bond Act is full authority for authorization and issuance by  
21 the state [~~game~~] wildlife conservation commission of bonds  
22 authorized by the state board of finance, and the commission  
23 may do anything necessary to carry out the powers granted by  
24 the [~~Game and Fish~~] Wildlife Bond Act."

25 SECTION 37. Section 17-1-24 NMSA 1978 (being Laws 1964

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1 (1st S.S.), Chapter 18, Section 9) is amended to read:

2 "17-1-24. TAX EXEMPTIONS.--The principal and income of  
3 bonds issued under the [~~Game and Fish~~] Wildlife Bond Act are  
4 exempt from all taxation by the state or any of its political  
5 subdivisions, except for inheritance and succession taxes."

6 SECTION 38. Section 17-1-25 NMSA 1978 (being Laws 1964  
7 (1st S.S.), Chapter 18, Section 10) is amended to read:

8 "17-1-25. REFUNDING.--Any bonds issued under the [~~Game~~  
9 ~~and Fish~~] Wildlife Bond Act may be refunded under the terms of  
10 resolutions adopted by the state [~~game~~] wildlife conservation  
11 commission, subject to any contractual limitations involved  
12 with any outstanding bonds, claims or other obligations. The  
13 proceeds of refunding bonds shall be applied to retirement of  
14 the bonds to be retired or refunded, or placed in escrow to be  
15 applied to payment of the bonds upon presentation for payment  
16 by the holders. Refunding bonds shall be issued under all  
17 applicable conditions prescribed in the [~~Game and Fish~~]  
18 Wildlife Bond Act for issuance of the original bonds."

19 SECTION 39. Section 17-1-26 NMSA 1978 (being Laws 1931,  
20 Chapter 117, Section 2, as amended) is amended to read:

21 "17-1-26. RULEMAKING POWER.--The state [~~game~~] wildlife  
22 conservation commission is [~~hereby~~] authorized and directed to  
23 make [~~such~~] rules [~~and regulations~~] and establish [~~such~~]  
24 service as it may deem necessary to carry out all the  
25 provisions and purposes of [~~this Act~~] Chapter 17 NMSA 1978 and

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1 all other acts relating to ~~[game and fish and In making such~~  
2 ~~rules and regulations and in providing when]~~ wildlife protected  
3 pursuant to Chapter 17 NMSA 1978 or by commission rule as  
4 provided by Section 17-2-2 NMSA 1978. The rules may include,  
5 as applicable, when, where, by what means and to what extent,  
6 if at all, ~~[and by what means game animals, birds and fish]~~  
7 protected wildlife may be hunted, taken, captured, killed,  
8 possessed, released, bartered, sold, purchased [and], shipped  
9 and imported into or exported from the state. ~~[game and fish]~~  
10 In making such rules, the state wildlife conservation  
11 commission shall give due ~~[regard to the zones of temperatures~~  
12 ~~and to the distribution, abundance, economic value and breeding~~  
13 ~~habits of such game animals, birds and fish]~~ consideration to  
14 the regarding species' population size and trends, habitat  
15 availability, migration and hibernation, response to near- and  
16 long-term changes in climate conditions and conservation  
17 actions necessary to sustain healthy populations.

18 The state ~~[game]~~ wildlife conservation commission is  
19 hereby authorized to spend such reasonable amounts as in its  
20 judgment is desirable and necessary annually, from their funds  
21 not otherwise needed, for the eradication of predatory  
22 animals."

23 SECTION 40. Section 17-1-28 NMSA 1978 (being Laws 1939,  
24 Chapter 19, Section 1) is amended to read:

25 "17-1-28. ASSENT TO ACT OF CONGRESS.--The state of New  
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1 Mexico hereby assents to the provisions of the act of congress  
2 of the United States of America entitled "An act to provide  
3 that the United States shall aid the states in wildlife  
4 restoration projects, and for other purposes", approved  
5 September [7] 2, 1937 (Public Number 415, 75th Congress), and  
6 the state [~~game~~] wildlife conservation commission is hereby  
7 authorized and directed to perform all [~~such~~] acts as may be  
8 necessary to the conduct and establishment of cooperative  
9 wildlife restoration projects as defined by [~~said~~] that act of  
10 congress and in compliance with [~~said~~] that act and rules [~~and~~  
11 ~~regulations~~] promulgated by the secretary of agriculture  
12 thereunder."

13 SECTION 41. Section 17-1-29 NMSA 1978 (being Laws 1939,  
14 Chapter 19, Section 2) is amended to read:

15 "17-1-29. DISTRIBUTION OF FEDERAL FUNDS.--The state  
16 [~~game~~] wildlife conservation commission is authorized to  
17 receive any [~~moneys~~] money to which the state of New Mexico may  
18 become entitled under the [~~aforesaid~~] act of congress entitled  
19 "An act to provide that the United States shall aid the states  
20 in wildlife restoration projects, and for other purposes",  
21 approved September 2, 1937 (Public Number 415, 75th Congress).  
22 Such [~~moneys~~] money, when received, [~~to~~] shall be deposited  
23 with the state treasurer [~~of the state of New Mexico~~] to the  
24 credit of the [~~state game protection~~] wildlife conservation  
25 fund, expended for the purpose designated and withdrawn [~~and~~]

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1 as other ~~[moneys are]~~ money is withdrawn from the ~~[state game~~  
2 ~~protection]~~ wildlife conservation fund."

3 SECTION 42. Section 17-2-1 NMSA 1978 (being Laws 1931,  
4 Chapter 117, Section 3, as amended) is amended to read:

5 "17-2-1. COMMISSION POWERS.--The state ~~[game]~~ wildlife  
6 conservation commission, in addition to the powers now vested  
7 in it and not as a limitation of those powers, is expressly  
8 authorized and empowered by ~~[regulation]~~ rule adopted and  
9 promulgated in the manner provided in Chapter 17 NMSA 1978 to:

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

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

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

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

21 E. prescribe the manner, methods and devices that may  
22 be used in hunting, taking or killing game animals, game birds  
23 and game fish;

24 F. prescribe rules to prohibit any vehicle or  
25 vehicles used in transporting persons engaged in hunting,

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1 taking or killing game animals, game birds and game fish from  
2 leaving established roadways;

3 G. prescribe rules that embody the principles of fair  
4 chase, which rules may include prohibitions on the use of  
5 certain technologies for hunting or fishing and specific  
6 wildlife location data that is collected by the department of  
7 ~~[game and fish]~~ wildlife conservation or its contractors; and

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

15 SECTION 43. Section 17-2-2 NMSA 1978 (being Laws 1937,  
16 Chapter 23, Section 1) is repealed and a new Section 17-2-2  
17 NMSA 1978 is enacted to read:

18 "17-2-2. [NEW MATERIAL] WILDLIFE TO BE PROTECTED--  
19 MANAGEMENT.--

20 A. The state wildlife conservation commission is  
21 authorized to extend protection by rule or policy to any  
22 species of wildlife not protected by statute pursuant to  
23 Chapter 17 NMSA 1978. The department of wildlife conservation  
24 is not required to respond to or mitigate property damage  
25 caused by wildlife unless:

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

3 (2) as otherwise provided by law.

4 B. When determining whether and how to protect a  
5 species of wildlife, the state wildlife conservation commission  
6 shall give due consideration to:

7 (1) whether a species qualifies as a species of  
8 greatest conservation need pursuant to criteria set forth in  
9 Section 147 of this 2021 act;

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

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

14 C. As used in this section, "wildlife" means a living  
15 animal, or any part, egg, spawn, offspring, shed antlers or  
16 horns, or the dead body or parts thereof, of any nondomestic  
17 mammal, bird, reptile, amphibian, fish or invertebrate  
18 species."

19 SECTION 44. Section 17-2-4.1 NMSA 1978 (being Laws 1999,  
20 Chapter 31, Section 1) is amended to read:

21 "17-2-4.1. JAGUAR TO BE PROTECTED.--In the event the  
22 jaguar is de-listed as a federal endangered species, the  
23 [~~department of game and fish~~] wildlife conservation commission  
24 shall prohibit the taking, possession and sale of jaguars or  
25 parts thereof."

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1           SECTION 45. Section 17-2-4.2 NMSA 1978 (being Laws 2001,  
2 Chapter 66, Section 2) is amended to read:

3           "17-2-4.2. AMPHIBIANS AND REPTILES--PROTECTED--PERMITS--  
4 UNLAWFUL TAKING--MISDEMEANOR--PENALTIES.--

5           A. All species, except for those collected in  
6 rattlesnake roundups, for fish bait or for lizard races, of  
7 native, free-ranging amphibians and reptiles are hereby  
8 classified as protected nongame animals for commercial taking  
9 purposes. The commercial taking or capturing of native, free-  
10 ranging amphibians and reptiles is prohibited except by a  
11 permit issued by the state [~~game~~] wildlife conservation  
12 commission.

13           B. The state [~~game~~] wildlife conservation commission  
14 shall adopt rules necessary to administer Paragraph (14) of  
15 Subsection A of Section 17-1-14 NMSA 1978 and this section to  
16 assure that viable populations of native, free-ranging  
17 amphibians and reptiles are maintained in the state.

18           C. If the state [~~game~~] wildlife conservation  
19 commission determines that it will offer permits to take or  
20 capture native, free-ranging amphibians or reptiles, the  
21 commission shall adopt a rule listing protected native, free-  
22 ranging amphibians and reptiles that may be taken or captured  
23 after taking into consideration any criteria that can be shown  
24 to have an effect from commercial takings on the viability of  
25 the species population in the state.

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1           D. Unlawful taking of a native, free-ranging  
2 amphibian or reptile consists of intentionally taking or  
3 capturing, for commercial purposes, a regulated native, free-  
4 ranging amphibian or reptile without a valid permit from the  
5 state [~~game~~] wildlife conservation commission.

6           E. Amphibians and reptiles may be removed, captured  
7 or destroyed without a permit, by any person, in emergency  
8 situations involving an immediate threat to human life or  
9 private property.

10           F. Whoever commits unlawful taking of a native, free-  
11 ranging amphibian or reptile is guilty of a misdemeanor and  
12 shall be fined not less than fifty dollars (\$50.00) per  
13 occurrence and not more than one thousand dollars (\$1,000) per  
14 occurrence or be imprisoned for not more than one year or both.

15           G. As referred to in this section, "taking" means the  
16 act of seizing amphibians or reptiles for a commercial  
17 purpose."

18           SECTION 46. Section 17-2-5 NMSA 1978 (being Laws 1931,  
19 Chapter 117, Section 4, as amended) is amended to read:

20           "17-2-5. ADOPTION OF [~~REGULATIONS~~] RULES--EFFECTIVE  
21 DATE.--Any [~~written regulation~~] rule of the state [~~game~~]  
22 wildlife conservation commission adopted by an affirmative vote  
23 of a majority of the members of the state [~~game~~] wildlife  
24 conservation commission, signed by the [~~chairman~~] chair and  
25 attested by the secretary of the commission, filed in the

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1 office of the director of the department of [~~game and fish~~]  
2 wildlife conservation and filed in accordance with [~~Section 4-~~  
3 ~~10-13 New Mexico Statutes Annotated, 1953 Compilation~~] the  
4 State Rules Act, is duly adopted and promulgated and effective  
5 immediately. A copy of any [~~regulation~~] rule certified by the  
6 director of the department of [~~game and fish~~] wildlife  
7 conservation to be a true copy of an adopted [~~regulation~~] rule  
8 is prima facie evidence in any court in this state of the  
9 adoption and promulgation of the [~~regulation~~] rule."

10 SECTION 47. Section 17-2-6 NMSA 1978 (being Laws 1921,  
11 Chapter 35, Section 8, as amended) is amended to read:

12 "17-2-6. [~~GAME AND FISH~~] WILDLIFE MANAGEMENT AREAS--  
13 CLOSED LAKES OR STREAMS--NOTICE.--All [~~game and fish~~] wildlife  
14 management areas, rest grounds and closed lakes or streams or  
15 closed portions of lakes or streams shall be conspicuously  
16 posted with posters setting forth their purpose and the  
17 penalties for violating the rules [~~and regulations~~] applicable  
18 to them. This posting is legal notice against the violation of  
19 applicable laws or rules [~~or regulations~~]."

20 SECTION 48. Section 17-2-7 NMSA 1978 (being Laws 1931,  
21 Chapter 117, Section 8, as amended) is amended to read:

22 "17-2-7. UNLAWFUL HUNTING OR FISHING.--

23 A. Except as permitted by [~~regulations~~] rules adopted  
24 by the state [~~game~~] wildlife conservation commission or as  
25 otherwise allowed by law, it is unlawful to:

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1                   (1) hunt, take, capture, kill or attempt to  
2 take, capture or kill, at any time or in any manner, any game  
3 animal, game bird or game fish in the state; or

4                   (2) possess, offer for sale, sell, offer to  
5 purchase or purchase in the state all or any part of any game  
6 animal, game bird or game fish.

7                   B. Notwithstanding any other law, the owner of  
8 domestic livestock in this state or [~~his~~] the owner's regular  
9 employee may hunt, take, capture or kill any cougar or bear  
10 [~~which~~] that has killed domestic livestock. The owner of  
11 livestock or [~~his~~] the owner's regular employee who takes  
12 action under this provision [~~will~~] shall report this action to  
13 the department of [~~game and fish, who will~~] wildlife  
14 conservation, which shall verify the necessity of the action  
15 taken.

16                   C. Violation of this section is a misdemeanor and  
17 shall be punished as provided in Section 17-2-10 NMSA 1978.

18                   D. The provisions of this section shall not be deemed  
19 to prohibit the possession of game animals, birds or fish taken  
20 legally in any other jurisdiction."

21                   SECTION 49. Section 17-2-7.1 NMSA 1978 (being Laws 1993,  
22 Chapter 94, Section 1) is amended to read:

23                   "17-2-7.1. INTERFERENCE PROHIBITED--CRIMINAL PENALTIES--  
24 CIVIL PENALTIES--REVOCAION OF LICENSE, CERTIFICATE OR  
25 PERMIT.--

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1           A. It is unlawful for a person to commit interference  
2 with another person who is lawfully hunting, trapping or  
3 fishing in an area where hunting, trapping or fishing is  
4 permitted by a custodian of public property or an owner or  
5 lessee of private property.

6           B. A person who commits a:  
7           (1) first offense of interference is guilty of a  
8 petty misdemeanor and shall be sentenced pursuant to the  
9 provisions of Section 31-19-1 NMSA 1978; and

10           (2) second or subsequent offense of interference  
11 is guilty of a misdemeanor and shall be sentenced pursuant to  
12 the provisions of Section 31-19-1 NMSA 1978.

13           C. When a person who commits interference possesses a  
14 license, certificate or permit issued to ~~[him]~~ the person by  
15 the state ~~[game]~~ wildlife conservation commission, the license,  
16 certificate or permit shall be subject to revocation by the  
17 commission pursuant to the provisions of Sections 17-1-14 and  
18 17-3-34 NMSA 1978.

19           D. As used in this section, "interference" means:  
20           (1) intentionally placing oneself in a location  
21 where a human presence may affect the behavior of a game  
22 animal, bird or fish or the feasibility of killing or taking a  
23 game animal, bird or fish with the intent of interfering with  
24 or harassing another person who is lawfully hunting, trapping  
25 or fishing;

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1                   (2) intentionally creating a visual, aural,  
2                   olfactory or physical stimulus for the purpose of affecting the  
3                   behavior of a game animal, bird or fish with the intent of  
4                   interfering with or harassing another person who is lawfully  
5                   hunting, trapping or fishing; or

6                   (3) intentionally affecting the condition or  
7                   altering the placement of personal property used for the  
8                   purpose of killing or taking a game animal, bird or fish.

9                   E. Nothing in this section shall be construed to  
10                  include a farmer or rancher in pursuit of [~~his~~] normal farm or  
11                  ranch [~~operation~~] operations or a law enforcement officer in  
12                  pursuit of [~~his~~] official duties."

13                  SECTION 50. Section 17-2-7.2 NMSA 1978 (being Laws 1997,  
14                  Chapter 224, Section 3) is amended to read:

15                  "17-2-7.2. LANDOWNER TAKING--CONDITIONS--DEPARTMENT  
16                  RESPONSIBILITIES.--

17                  A. A landowner or lessee, or employee of either, may  
18                  take or kill an animal, on private land in which [~~they have~~]  
19                  the landowner or lessee has an ownership or leasehold interest,  
20                  including game animals and other quadrupeds, game birds and  
21                  fowl, that presents an immediate threat to human life [~~or an~~  
22                  ~~immediate threat of damage to property, including crops~~];  
23                  provided, however, that the taking or killing is reported to  
24                  the department of [~~game and fish~~] wildlife conservation within  
25                  twenty-four hours and before the removal of the carcass of the

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1 animal killed, in accordance with [~~regulations~~] rules adopted  
2 by the commission.

3 B. A landowner or lessee, or employee of either, may  
4 take or kill [~~animals~~] an animal, on private land in which  
5 [~~they have~~] the landowner or lessee has an ownership or  
6 leasehold interest, including game animals and other  
7 quadrupeds, game birds and fowl, that [~~present~~] has damaged or  
8 presents a threat [~~to human life or~~] of damage to property,  
9 including crops, according to [~~regulations~~] rules adopted by  
10 the commission.

11 C. The [~~regulations~~] rules promulgated by the  
12 commission pursuant to Subsection B of this section shall:

13 (1) provide when, whether and by what manner and  
14 method a species can be taken or killed in order to mitigate  
15 damage;

16 [~~(1)~~] (2) provide a method for filing a  
17 complaint to the department by the landowner or lessee, or  
18 employee of either of them, of the existence of a depredation  
19 problem;

20 [~~(2)~~] (3) provide for various departmental  
21 interventions, depending upon the type of animal and  
22 depredation;

23 [~~(3)~~] (4) require the department to offer at  
24 least three different interventions, if practical;

25 [~~(4)~~] (5) require the department to respond to

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1 the initial and any subsequent complaints within ten days with  
2 an intervention response to the complaint and to carry out the  
3 intervention, if agreed upon between the department and the  
4 landowner, within five days of that agreement;

5 ~~[(5)]~~ (6) permit the landowner or lessee to  
6 reject for good cause the interventions offered by the  
7 department; and

8 ~~[(6)]~~ (7) require a landowner or lessee to  
9 demonstrate that the property depredation is greater in value  
10 than the value of any wildlife-related income or fee collected  
11 by the landowner or lessee for permission to take or kill an  
12 animal of the same species on the private property or portion  
13 of the private property identified in the complaint as the  
14 location where the depredation occurred. [~~and~~

15 ~~(7) permit the landowner, lessee or employee,~~  
16 ~~when interventions by the department have not been successful~~  
17 ~~and after one year from the date of the filing of the initial~~  
18 ~~complaint, to kill or take an animal believed responsible for~~  
19 ~~property depredation.~~

20 ~~G.]~~ D. For purposes of this section:

21 (1) "commission" means the state [~~game~~] wildlife  
22 conservation commission;

23 (2) "department" means the department of [~~game~~  
24 ~~and fish~~] wildlife conservation; and

25 (3) "intervention" means a solution proposed by

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1 the department to eliminate the depredation."

2 SECTION 51. Section 17-2-8 NMSA 1978 (being Laws 1977,  
3 Chapter 70, Section 1, as amended) is amended to read:

4 "17-2-8. UNLAWFUL TAKING OF BIG GAME AND WASTE OF GAME.--

5 A. It is unlawful for any person:

6 (1) who hunts or fishes and takes any game  
7 mammal designated in [~~Paragraphs~~] Paragraph (1), (2), (3), [~~or~~]  
8 (4), (9) or (10) of Subsection A of Section 17-2-3 NMSA 1978,  
9 any game bird or any game fish to fail to transport the edible  
10 portions of the meat obtained to the person's home for human  
11 consumption or to provide for the human consumption thereof  
12 under any commission [~~regulations~~] rules pertaining to  
13 exportation, transportation and donation of game;

14 (2) who wounds or may have wounded any game  
15 mammal designated in [~~Paragraphs~~] Paragraph (1), (2), (3), [~~or~~]  
16 (4), (9) or (10) of Subsection A of Section 17-2-3 NMSA 1978 to  
17 fail to go to the place where the mammal sustained or may have  
18 sustained the wound and make a reasonable attempt to track the  
19 mammal and reduce it to possession; or

20 (3) to take or kill a bighorn sheep, ibex, oryx,  
21 Barbary sheep, elk, deer or pronghorn antelope, javelina, bear  
22 or cougar outside of the legal season or without a valid  
23 license, which taking or killing results in waste of the  
24 animal. Waste of the animal consists of removing from the  
25 animal only the head, antlers or horns of a bighorn sheep,

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1 ibex, oryx, Barbary sheep, elk, deer, pronghorn antelope or  
2 javelina, the pelt or head of a bear or cougar or abandoning  
3 any of the four quarters, backstraps or tenderloins of the  
4 carcass. A violation of the provisions of this paragraph is  
5 intended to be separate from and cumulative to any other  
6 violation of Chapter 17 NMSA 1978.

7 B. Violation of Paragraph (3) of Subsection A of this  
8 section is a fourth degree felony pursuant to Section 31-18-15  
9 NMSA 1978, and violation of Paragraph (1) or (2) of Subsection  
10 A of this section is a misdemeanor pursuant to Section 17-2-10  
11 NMSA 1978."

12 SECTION 52. Section 17-2-9 NMSA 1978 (being Laws 1931,  
13 Chapter 117, Section 9, as amended) is amended to read:

14 "17-2-9. JURISDICTION OF MAGISTRATE COURT.--The  
15 magistrate court has jurisdiction in all cases arising under  
16 Chapter [~~53 NMSA 1953~~] 17 NMSA 1978 and [~~regulations~~] rules  
17 promulgated by the state [~~game~~] wildlife conservation  
18 commission. In addition to other jurisdiction, a magistrate  
19 has jurisdiction over such cases arising in any magistrate  
20 district adjoining at any point that in which [~~he~~] the  
21 magistrate serves, with the consent of the accused."

22 SECTION 53. Section 17-2-10 NMSA 1978 (being Laws 1931,  
23 Chapter 117, Section 7, as amended) is amended to read:

24 "17-2-10. VIOLATION OF [~~GAME AND FISH~~] WILDLIFE LAWS OR  
25 RULES--PENALTIES.--

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1           A. A person violating any of the provisions of  
2 Chapter 17 NMSA 1978, except for the felony provision of  
3 Section 17-2-8 NMSA 1978, or any rules adopted by the state  
4 [~~game~~] wildlife conservation commission that relate to the  
5 time, extent, means or manner that game animals, birds or fish  
6 may be hunted, taken, captured, killed, possessed, sold,  
7 purchased or shipped is guilty of a misdemeanor and upon  
8 conviction shall be sentenced pursuant to Section 31-19-1 NMSA  
9 1978. In addition, the person shall be sentenced to the  
10 payment of a fine in accordance with the following schedule:

11                   (1) for illegally taking, attempting to take,  
12 killing, capturing or possessing of each deer, antelope,  
13 javelina, bear or cougar during a closed season, a fine of four  
14 hundred dollars (\$400);

15                   (2) for illegally taking, attempting to take,  
16 killing, capturing or possessing of each elk, bighorn sheep,  
17 oryx, ibex or Barbary sheep, a fine of one thousand dollars  
18 (\$1,000);

19                   (3) for hunting big game without a proper and  
20 valid license, lawfully procured, a fine of one hundred dollars  
21 (\$100);

22                   (4) for exceeding the bag limit of any big game  
23 species, a fine of four hundred dollars (\$400);

24                   (5) for attempting to exceed the bag limit of  
25 any big game species by the hunting of any big game animal

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1 after having tagged a similar big game species, a fine of two  
2 hundred dollars (\$200);

3 (6) for signing a false statement to procure a  
4 resident hunting or fishing license when the applicant is  
5 residing in another state at the time of application for a  
6 license, a fine of four hundred dollars (\$400);

7 (7) for using a hunting or fishing license  
8 issued to another person, a fine of one hundred dollars (\$100);

9 (8) for a violation of Section 17-2-31 NMSA  
10 1978, a fine of three hundred dollars (\$300);

11 (9) for selling, offering for sale, offering to  
12 purchase or purchasing any big game animal, unless otherwise  
13 provided by Chapter 17 NMSA 1978, a fine of one thousand  
14 dollars (\$1,000);

15 (10) for illegally taking, attempting to take,  
16 killing, capturing or possessing of each jaguar, a fine of two  
17 thousand dollars (\$2,000); and

18 (11) for a violation of the provisions of  
19 Subsection A of Section 17-2A-3 NMSA 1978, a fine of five  
20 hundred dollars (\$500).

21 B. A person convicted a second time for violating any  
22 of the provisions of Chapter 17 NMSA 1978, except for the  
23 felony provision of Section 17-2-8 NMSA 1978, or any rules  
24 adopted by the state ~~[game]~~ wildlife conservation commission  
25 that relate to the time, extent, means or manner that game

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1 animals, birds or fish may be hunted, taken, captured, killed,  
2 possessed, sold, purchased or shipped is guilty of a  
3 misdemeanor and upon conviction shall be sentenced pursuant to  
4 Section 31-19-1 NMSA 1978. In addition, the person shall be  
5 sentenced to the payment of a fine in accordance with the  
6 following schedule:

7 (1) for illegally taking, attempting to take,  
8 killing, capturing or possessing of each deer, antelope,  
9 javelina, bear or cougar during a closed season, a fine of six  
10 hundred dollars (\$600);

11 (2) for illegally taking, attempting to take,  
12 killing, capturing or possessing of each elk, bighorn sheep,  
13 oryx, ibex or Barbary sheep, a fine of one thousand five  
14 hundred dollars (\$1,500);

15 (3) for hunting big game without a proper and  
16 valid license, lawfully procured, a fine of four hundred  
17 dollars (\$400);

18 (4) for exceeding the bag limit of any big game  
19 species, a fine of six hundred dollars (\$600);

20 (5) for attempting to exceed the bag limit of  
21 any big game species by the hunting of any big game animal  
22 after having tagged a similar big game species, a fine of six  
23 hundred dollars (\$600);

24 (6) for signing a false statement to procure a  
25 resident hunting or fishing license when the applicant is

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1 residing in another state at the time of application for a  
2 license, a fine of six hundred dollars (\$600);

3 (7) for using a hunting or fishing license  
4 issued to another person, a fine of two hundred fifty dollars  
5 (\$250);

6 (8) for a violation of Section 17-2-31 NMSA  
7 1978, a fine of five hundred dollars (\$500);

8 (9) for selling, offering for sale, offering to  
9 purchase or purchasing any big game animal, unless otherwise  
10 provided by Chapter 17 NMSA 1978, a fine of one thousand five  
11 hundred dollars (\$1,500);

12 (10) for illegally taking, attempting to take,  
13 killing, capturing or possessing of each jaguar, a fine of four  
14 thousand dollars (\$4,000); and

15 (11) for a violation of the provisions of  
16 Subsection A of Section 17-2A-3 NMSA 1978, a fine of one  
17 thousand dollars (\$1,000).

18 C. Notwithstanding the provisions of Section 31-18-13  
19 NMSA 1978, a person convicted a third or subsequent time for  
20 violating any of the provisions of Chapter 17 NMSA 1978, except  
21 for the felony provision of Section 17-2-8 NMSA 1978, or any  
22 rules adopted by the state [~~game~~] wildlife conservation  
23 commission that relate to the time, extent, means or manner  
24 that game animals, birds or fish may be hunted, taken,  
25 captured, killed, possessed, sold, purchased or shipped is

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1 guilty of a misdemeanor and upon conviction shall be sentenced  
2 to imprisonment in the county jail for a term of not less than  
3 ninety days, which shall not be suspended or deferred. In  
4 addition, the person shall be sentenced to the payment of a  
5 fine in accordance with the following schedule:

6 (1) for illegally taking, attempting to take,  
7 killing, capturing or possessing of each deer, antelope,  
8 javelina, bear or cougar during a closed season, a fine of one  
9 thousand two hundred dollars (\$1,200);

10 (2) for illegally taking, attempting to take,  
11 killing, capturing or possessing of each elk, bighorn sheep,  
12 oryx, ibex or Barbary sheep, a fine of three thousand dollars  
13 (\$3,000);

14 (3) for hunting big game without a proper and  
15 valid license, lawfully procured, a fine of one thousand  
16 dollars (\$1,000);

17 (4) for exceeding the bag limit of any big game  
18 species, a fine of one thousand two hundred dollars (\$1,200);

19 (5) for attempting to exceed the bag limit of  
20 any big game species by the hunting of any big game animal  
21 after having tagged a similar big game species, a fine of one  
22 thousand dollars (\$1,000);

23 (6) for signing a false statement to procure a  
24 resident hunting or fishing license when the applicant is  
25 residing in another state at the time of application for a

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1 license, a fine of one thousand two hundred dollars (\$1,200);

2 (7) for using a hunting or fishing license  
3 issued to another person, a fine of one thousand dollars  
4 (\$1,000);

5 (8) for a violation of Section 17-2-31 NMSA  
6 1978, a fine of one thousand dollars (\$1,000);

7 (9) for selling, offering for sale, offering to  
8 purchase or purchasing any big game animal, unless otherwise  
9 provided by Chapter 17 NMSA 1978, a fine of three thousand  
10 dollars (\$3,000);

11 (10) for illegally taking, attempting to take,  
12 killing, capturing or possessing of each jaguar, a fine of six  
13 thousand dollars (\$6,000); and

14 (11) for a violation of the provisions of  
15 Subsection A of Section 17-2A-3 NMSA 1978, a fine of two  
16 thousand dollars (\$2,000).

17 D. A person who is convicted of a violation of any  
18 rules adopted by the state [~~game~~] wildlife conservation  
19 commission or of a violation of any of the provisions of  
20 Chapter 17 NMSA 1978, except for the felony provision of  
21 Section 17-2-8 NMSA 1978, for which a punishment is not set  
22 forth under this section, is guilty of a misdemeanor and shall  
23 be fined or imprisoned pursuant to Section 31-19-1 NMSA 1978.

24 E. The provisions of this section shall not be  
25 interpreted to prevent, constrain or penalize a Native American

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1 for engaging in activities for religious purposes, as provided  
2 in Section 17-2-14 or 17-2-41 NMSA 1978.

3 F. The provisions of this section shall not apply to  
4 a landowner or lessee, or employee of either of them, who kills  
5 an animal on private land, in which [~~they have~~] the landowner  
6 or lessee has an ownership or leasehold interest, that is  
7 threatening human life or damaging or destroying property,  
8 including crops; provided, however, that the killing is  
9 reported to the department of [~~game and fish~~] wildlife  
10 conservation within twenty-four hours and before the removal of  
11 the carcass of the animal killed; and provided further that all  
12 actions authorized in this subsection are carried out according  
13 to rules of the department."

14 SECTION 54. Section 17-2-10.1 NMSA 1978 (being Laws 1995,  
15 Chapter 177, Section 1, as amended) is amended to read:

16 "17-2-10.1. [~~GAME AND FISH~~] WILDLIFE PENALTY ASSESSMENT  
17 MISDEMEANORS--DEFINITION--SCHEDULE OF ASSESSMENTS.--

18 A. As used in Chapter 17 NMSA 1978, "penalty  
19 assessment misdemeanor" means a violation of any of the  
20 following listed sections of the NMSA 1978 for which the listed  
21 penalty assessment is established:

22	COMMON NAME OF OFFENSE	SECTION VIOLATED	PENALTY
23			ASSESSMENT

24 Fishing, hunting or trapping  
25 without the proper stamp or

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1 validation as required by law  
2 or adopted by state [~~game~~]  
3 wildlife conservation  
4 commission rule 17-2-7 \$ 50.00  
5 Fishing without a license 17-3-17 \$ 75.00  
6 Hunting small game without  
7 a license 17-3-1 \$100.00  
8 Manner and method rule  
9 infraction contrary to  
10 adoption by state [~~game~~]  
11 wildlife conservation  
12 commission rule 17-2-7 \$125.00.

13 B. When an alleged violator of a penalty assessment  
14 misdemeanor elects to accept a notice to appear in lieu of a  
15 notice of penalty assessment, no fine imposed upon later  
16 conviction shall exceed the penalty assessment established for  
17 the particular penalty assessment misdemeanor.

18 C. With the penalty assessment collected for each  
19 penalty assessment misdemeanor pursuant to this section, there  
20 shall be assessed and collected the cost of the appropriate  
21 license and validation that the violator failed to produce.  
22 Upon presentation of proof of payment of the penalty  
23 assessment, the director of the department of [~~game and fish~~]  
24 wildlife conservation shall issue the appropriate license and  
25 validation."

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1           SECTION 55. Section 17-2-10.2 NMSA 1978 (being Laws 1995,  
2 Chapter 177, Section 2) is amended to read:

3           "17-2-10.2. [~~GAME AND FISH~~] WILDLIFE PENALTY ASSESSMENT--  
4 PAYMENT.--

5           A. Unless a warning notice is given to an alleged  
6 violator, at the time the alleged violator is charged with a  
7 penalty assessment misdemeanor, the conservation officer shall  
8 offer the alleged violator the option of accepting a penalty  
9 assessment. The signature of the alleged violator on the  
10 penalty assessment notice constitutes an acknowledgment of  
11 guilt of the offense stated in the notice. The acknowledgment  
12 shall be included in accrual of points toward revocation of  
13 licenses as provided for in Section 17-3-34 NMSA 1978 or in  
14 [~~regulations~~] rules adopted to implement that section.

15           B. Payment of [~~any~~] a penalty assessment, including  
16 cost of the appropriate license, shall be mailed to the state  
17 [~~game~~] wildlife conservation commission within thirty days from  
18 the date of charge. Payment of penalty assessments are timely  
19 if postmarked within thirty days from the date of the charge.  
20 The commission may issue a receipt when a penalty assessment is  
21 paid by currency, but checks tendered by the violator upon  
22 which payment is received are sufficient receipt.

23           C. No record of [~~any~~] a penalty assessment payment  
24 is admissible as evidence in court in [~~any~~] a civil action."

25           SECTION 56. Section 17-2-10.3 NMSA 1978 (being Laws 1995,

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1 Chapter 177, Section 3) is amended to read:

2 "17-2-10.3. [~~GAME AND FISH~~] WILDLIFE PENALTY ASSESSMENT--  
3 LICENSE REVOCATION.--

4 A. The state [~~game~~] wildlife conservation  
5 commission is authorized to revoke the hunting or fishing  
6 license, or both, of a person who fails to pay a penalty  
7 assessment or who fails to appear, after proper notice, for  
8 hearings as required by law or [~~regulation~~] rule.

9 B. The state [~~game~~] wildlife conservation  
10 commission may revoke the hunting or fishing license, or both,  
11 of any person, resident or nonresident, who is convicted in  
12 another state of any single offense that, if committed in New  
13 Mexico, would be grounds for revocation of license."

14 SECTION 57. Section 17-2-10.4 NMSA 1978 (being Laws 1995,  
15 Chapter 177, Section 4) is amended to read:

16 "17-2-10.4. [~~GAME AND FISH~~] WILDLIFE PENALTY ASSESSMENT  
17 REVENUE--DISPOSITION.--The department of [~~game and fish~~]  
18 wildlife conservation shall remit all penalty assessment  
19 receipts to the state treasurer to be credited to the [~~game~~  
20 ~~protection~~] wildlife conservation fund in accordance with the  
21 provisions of Section 17-1-14 NMSA 1978."

22 SECTION 58. Section 17-2-11 NMSA 1978 (being Laws 1912,  
23 Chapter 85, Section 40, as amended) is amended to read:

24 "17-2-11. [~~GAME--FISH~~] PROSECUTIONS--ACCOMPLICES MAY  
25 TESTIFY--[~~EVIDENCE~~] IMMUNITY.--[~~SEC. 40.~~] In any prosecution

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1 under ~~[this]~~ Chapter 17 NMSA 1978, any participant in a  
2 violation thereof, when so requested by the district attorney,  
3 ~~[State Warden]~~ director of the department of wildlife  
4 conservation or other officer instituting the prosecution, may  
5 testify as a witness against any other person charged with  
6 violating the same, and ~~[his]~~ the accomplice's evidence so  
7 given shall not be used against ~~[him]~~ the accomplice in any  
8 prosecution for ~~[such]~~ that violation."

9 SECTION 59. Section 17-2-13 NMSA 1978 (being Laws 1912,  
10 Chapter 85, Section 55, as amended) is amended to read:

11 "17-2-13. SONGBIRDS--TRAPPING, KILLING OR INJURING  
12 PROHIBITED.--It ~~[shall be]~~ is unlawful for any person to shoot,  
13 ensnare or trap for the purpose of killing or in any other  
14 manner to injure or destroy any songbird or birds whose  
15 principal food consists of insects, comprising all the species  
16 and varieties of birds represented by the several families of  
17 bluebirds, including the western and mountain bluebirds; also  
18 bobolinks, catbirds, chickadees, cuckoos, which includes the  
19 chaparral bird or roadrunner (*Geococcyx novo mexicanus*),  
20 flickers, flycatchers, grosbeaks, ~~[humming birds]~~ hummingbirds,  
21 kinglets, martins, meadowlarks, nighthawks or bull bats,  
22 nuthatches, orioles, robins, shrikes, swallows, swifts,  
23 tanagers, titmice, thrushes, vireos, warblers, waxwings,  
24 ~~[whippoorwills]~~ whippoorwills, woodpeckers, wrens and all other  
25 perching birds ~~[which]~~ that feed entirely or chiefly on

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1 insects. This section does not prohibit the killing of such  
2 birds for scientific purposes under permits from the department  
3 of [~~game and fish~~] wildlife conservation."

4 SECTION 60. Section 17-2-14 NMSA 1978 (being Laws 1973,  
5 Chapter 104, Section 1, as amended) is amended to read:

6 "17-2-14. HAWKS, VULTURES AND OWLS--TAKING, POSSESSING,  
7 TRAPPING, DESTROYING, MAIMING OR SELLING PROHIBITED--EXCEPTION  
8 BY PERMIT--PENALTY.--

9 A. It is unlawful for any person to take, attempt  
10 to take, possess, trap or ensnare or in any manner to injure,  
11 maim or destroy birds of the order Falconiformes, comprising  
12 all of the species and varieties of birds represented by the  
13 several families of vultures and hawks, and all of the order  
14 Stringiformes, comprising all of the species and varieties of  
15 owls. It is also unlawful to purchase, sell or trade, or to  
16 possess for the purpose of selling or trading, any parts of  
17 these birds.

18 B. The director of the department of [~~game and~~  
19 ~~fish~~] wildlife conservation may issue permits to allow any  
20 person to take, possess, trap, ensnare or destroy any bird  
21 protected by this section or to possess, give, purchase, sell  
22 or trade, or to possess for the purpose of selling or trading,  
23 any parts of any birds protected by this section. Permits  
24 shall be granted for the following purposes:

25 (1) Indian religious purposes;

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1 (2) scientific purposes in accordance with law  
2 and the [~~regulations~~] rules of the department of [~~game and~~  
3 ~~fish~~] wildlife conservation; or

4 (3) falconry purposes in accordance with law  
5 and the [~~regulations~~] rules of the department.

6 C. Notwithstanding any other law, any person  
7 engaged in the commercial raising of poultry or game birds may  
8 take, capture or kill any hawk, owl or vulture that has killed  
9 such poultry or game birds. The owner of [~~such~~] a game or  
10 poultry farm who takes action under this provision shall report  
11 this action to the department of [~~game and fish~~] wildlife  
12 conservation, which shall verify the necessity of the action  
13 taken.

14 D. Any person violating the provisions of this  
15 section is guilty of a petty misdemeanor."

16 SECTION 61. Section 17-2-17 NMSA 1978 (being Laws 1912,  
17 Chapter 85, Section 26, as amended) is amended to read:

18 "17-2-17. [~~GAME FISH--HELD IN~~] WILDLIFE--STORAGE--WHEN  
19 LAWFUL.--[SEC. 26.] No [~~game or fish~~] wildlife shall be  
20 received or held in storage except as follows [~~namely~~]:

21 [{"1}] A. during the open season therefor and for  
22 five days thereafter when the [~~same~~] wildlife is stored for the  
23 person lawfully in possession of the [~~same~~] wildlife;

24 [{"2}] B. at any time of the year when there is  
25 attached [~~thereto~~] to the wildlife a proper and valid officer's

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1 invoice as provided in [~~this~~] Chapter 17 NMSA 1978 relating to  
2 the seizure of [~~game and fish~~] wildlife, for not more than  
3 thirty days after the date of [~~such~~] that invoice; or

4 [~~(3)~~] C. when there is attached [~~thereto~~] to the  
5 wildlife a proper and valid certificate or permit signed by the  
6 [~~State Warden or deputy~~] director of the department of wildlife  
7 conservation or conservation officer and on its face  
8 authorizing storage of the article named therein and during the  
9 period therein stated."

10 SECTION 62. Section 17-2-18 NMSA 1978 (being Laws 1912,  
11 Chapter 85, Section 28, as amended) is amended to read:

12 "17-2-18. [~~GAME--FISH~~] HOTELS--NAMING ON MENU--  
13 EVIDENCE.--[SEC. 28.] The naming of [~~game and fish~~] wildlife  
14 upon any menu or bill of fare as food for patrons shall be  
15 prima facie evidence of the possession of the [~~same~~] wildlife  
16 by the proprietor of [~~such~~] the hotel, restaurant, cafe or  
17 boarding house."

18 SECTION 63. Section 17-2-19 NMSA 1978 (being Laws 1912,  
19 Chapter 85, Section 57, as amended) is amended to read:

20 "17-2-19. ENFORCEMENT OF [~~GAME~~] WILDLIFE LAWS--POWERS OF  
21 CONSERVATION OFFICERS.--

22 A. The director of the department of [~~game and~~  
23 ~~fish~~] wildlife conservation, each conservation officer, each  
24 sheriff in [~~his~~] the sheriff's respective county and each  
25 member of the New Mexico state police shall enforce Chapter 17

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1 NMSA 1978 and shall:

2 (1) seize any [~~game~~] wildlife or fish held in  
3 violation of that chapter;

4 (2) with or without warrant, arrest any person  
5 whom [~~he~~] the director, conservation officer, sheriff or state  
6 police officer knows to be guilty of a violation of that  
7 chapter; and

8 (3) open, enter and examine all camps, wagons,  
9 cars, tents, packs, boxes, barrels and packages where [~~he has~~]  
10 there is reason to believe any [~~game or fish~~] wildlife taken or  
11 held in violation of that chapter is to be found, and seize it.

12 B. Any warrant for the arrest of a person shall be  
13 issued upon sworn complaint, the same as in other criminal  
14 cases, and any search warrant shall issue upon a written  
15 showing of probable cause, supported by oath or affirmation,  
16 describing the places to be searched or the persons or things  
17 to be seized.

18 C. Conservation officers may, under the direction  
19 of the state [~~game~~] wildlife conservation commission and the  
20 director of the department of [~~game and fish~~] wildlife  
21 conservation:

22 (1) establish from time to time, as needed for  
23 the proper functioning of the [~~game and fish~~] wildlife research  
24 and management division, checking stations at points along  
25 established roads, or roadblocks, for the purpose of detecting

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1 and apprehending persons violating the [~~game and fish~~] wildlife  
2 laws and the [~~regulations~~] rules referred to in Section 17-2-10  
3 NMSA 1978;

4 (2) under emergency circumstances and while on  
5 official duty only enforce the provisions of the Criminal Code  
6 and the Motor Vehicle Code; and

7 (3) while on official duty only, enforce the  
8 provisions of:

9 (a) Sections 30-14-1 and 30-14-1.1  
10 NMSA 1978 pertaining to criminal trespass;

11 (b) Section 30-7-4 NMSA 1978 pertaining  
12 to negligent use of a deadly weapon;

13 (c) Section 30-15-1 NMSA 1978 pertaining  
14 to criminal damage to property;

15 (d) Section 30-22-1 NMSA 1978 pertaining  
16 to resisting, evading or obstructing an officer; and

17 (e) Section 72-1-8 NMSA 1978 pertaining  
18 to camping next to a manmade water hole."

19 SECTION 64. Section 17-2-20 NMSA 1978 (being Laws 1912,  
20 Chapter 85, Section 31, as amended) is amended to read:

21 "17-2-20. [~~PUBLIC NUISANCE--NETS, TRAPS, EXPLOSIVES--WHEN~~  
22 ~~DEEMED TO BE--PROVISØ~~] UNLAWFUL DEVICES--SEIZURE AND  
23 DESTRUCTION.--[SEC. 31.] Every net, trap, explosive, poisonous  
24 or stupefying substance or device used or intended for use in  
25 taking or killing [~~game~~] wildlife or fish in violation of

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1     ~~[this]~~ Chapter 17 NMSA 1978 and set, kept or found in or upon  
2     any of the streams or waters in this state or upon the shores  
3     thereof, and every trap, device, blind or deadfall found baited  
4     in violation of ~~[this]~~ that chapter, is declared to be a public  
5     nuisance and may be abated and summarily destroyed by any  
6     person ~~[and]~~. It ~~[shall be]~~ is the duty of every officer  
7     authorized to enforce ~~[this]~~ that chapter to seize and  
8     summarily destroy the same, and no prosecution or suit shall be  
9     maintained for such destruction; provided that nothing in  
10    ~~[this]~~ that chapter shall be construed as affecting the right  
11    of the ~~[State Warden]~~ director of the department of wildlife  
12    conservation to use such means as may be proper for the  
13    promotion of ~~[game and fish]~~ wildlife propagation and culture  
14    ~~[nor]~~ or as authorizing the seizure or destruction of  
15    firearms."

16           SECTION 65. Section 17-2-20.3 NMSA 1978 (being Laws 1979,  
17    Chapter 321, Section 3) is amended to read:

18           "17-2-20.3. PENALTIES.--The following violations ~~[shall]~~  
19    constitute a misdemeanor:

20                   A. illegal possession or transportation of big game  
21    during closed season;

22                   B. taking or attempting to take big game during  
23    closed season;

24                   C. taking or attempting to take big game by the use  
25    of spotlight or artificial light;

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1 D. selling or attempting to sell big game or parts  
2 thereof, except as permitted by [~~regulation~~] rule of the state  
3 [~~game~~] wildlife conservation commission; and

4 E. exceeding the bag limit on any big game species  
5 during open season."

6 SECTION 66. Section 17-2-21 NMSA 1978 (being Laws 1912,  
7 Chapter 85, Section 23, as amended) is amended to read:

8 "17-2-21. [~~GAME-FISH~~] WILDLIFE--SEIZED BY OFFICERS--  
9 DISPOSAL [~~OF~~]--PROCEEDS.--[~~SEC. 23.~~] All [~~game and fish~~]  
10 wildlife seized under the [~~game~~] wildlife laws shall without  
11 unnecessary delay be sold by the officer making [~~such~~] the  
12 seizure or by the [~~State Warden~~] director of the department of  
13 wildlife conservation, except when such sale is impracticable  
14 or likely to incur expenses exceeding the proceeds, in which  
15 case the [~~same~~] wildlife shall be donated to some charitable  
16 institution or needy person not concerned in the unlawful  
17 killing or possession thereof. The officer making [~~such~~] the  
18 seizure shall sign and give to each purchaser or donee an  
19 invoice stating the time and place of disposition, the kind and  
20 weight as near as may be of the [~~game~~] wildlife or fish  
21 disposed of and the name of the purchaser or donee. [~~Such~~] The  
22 invoice [~~shall authorize~~] authorizes possession, transportation  
23 and use within the state and storage for thirty days from date.  
24 The proceeds from [~~such~~] the sale, after deducting the cost of  
25 seizure and sale, shall, if made by the [~~State Warden~~] director

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1 or any [~~deputy~~] conservation officer under salary, be paid into  
2 the [~~game protection~~] wildlife conservation fund, but if made  
3 by a [~~deputy warden~~] conservation officer not under salary, or  
4 any other officer, the proceeds shall be paid one-half to the  
5 officer making [~~such~~] the seizure."

6 SECTION 67. Section 17-2-22 NMSA 1978 (being Laws 1963,  
7 Chapter 216, Section 1) is amended to read:

8 "17-2-22. SALE OF EVIDENCE IN CASES OF APPEAL.--

9 A. For the purpose of avoiding waste, [~~game~~]  
10 wildlife or fish confiscated and held as evidence in any  
11 prosecution for violation of the [~~game~~] wildlife laws, if fit  
12 for human consumption, shall be sold by the conservation  
13 officer or other officer having jurisdiction in the prosecution  
14 as soon as possible after the filing of any appeal from the  
15 decision of the court to any higher court.

16 B. The evidence shall be sold for the highest cash  
17 price offered and the proceeds of the sale forwarded to the  
18 main office of the department of [~~game and fish~~] wildlife  
19 conservation at Santa Fe to be deposited in the [~~game~~  
20 ~~protection~~] wildlife conservation fund. A copy of the receipt  
21 of sale shall be delivered to the court and shall be attached  
22 to the papers forwarded to the higher court on appeal.

23 C. If the higher court finds the defendant to be  
24 not guilty of the charge, [~~he~~] the defendant shall be  
25 reimbursed within ten days after [~~such~~] the decision by the

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1 department of [~~game and fish~~] wildlife conservation for the  
2 full amount of the proceeds from the sale of evidence."

3 SECTION 68. Section 17-2-23 NMSA 1978 (being Laws 1912,  
4 Chapter 85, Section 24, as amended) is amended to read:

5 "17-2-23. [~~GAME--FISH~~] SEIZURE--SALE--OFFICER REPORT.--  
6 [~~SEC. 24. In all cases~~] The officer making a seizure or sale  
7 shall, within ten days thereafter, report all the particulars  
8 thereof and an itemized statement of the proceeds, expenses and  
9 fees and the disposition thereof and pay the remainder of the  
10 proceeds, if any, to the state treasurer to be [~~by him~~] paid  
11 into the [~~game protection~~] wildlife conservation fund."

12 SECTION 69. Section 17-2-25 NMSA 1978 (being Laws 1912,  
13 Chapter 85, Section 37, as amended) is amended to read:

14 "17-2-25. [~~GAME--FISH--WHEN IN~~] POSSESSION BY PASSENGER--  
15 COMMON CARRIER NOT LIABLE.--[~~SEC. 37.~~] Nothing in [~~this~~]  
16 Chapter 17 NMSA 1978 shall make a common carrier liable for  
17 transportation of [~~game and fish~~] wildlife when [~~same~~] the  
18 wildlife is in the possession of a passenger, but such fact  
19 shall not exempt the [~~same~~] wildlife from seizure if unlawfully  
20 taken, killed, held in possession or transported."

21 SECTION 70. Section 17-2-26 NMSA 1978 (being Laws 1912,  
22 Chapter 85, Section 45, as amended) is amended to read:

23 "17-2-26. CIVIL LIABILITY.--

24 A. The director of the department of [~~game and~~  
25 ~~fish~~] wildlife conservation, or any other officer charged with

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1 enforcement of the laws relating to [~~game and fish~~] wildlife if  
2 so directed by the director, may bring a civil action in the  
3 name of the state against any person unlawfully wounding or  
4 killing, or unlawfully in possession of, any game quadruped,  
5 bird or fish, or part thereof, and recover judgment for the  
6 following minimum sums as damages for the taking, killing or  
7 injuring:

8	for each elk-----	\$ 500.00
9	for each deer-----	250.00
10	for each antelope-----	250.00
11	for each mountain sheep-----	1,000.00
12	for each Barbary sheep-----	250.00
13	for each black bear-----	500.00
14	for each cougar-----	500.00
15	for each bison-----	600.00
16	for each ibex-----	1,000.00
17	for each oryx-----	1,000.00
18	for each javelina-----	100.00
19	for each beaver-----	65.00
20	for each bird-----	20.00
21	for each fish-----	5.00
22	for each endangered species-----	500.00
23	for each raptor-----	200.00
24	for each turkey-----	150.00
25	for each jaguar-----	2,000.00.

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1           B. Notwithstanding the provisions of Subsection A  
2 of this section, the state [~~game~~] wildlife conservation  
3 commission shall establish damages recoverable by civil  
4 judgment on a game animal, bird or fish designated to be a  
5 trophy animal by commission rule.

6           C. Damages recovered pursuant to this section are  
7 intended to compensate the state for the loss of unique public  
8 resources and shall not be limited or reduced by the extent of  
9 fines assessed pursuant to any criminal statute. The  
10 department of [~~game and fish~~] wildlife conservation shall not  
11 award or issue a license, permit or certificate to a debtor  
12 owing damages pursuant to this section until the judgment has  
13 been paid in full to the department.

14           D. No verdict or judgment recovered by the state in  
15 an action shall be for less than the sum fixed in this section.  
16 The action for damages may be joined with an action for  
17 possession, and recovery may be had for the possession as well  
18 as the damages.

19           E. The pendency or determination of an action for  
20 damages or payment of a judgment, or the pendency or  
21 determination of a criminal prosecution for the same taking,  
22 wounding, killing or possession, is not a bar to the other, nor  
23 does either affect the right of seizure under any other  
24 provision of the laws relating to [~~game and fish~~] wildlife.

25           F. The provisions of this section shall not be

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1 interpreted to prevent, constrain or penalize a Native American  
2 for engaging in activities for religious purposes, as provided  
3 in Section 17-2-14 or 17-2-41 NMSA 1978.

4 G. The provisions of this section shall not apply  
5 to a landowner or lessee, or employee of either, who kills an  
6 animal, on private land in which the person has an ownership or  
7 leasehold interest, that is threatening human life or damaging  
8 or destroying property, including crops; provided, however,  
9 that the killing is reported to the department of [~~game and~~  
10 ~~fish~~] wildlife conservation within twenty-four hours and before  
11 the removal of the carcass of the animal killed; and provided  
12 further that all actions authorized in this subsection are  
13 carried out according to rules of the department."

14 SECTION 71. Section 17-2-31 NMSA 1978 (being Laws 1951,  
15 Chapter 171, Section 1, as amended) is amended to read:

16 "17-2-31. USE OF ARTIFICIAL LIGHT WHILE HUNTING  
17 PROHIBITED.--It is unlawful for a person or a group of persons  
18 together in possession or control of a firearm or other  
19 implement to throw or cast the rays of a spotlight or other  
20 artificial light into any field, pasture, woodland, forest or  
21 prairie where big game or domestic livestock may be, or are  
22 reasonably expected to be, whereby any big game animal or  
23 domestic animal could be killed by aid of an artificial light.  
24 However, the following shall be exempt from the provisions of  
25 this section:

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1           A. an officer authorized to enforce the [~~game~~  
2 wildlife and livestock laws of the state;

3           B. a government employee acting in an official  
4 capacity;

5           C. a landowner or lessee or employee of such  
6 landowner or lessee, while on the land owned or leased in  
7 connection with legitimate activities; or

8           D. a person who has received a permit or  
9 authorization from the department of [~~game and fish~~] wildlife  
10 conservation to conduct such activities."

11           SECTION 72. Section 17-2-32 NMSA 1978 (being Laws 1963,  
12 Chapter 150, Section 1) is amended to read:

13           "17-2-32. DISEASED RABBITS--HUNTING AND TRAPPING.--The  
14 department of [~~game and fish~~] wildlife conservation may  
15 restrict hunting and trapping of rabbits in any area when  
16 notified by the department of [~~public~~] health that rabbits in  
17 the area are infected with bubonic plague. Any restriction  
18 under this section shall be terminated when the department of  
19 [~~public~~] health notifies the department of [~~game and fish~~]  
20 wildlife conservation that danger of public health significance  
21 no longer exists in the area with respect to these diseased  
22 rabbits."

23           SECTION 73. Section 17-2-33 NMSA 1978 (being Laws 1971,  
24 Chapter 61, Section 2) is amended to read:

25           "17-2-33. USE OF FIREARMS BY MINORS.--

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1           A. It is unlawful [~~after April 1, 1972~~] for any  
2 person [~~born after January 1, 1958~~] to hunt with or shoot a  
3 firearm, unless the person:

4           (1) [~~he~~] is supervised by a parent, legal  
5 guardian or a responsible adult designated by the parent or  
6 guardian; [~~or~~]

7           (2) [~~he~~] carries a certificate indicating that  
8 [~~he~~] the person has successfully completed the New Mexico  
9 hunter training course or the hunter training course of another  
10 state [~~which~~] that is approved by the [~~New Mexico~~] department  
11 of [~~game and fish~~] wildlife conservation; or

12           (3) [~~he~~] is eighteen years of age or older.

13           B. It is unlawful [~~after April 1, 1976~~] for any  
14 person under the age of eighteen years to hunt with or shoot a  
15 firearm unless [~~he~~] the person is carrying a certificate  
16 indicating that [~~he~~] the person has successfully completed the  
17 New Mexico hunter training course or a hunter training course  
18 of another state [~~which~~] that is approved by the [~~New Mexico~~]  
19 department of [~~game and fish~~] wildlife conservation.

20           C. Any person violating the [~~provisions~~] provisions  
21 of this section is guilty of a petty misdemeanor."

22           SECTION 74. Section 17-2-34 NMSA 1978 (being Laws 1971,  
23 Chapter 61, Section 3) is amended to read:

24           "17-2-34. HUNTER TRAINING PROGRAM--INSTRUCTOR  
25 CERTIFICATION--CERTIFICATE OF COMPETENCY.--

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1           A. The department of [~~game and fish~~] wildlife  
2 conservation shall provide a course of instruction in the safe  
3 handling of firearms for individuals interested in obtaining a  
4 certificate of competency in the safe handling of firearms.  
5 The department may cooperate with the [~~superintendent~~]  
6 secretary of public [~~instruction~~] education or any reputable  
7 association or organization as determined by the department and  
8 having as one of its objectives the promotion of safety in  
9 firearm handling.

10           B. The department of [~~game and fish~~] wildlife  
11 conservation shall prescribe the type of instruction and the  
12 qualifications of instructors and shall designate annually  
13 those persons qualified to give instruction in the safe  
14 handling of firearms. Persons designated by the department of  
15 [~~game and fish~~] wildlife conservation to be instructors are  
16 authorized to give the course of instruction in the safe  
17 handling of firearms to all interested persons. Upon the  
18 completion of the course and certification to the department by  
19 the instructor, the department shall cause to be issued, to the  
20 person instructed, a certificate of competency in the safe  
21 handling of firearms, which shall be valid unless revoked by  
22 the department of [~~game and fish~~] wildlife conservation for  
23 such cause as determined by [~~regulation~~] rule of the department  
24 to be unsafe handling of a firearm.

25           C. The department of [~~game and fish~~] wildlife

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1 conservation shall promulgate rules [~~and regulations~~] to  
2 implement the provisions of the Hunter Training Act."

3 SECTION 75. Section 17-2-35 NMSA 1978 (being Laws 1971,  
4 Chapter 61, Section 4, as amended) is amended to read:

5 "17-2-35. EXEMPTION.--Nothing in the Hunter Training Act  
6 shall prohibit any person from carrying or shooting a firearm  
7 while participating in an organized and supervised shooting  
8 program, or while under the immediate and direct supervision of  
9 a parent, guardian or responsible adult, or while participating  
10 in a course of instruction in the safe handling of firearms  
11 offered by the department of [~~game and fish~~] wildlife  
12 conservation. However, no exemption shall permit hunting  
13 without possession of a valid hunter training certificate."

14 SECTION 76. Section 17-2-36 NMSA 1978 (being Laws 1971,  
15 Chapter 61, Section 1) is amended to read:

16 "17-2-36. SHORT TITLE.--[~~This act~~] Sections 17-2-33  
17 through 17-2-36 NMSA 1978 may be cited as the "Hunter Training  
18 Act"."

19 SECTION 77. Section 17-2-38 NMSA 1978 (being Laws 1974,  
20 Chapter 83, Section 2, as amended) is amended to read:

21 "17-2-38. DEFINITIONS.--As used in the Wildlife  
22 Conservation Act:

23 A. "commission" means the state [~~game~~] wildlife  
24 conservation commission;

25 B. "director" means the director of the department

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1 of ~~[game and fish]~~ wildlife conservation;

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

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

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

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

11 (3) the effect of disease or predation;

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

15 (5) any combination of the foregoing factors.

16 The term may also include any species of fish or wildlife  
17 appearing on the United States list of endangered native and  
18 foreign fish and wildlife as set forth in Section 4 of the  
19 Endangered Species Act of 1973 as endangered species, provided  
20 that the commission adopts those lists in whole or in part.

21 The term shall not include any species covered by the  
22 provisions of 16 U.S.C. 1331 through 1340 (1971) and shall not  
23 include any species of the class insecta determined by the  
24 director to constitute a pest whose protection under the  
25 Wildlife Conservation Act would present an overwhelming and

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1 overriding risk to ~~man~~ people;

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

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

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

25 H. "recovery plan" means a designated program or

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1 methodology reasonably expected to lead to restoration and  
2 maintenance of a species and its habitat;

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

9 J. "species" means any species or subspecies;

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

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

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

24 N. "wildlife" means ~~[any nondomestic mammal, bird,~~  
25 ~~reptile, amphibian, fish, mollusk or crustacean or any part,~~

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1 ~~egg or offspring or the dead body or parts thereof~~ a living  
2 animal, or any part, egg, spawn, offspring, shed antlers or  
3 horns, or the dead body or parts thereof, of any nondomestic  
4 mammal, bird, reptile, amphibian, fish or invertebrate  
5 species."

6 SECTION 78. Section 17-2-39 NMSA 1978 (being Laws 1974,  
7 Chapter 83, Section 3, as amended) is amended to read:

8 "17-2-39. FINDINGS AND DECLARATIONS.--The legislature  
9 finds and declares that:

10 A. species of wildlife indigenous to the state that  
11 may be found to be threatened or endangered should be managed  
12 to maintain and, to the extent possible, enhance their numbers  
13 within the carrying capacity of the habitat;

14 B. the state should assist in the management of  
15 species of wildlife that are deemed to be endangered elsewhere  
16 by prohibiting the taking, possession, transportation,  
17 exportation, processing, sale or offering for sale or shipment  
18 within this state of species of wildlife listed on the United  
19 States lists of endangered fish and wildlife, unless such  
20 actions will assist in preserving or propagating the species;

21 C. adequate funding [~~should~~] shall be made  
22 available to the department of [~~game and fish~~] wildlife  
23 conservation by annual appropriations from the general fund or  
24 from other sources separate and apart from the [~~game~~  
25 ~~protection~~] wildlife conservation fund for management of

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1 threatened or endangered species; and

2 D. because the management and recovery of  
3 threatened or endangered species are the responsibility of and  
4 a benefit to all of society, the costs of management and  
5 recovery should be the responsibility of all sectors of  
6 society, and those costs should be minimized and should be  
7 borne by federal, state and local governments with  
8 contributions from the private sector."

9 SECTION 79. Section 17-2-40.1 NMSA 1978 (being Laws 1995,  
10 Chapter 145, Section 5) is amended to read:

11 "17-2-40.1. RECOVERY PLANS--PROCEDURES.--

12 A. To the extent practicable, a recovery plan shall  
13 be developed pursuant to Subsections B through G of this  
14 section for any species listed as threatened or endangered. If  
15 indicated, the director shall conduct a social and economic  
16 analysis and, if adverse impacts are found, develop a social or  
17 economic mitigation plan.

18 B. To the extent practicable, the director shall  
19 develop recovery plans that include several threatened or  
20 endangered species that utilize similar habitats or share a  
21 common threat or both. A multiple-species recovery plan shall  
22 be designed to accomplish recovery of the shared habitat or  
23 reduce a common threat or both.

24 C. As the initial action in the development of a  
25 recovery plan, the director shall, within one year of listing,

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1 schedule a public information meeting in each of the quadrants  
2 of the state determined by the director to be affected by the  
3 development of a recovery plan. These meetings shall be held  
4 in a manner calculated to provide a reasonable opportunity for  
5 individuals and private and public entities to participate and  
6 express their views about the development of a recovery plan  
7 for one or more species and the attendant adverse social or  
8 economic impacts, if any, that may result from implementation  
9 of a recovery plan. At these meetings, the director shall  
10 present background information about the basis of the listing,  
11 an explanation of the process to develop a recovery plan and  
12 the probable content in general terms, if known, of the  
13 recovery plan and if needed, the process to develop a social  
14 and economic mitigation plan.

15 D. Upon completion of the public information  
16 [~~meeting or~~] meetings on a recovery plan, the director shall  
17 consult and cooperate with other states or countries when  
18 appropriate and shall solicit interest from representatives of  
19 affected local governments, tribal governments, landowners,  
20 state and federal agencies and other interested individuals and  
21 organizations to serve on an advisory committee. [~~He~~] The  
22 director shall appoint to the advisory committee all of those  
23 who are willing to participate in the development of the  
24 recovery plan. When necessary, [~~he~~] the director may appoint  
25 from the membership of the advisory committee a working group

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1 reflecting the diversity of the advisory committee.

2 E. With the assistance of the advisory committee,  
3 the director shall develop a draft recovery plan to achieve the  
4 following objectives:

5 (1) restoration and maintenance of a viable  
6 population of the threatened or endangered species and its  
7 habitat reasonably expected to lead to the delisting of the  
8 species;

9 (2) avoidance or mitigation of adverse social  
10 or economic impacts;

11 (3) identification of social or economic  
12 benefits and opportunities; and

13 (4) use of volunteer resources and existing  
14 economic recovery and assistance programs and funding available  
15 from public and private sources to implement the plan.

16 F. The director shall mail the draft recovery plan  
17 to federal and state agencies, local and tribal governments  
18 that are or may be affected by the recovery plan and  
19 individuals and organizations that have requested notification  
20 of department actions regarding threatened or endangered  
21 species.

22 G. The final recovery plan shall be presented to  
23 the commission for its consideration not later than two years  
24 from the date the species was listed. If the commission  
25 determines that the proposed plan has achieved the objectives

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1 set forth in Subsection E of this section, it shall approve the  
2 recovery plan or approve with conditions. After approval of  
3 the plan, the director shall seek cooperation with other states  
4 and countries, when appropriate, and landowners, state and  
5 federal agencies and local and tribal governments for  
6 implementation of the recovery plan and when appropriate submit  
7 the recovery plan to the secretary of the interior for approval  
8 pursuant to the federal Endangered Species Act of 1973."

9 SECTION 80. Section 17-2A-2 NMSA 1978 (being Laws 1996,  
10 Chapter 89, Section 4) is amended to read:

11 "17-2A-2. STATEWIDE SYSTEM FOR HUNTING ACTIVITIES.--The  
12 state [~~game~~] wildlife conservation commission shall develop a  
13 statewide system for hunting activities that increases  
14 participation by New Mexico residents and considers hunter  
15 safety, quality hunts, high demand areas, guides and  
16 outfitters, quotas and local and financial interests."

17 SECTION 81. Section 17-2A-3 NMSA 1978 (being Laws 1996,  
18 Chapter 89, Section 5, as amended) is amended to read:

19 "17-2A-3. HUNTING GUIDES AND OUTFITTERS.--

20 A. [~~Effective April 1, 1997~~] It is unlawful to be a  
21 hunting guide or outfitter in New Mexico without being  
22 registered, except for a private landowner or [~~his~~] the  
23 landowner's authorized agent who outfits or guides pursuant to  
24 a landowner permit issued by the department of [~~game and fish~~]  
25 wildlife conservation for the landowner's property or for the

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1 landowner's shared private and public unit.

2 B. The state [~~game~~] wildlife conservation  
3 commission shall adopt [~~regulations by September 1, 1997~~] rules  
4 to govern the granting of non-interim registration, permits and  
5 certificates to hunting guides and outfitters and to regulate  
6 the operations and professional conduct of registered hunting  
7 guides and outfitters. [~~Regulations~~] Rules shall be adopted in  
8 accordance with the following procedures and standards:

9 (1) the commission shall establish dates and  
10 locations for a public hearing and provide reasonable prior  
11 public notice of a hearing. A public hearing shall be held at  
12 a place within any quadrant of the state affected by the  
13 proposed [~~regulation~~] rule when the commission determines there  
14 is substantial public interest in holding a hearing in that  
15 quadrant;

16 (2) a hearing shall be held within six months  
17 of the date a proposed [~~regulation~~] rule is issued;

18 (3) notice of a hearing shall:  
19 (a) include the date, time and location  
20 of the hearing;  
21 (b) include a statement of the  
22 recommended action;  
23 (c) include an indication of the  
24 location and availability of the public file on the  
25 [~~regulation~~] rule;

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1 (d) indicate where and by what date  
2 written and oral comments and testimony may be received; and

3 (e) specify that the public record shall  
4 remain open for comments for thirty days after the date of the  
5 final hearing; and

6 (4) the commission shall make its decision and  
7 take action based upon relevant and reliable evidence.

8 C. No person shall be allowed to work as a  
9 registered hunting guide or outfitter in New Mexico:

10 (1) without being registered by the state  
11 [~~game~~] wildlife conservation commission;

12 (2) if the person has had a guide or outfitter  
13 license, registration, permit or certificate revoked in another  
14 state;

15 (3) if the person has had a guide or outfitter  
16 license, registration, permit or certificate suspended in  
17 another state and it has not been reinstated; or

18 (4) if the person has been convicted of a  
19 felony.

20 D. The state [~~game~~] wildlife conservation  
21 commission shall develop a point system for the suspension or  
22 revocation of a guide or outfitter registration. The point  
23 system shall be similar to the point system that governs  
24 individual hunting and fishing license privileges.

25 E. To be granted a registration to be a guide, an

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1 applicant shall, in addition to any other reasonable criteria  
2 adopted by the state [~~game~~] wildlife conservation commission,  
3 and except as provided for persons granted an interim  
4 registration:

- 5 (1) be at least eighteen years of age; and
- 6 (2) pass a written or oral examination  
7 approved by the department of [~~game and fish~~] wildlife  
8 conservation at a date and time approved by the department.

9 F. A registered or interim registered guide shall  
10 work only under the supervision of a New Mexico registered or  
11 interim registered outfitter and in an area designated by the  
12 registered or interim registered outfitter.

13 G. The department of [~~game and fish~~] wildlife  
14 conservation may provide a registration for a temporary  
15 emergency guide, provided the registration is limited to a  
16 maximum seven-day period and is granted only in emergency  
17 circumstances as determined by the department. The fee for a  
18 temporary emergency guide registration is ten dollars (\$10.00).

19 H. To be granted a registration to be an outfitter,  
20 an applicant shall, in addition to any other reasonable  
21 criteria adopted by the state [~~game~~] wildlife conservation  
22 commission, and except as provided for persons granted an  
23 interim registration:

- 24 (1) be at least twenty-one years of age;
- 25 (2) have operated as a New Mexico registered

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1 guide for at least three years or have been granted an interim  
2 outfitter's registration;

3 (3) not be a convicted felon or have a history  
4 of violation of federal or state [~~game and fish~~] wildlife laws  
5 or [~~regulations~~] rules or federal or state guide or outfitter  
6 licensing or registration laws or [~~regulations~~] rules; and

7 (4) pass a written or oral examination  
8 approved by the department of [~~game and fish~~] wildlife  
9 conservation at a date and time determined by the department.

10 I. A registered outfitter shall:

11 (1) provide proof of commercial liability  
12 insurance of at least five hundred thousand dollars (\$500,000);

13 (2) responsibly supervise each registered  
14 guide working under [~~his~~] the outfitter's direction;

15 (3) provide a written contract for outfitting  
16 services, signed by the registered outfitter and identifying  
17 the outfitter's registration number, to each resident and  
18 nonresident who seeks to use the services of a registered  
19 outfitter;

20 (4) register with the taxation and revenue  
21 department and provide proof of that registration to the  
22 department of [~~game and fish~~] wildlife conservation; and

23 (5) provide at least one registered guide or  
24 outfitter for every four or fewer resident or nonresident  
25 hunters who have contracted for an outfitter's guided services.

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1           J. The department of [~~game and fish~~] wildlife  
2 conservation shall provide to the taxation and revenue  
3 department a copy of each outfitter registration that is  
4 granted.

5           K. Except as provided in this subsection, no person  
6 shall be allowed to charge a processing or other fee to obtain  
7 for a resident or nonresident a license that is granted from a  
8 special drawing for a hunt on public lands pursuant to the  
9 provisions of Section 17-3-16 NMSA 1978, except that nothing in  
10 this subsection shall prohibit the department of [~~game and~~  
11 ~~fish~~] wildlife conservation from collecting an application fee.  
12 Persons involved in licensing services, booking agencies or  
13 license brokering that do not provide direct guide and  
14 outfitter services shall not be required to register with the  
15 department of [~~game and fish~~] wildlife conservation and may  
16 charge a fee, other than the application fee for a license, for  
17 their services.

18           L. A New Mexico resident registered outfitter shall  
19 be a registered outfitter who is a resident as defined in  
20 Section 17-3-4 NMSA 1978. The state [~~game~~] wildlife  
21 conservation commission shall adopt [~~regulations~~] rules that  
22 set forth additional requirements and that shall include at a  
23 minimum that a resident registered outfitter shall maintain a  
24 business address in New Mexico and, except as provided in  
25 Subsection Q of this section, derive at least fifty percent of  
  
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1 [his] the outfitter's guiding or outfitting income from guiding  
2 or outfitting in New Mexico, as determined by gross receipts or  
3 corporate or individual income tax returns for the immediately  
4 preceding three years.

5 M. The department of [~~game and fish~~] wildlife  
6 conservation shall maintain for public distribution a list of  
7 New Mexico registered outfitters.

8 N. The annual registration fee for a registered  
9 guide in New Mexico is fifty dollars (\$50.00) for a resident  
10 and one hundred dollars (\$100) for a nonresident.

11 O. The annual registration fee to be a registered  
12 outfitter in New Mexico is five hundred dollars (\$500) for  
13 either a resident or a nonresident.

14 P. Annual registration fees for guides and  
15 outfitters shall be deposited in the [~~game protection~~] wildlife  
16 conservation fund.

17 Q. A resident interim registered or registered  
18 outfitter may apply for inactive status of [his] the  
19 registration for any period in which [he] the outfitter does  
20 not operate as an outfitter. The state [~~game~~] wildlife  
21 conservation commission shall reactivate an outfitter  
22 registration at the request of the outfitter and upon proof  
23 that the outfitter complies with the provisions of this section  
24 and upon payment of the annual registration fee for the year  
25 the registration is being reinstated and payment of a

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1 reinstatement fee of not to exceed fifty dollars (\$50.00).

2 ~~[R. The state game commission shall adopt by~~  
3 ~~September 1, 1996 interim regulations, consistent to the~~  
4 ~~greatest extent practicable with the provisions of this~~  
5 ~~section, to provide for the granting of interim registrations~~  
6 ~~to guides and outfitters. The commission shall issue interim~~  
7 ~~registrations prior to mailing applications for 1997 licensed~~  
8 ~~hunts to persons who qualify for interim registration and~~  
9 ~~submit applications to the department of game and fish.~~

10 S.] R. A person adversely affected by an action,  
11 other than a ~~[regulation]~~ rule, taken pursuant to the  
12 provisions of this section, including the denial, suspension or  
13 revocation of a registration, license, permit or certificate,  
14 may seek review of the action pursuant to the provisions of the  
15 Uniform Licensing Act.

16 ~~[F.]~~ S. A person adversely affected by a  
17 ~~[regulation]~~ rule adopted by the state ~~[game]~~ wildlife  
18 conservation commission pursuant to this section may appeal to  
19 the court of appeals. All appeals shall be made upon the  
20 record at the hearing and shall be taken to the court of  
21 appeals within thirty days following the date of the action.  
22 The date of the action shall be the date of the filing of the  
23 ~~[regulation]~~ rule by the commission, pursuant to the provisions  
24 of the State Rules Act.

25 ~~[U.]~~ T. Upon appeal, the court of appeals shall set

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1 aside a [~~regulation~~] rule only if it is found to be:

2 (1) arbitrary, capricious or an abuse of  
3 discretion;

4 (2) not supported by substantial evidence in  
5 the record; or

6 (3) otherwise not in accordance with law.

7 [~~V.~~] U. After a hearing and a showing of good cause  
8 by the appellant, a stay of a [~~regulation~~] rule being appealed  
9 may be granted:

10 (1) by the state [~~game~~] wildlife conservation  
11 commission; or

12 (2) by the court of appeals if the state  
13 [~~game~~] wildlife conservation commission denies a stay or fails  
14 to act upon an application for a stay within sixty days after  
15 receipt of the application.

16 [~~W.~~] V. The appellant shall pay all costs for any  
17 appeal found to be frivolous by the court of appeals."

18 SECTION 82. Section 17-3-2 NMSA 1978 (being Laws 1964  
19 (1st S.S.), Chapter 17, Section 2, as amended) is amended to  
20 read:

21 "17-3-2. CLASSES OF LICENSES.--

22 A. As used with reference to licenses in Chapter 17  
23 NMSA 1978:

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

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1                   (2) "game hunting" entitles the licensee to  
2 hunt game birds, other than wild turkey, and squirrel during  
3 the open seasons for each and to apply for or purchase a  
4 license to hunt for deer, antelope, elk, bighorn sheep, Barbary  
5 sheep, javelina, bear, oryx, ibex, cougar and wild turkey;

6                   (3) "deer" entitles the licensee to hunt deer  
7 during the open season;

8                   (4) "antelope" entitles the licensee to hunt  
9 antelope during the open season;

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

12                   (6) "bighorn sheep" entitles the licensee to  
13 hunt bighorn sheep during the open season;

14                   (7) "Barbary sheep" entitles the licensee to  
15 hunt Barbary sheep during the open season;

16                   (8) "javelina" entitles the licensee to hunt  
17 javelina during the open season;

18                   (9) "bear" entitles the licensee to hunt bear  
19 during the open season;

20                   (10) "nongame" entitles the licensee to hunt  
21 or take any animal or bird not protected by law;

22                   (11) "temporary fishing" entitles the licensee  
23 to fish for game fish during a specific period of time  
24 indicated on the license;

25                   (12) "oryx" entitles the licensee to hunt oryx

1 during the open season;

2 (13) "ibex" entitles the licensee to hunt ibex  
3 during the open season;

4 (14) "cougar" entitles the licensee to hunt  
5 cougar during the open season;

6 (15) "turkey" entitles the licensee to hunt  
7 turkey during the open season;

8 (16) "special season turkey" entitles the  
9 licensee to hunt turkey during special seasons designated by  
10 the state [~~game~~] wildlife conservation commission;

11 (17) "quality elk" entitles the licensee to  
12 hunt elk during a special quality elk season, to be established  
13 by the state [~~game~~] wildlife conservation commission, when the  
14 timing of the season and hunter density is specially regulated  
15 and the elk population is managed with an intent to provide the  
16 licensee an increased opportunity to take a mature elk;

17 (18) "quality deer" entitles the licensee to  
18 hunt deer during a special quality deer season, to be  
19 established by the state [~~game~~] wildlife conservation  
20 commission, when the timing of the season and hunter density is  
21 specially regulated and the deer population is managed with an  
22 intent to provide the licensee an increased opportunity to take  
23 a mature deer;

24 (19) "temporary game hunting" entitles the  
25 licensee to hunt game birds, except wild turkey, and squirrel

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1 during a specific period of time indicated on the license;

2 (20) "second rod" entitles the licensee to  
3 fish using two fishing rods to fish for game fish during the  
4 open seasons for each species; and

5 (21) "fishing and game hunting combination"  
6 entitles the licensee to hunt squirrel and game birds, other  
7 than wild turkey, and to fish for game fish during the open  
8 season for each.

9 B. A hunting license does not entitle the licensee  
10 to hunt, kill or take game animals or birds within or upon a  
11 park or enclosure licensed or posted as provided by law or  
12 within or upon a privately owned enclosure without consent of  
13 the owner or within or upon a [~~game~~] wildlife refuge or [~~game~~]  
14 wildlife management area.

15 C. A fishing license does not entitle the licensee  
16 to fish for or take fish within or upon a park or enclosure  
17 licensed or posted as provided by law or within or upon a  
18 privately owned enclosure without consent of the owner or in or  
19 on closed waters.

20 D. A junior fishing license may be purchased by a  
21 resident who has reached the age of twelve years but has not  
22 reached the age of eighteen years. A junior fishing license  
23 entitles the licensee to fish for game fish during the open  
24 season for each species.

25 E. A senior fishing license may be purchased by a

1 resident who has reached the age of sixty-five years. A senior  
2 fishing license entitles the licensee to fish for game fish  
3 during the open season for each species.

4 F. A nonresident junior fishing license may be  
5 purchased by a nonresident who has reached the age of twelve  
6 years but has not reached the age of eighteen years. A  
7 nonresident junior fishing license entitles the licensee to  
8 fish for game fish during the open season for each species.

9 G. A senior game hunting license may be purchased  
10 by a resident who has reached the age of sixty-five years. A  
11 senior game hunting license entitles the licensee to hunt for  
12 squirrel and game birds, other than wild turkey, during the  
13 open seasons for each species and to apply for or purchase a  
14 license to hunt for deer, antelope, elk, bighorn sheep, Barbary  
15 sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

16 H. A junior, resident or nonresident, game hunting  
17 license may be purchased by a person who has not reached the  
18 age of eighteen years. A junior game hunting license entitles  
19 the licensee to hunt for squirrel and game birds, other than  
20 wild turkey, during the open seasons for each species and to  
21 apply for or purchase a license to hunt for deer, antelope,  
22 elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,  
23 cougar and wild turkey.

24 I. A handicapped fishing license may be purchased  
25 by a resident who has a severe physical impairment that

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1 substantially limits one or more major life activities and who  
2 can furnish adequate proof of this disability to the state  
3 ~~[game]~~ wildlife conservation commission. A handicapped fishing  
4 license may be purchased by a resident who has a developmental  
5 disability as defined in Subsection H of Section 43-1-3 NMSA  
6 1978 and who can furnish adequate proof of this disability to  
7 the state ~~[game]~~ wildlife conservation commission. A  
8 handicapped fishing license entitles the licensee to fish for  
9 game fish during the open season for each species.

10 J. A handicapped game hunting license may be  
11 purchased by a resident who has a severe physical impairment  
12 that substantially limits one or more major life activities and  
13 who can furnish adequate proof of this disability to the state  
14 ~~[game]~~ wildlife conservation commission. A handicapped game  
15 hunting license entitles the licensee to hunt for squirrel and  
16 game birds, other than wild turkey, during the open season for  
17 each species and to apply for or purchase a license to hunt for  
18 deer, antelope, elk, bighorn sheep, Barbary sheep, javelina,  
19 bear, oryx, ibex, cougar and wild turkey.

20 K. A fishing license may be obtained at no cost by  
21 a resident who has reached the age of seventy years.

22 L. A second rod validation may be purchased by  
23 either a resident or nonresident. A second rod validation  
24 entitles the licensee to fish using two rods for game fish  
25 during the open season for each species.

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1 M. A junior-senior elk license may be purchased by  
2 a resident who has not reached the age of eighteen years or by  
3 a resident who has reached the age of sixty-five years. A  
4 junior-senior elk license entitles the licensee to hunt for elk  
5 during the open season for that species.

6 N. A junior-senior deer license may be purchased by  
7 a resident who is younger than eighteen years or older than  
8 sixty-five years. A junior-senior deer license entitles the  
9 licensee to hunt for deer during the open season for that  
10 species.

11 O. A junior or senior fishing and game hunting  
12 combination license may be purchased by a resident who is  
13 younger than eighteen years or older than sixty-five years. A  
14 junior or senior fishing and game hunting combination license  
15 entitles the licensee to fish for game fish or hunt for  
16 squirrel and game birds, other than wild turkey, during the  
17 open seasons for each species and to apply for or purchase a  
18 license to hunt for deer, antelope, elk, bighorn sheep, Barbary  
19 sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

20 P. Except for a resident, disabled veteran, fishing  
21 and game hunting combination license issued pursuant to Section  
22 17-3-13 NMSA 1978, a New Mexico resident who is a veteran of  
23 the United States military or who is active duty military is  
24 eligible for a fifty percent discount on any license, permit or  
25 stamp purchase upon valid proof of service as determined by the

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1 state [~~game~~] wildlife conservation commission."

2 SECTION 83. Section 17-3-5 NMSA 1978 (being Laws 1923,  
3 Chapter 129, Section 1, as amended) is amended to read:

4 "17-3-5. APPLICATION FOR HUNTING OR FISHING LICENSES--  
5 CONTENTS--FILING.--

6 A. The director of the department of [~~game and~~  
7 ~~fish~~] wildlife conservation shall prepare and furnish blank  
8 applications for all persons applying for fishing or hunting  
9 licenses within the state. Except as provided in Subsection B  
10 or E of this section, each person, before receiving any fishing  
11 or hunting license, shall make application on a blank so  
12 provided. Among other matters that may be shown by the  
13 application, a statement shall show the exact residence of the  
14 applicant. Except as provided in Subsection B or E of this  
15 section, the application shall be signed by the applicant. All  
16 applications for licenses shall be filed with and issued by  
17 license vendors appointed by the director. All fishing and  
18 hunting licenses and the applications therefor shall contain  
19 the place of residence of the person to whom any license may be  
20 issued.

21 B. License vendors, as authorized by the director  
22 of the department of [~~game and fish~~] wildlife conservation, may  
23 take applications for hunting and fishing licenses or  
24 authorizations via telephone or the internet. The vendor or  
25 applicant shall fill out a license application with the same

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1 information as required for other applications. The vendor  
2 shall mail the license to the applicant, and the license shall  
3 be in the possession of the hunter or angler unless otherwise  
4 provided in Chapter 17 NMSA 1978. All money collected through  
5 telephone or internet sales shall be remitted to the director  
6 by the tenth day of the month following the sale. An  
7 individual receiving a license pursuant to this subsection is  
8 not required to sign an application prior to issuance of the  
9 license; provided, however, that the individual is subject to  
10 prosecution pursuant to Section 17-3-6 NMSA 1978 for any false  
11 or fraudulent statement or other misrepresentation as if the  
12 individual had signed an application for license.

13 C. Upon request, an applicant for a fishing or game  
14 hunting license shall receive an authorization number as  
15 assigned by the director of the department of [~~game and fish~~]  
16 wildlife conservation through the vendor. The authorization  
17 number may be used in lieu of the actual license only by the  
18 individual who applies and meets the requirements for a  
19 license. The authorization number shall serve as a license for  
20 the purposes of Sections 17-3-1 and 17-3-17 NMSA 1978. It is a  
21 misdemeanor to hunt or fish with an invalid authorization  
22 number or a number issued to another person.

23 D. Each license vendor authorized to sell licenses  
24 via telephone or internet may collect the actual cost, not to  
25 exceed five dollars (\$5.00), of shipping and handling the

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1 application and license issuance.

2 E. The director of the department of [~~game and~~  
3 ~~fish~~] wildlife conservation may prepare and furnish an  
4 electronic application for all persons applying for hunting  
5 license drawings. A person making an electronic application is  
6 not required to sign an application prior to issuance of the  
7 license; provided that the person is subject to prosecution  
8 pursuant to Section 17-3-6 NMSA 1978 for any false or  
9 fraudulent statement or other misrepresentation as if the  
10 person had signed an application."

11 SECTION 84. Section 17-3-7 NMSA 1978 (being Laws 1912,  
12 Chapter 85, Section 48, as amended) is amended to read:

13 "17-3-7. BLANK FORMS--LICENSE ISSUED ONLY ON  
14 APPLICATION--FALSE STATEMENT VOIDS LICENSE--RECORDS--REPORTS--  
15 ACCOUNTING FOR FEES COLLECTED--REFUND OF FEES--TRANSFER OF  
16 HUNTING LICENSE.--

17 A. The director of the department of [~~game and~~  
18 ~~fish~~] wildlife conservation shall prescribe and procure the  
19 printing of all forms and blanks that may be required to carry  
20 out the intent of Chapter 17 NMSA 1978. All necessary blanks  
21 shall be furnished by the director to the license collectors.  
22 No license shall be issued except as provided in Section 17-3-5  
23 NMSA 1978. Any false statement in any application shall render  
24 the license issued void.

25 B. A license collector shall keep a correct and

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1 complete record of licenses issued, which record shall remain  
2 in the license collector's office and be open to inspection by  
3 the public at all times.

4 C. A license collector may collect and retain a  
5 vendor fee for each license or permit issued; provided that the  
6 fee shall be just and reasonable, as determined by [~~regulation~~]  
7 rule of the state [~~game~~] wildlife conservation commission, and  
8 shall not exceed one dollar (\$1.00) for each license or permit  
9 issued; and provided further that no such fee shall be  
10 collected by the department of [~~game and fish~~] wildlife  
11 conservation from the purchaser of a special license. "Special  
12 license" includes those licenses for the following species:  
13 antelope, elk, Barbary sheep, bighorn sheep, bison, oryx, ibex,  
14 gazelle and javelina.

15 D. A license collector shall remit to the director  
16 of the department of [~~game and fish~~] wildlife conservation the  
17 statutory fee of all licenses and permits sold on or before the  
18 tenth day of the month following and shall by the same time  
19 report the number and kind of licenses issued.

20 E. Except as provided in Section 17-1-14 NMSA 1978,  
21 the director of the department of [~~game and fish~~] wildlife  
22 conservation shall turn over all money so received to the state  
23 treasurer to be credited to the [~~game protection~~] wildlife  
24 conservation fund.

25 F. The director of the department of [~~game and~~

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1 ~~fish]~~ wildlife conservation, in the director's sole discretion,  
2 may authorize a refund of the amount of a hunting license fee  
3 from the [~~game and fish~~] wildlife suspense fund if:

4 (1) upon written application by the licensee,  
5 prior to the time of the hunt for which the license has been  
6 issued, the director finds that:

7 (a) the licensee has a disability, due  
8 to a verified injury or life-threatening illness, that  
9 prohibits the licensee from hunting during the period that the  
10 license is valid; or

11 (b) the licensee has been deployed by  
12 the military and the deployment prevents the licensee from  
13 traveling to the hunt during the period that the license is  
14 valid;

15 (2) upon written application by a personal  
16 representative of a licensee's estate, the director finds that  
17 the licensee died prior to the time of the hunt for which the  
18 license was issued; or

19 (3) the director cancels a hunt due to forest  
20 fire or other natural disaster.

21 G. The director of the department of [~~game and~~  
22 ~~fish]~~ wildlife conservation, in the director's sole discretion,  
23 may authorize a transfer of a hunting license:

24 (1) to the licensee's designee if, upon  
25 written application by the licensee, prior to the time of the

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1 hunt for which the license has been issued, the director finds  
2 that:

3 (a) the licensee has a disability, due  
4 to a verified injury or life-threatening illness, that  
5 prohibits the licensee from hunting during the period that the  
6 license is valid; or

7 (b) the licensee has been deployed by  
8 the military and the deployment prevents the licensee from  
9 traveling to the hunt during the period that the license is  
10 valid;

11 (2) to the designee of the licensee's estate  
12 if, upon written application by the personal representative of  
13 the licensee's estate, the director finds that the licensee  
14 died prior to the time of the hunt for which the license was  
15 issued; or

16 (3) upon written application by a licensee, to  
17 a nonprofit organization approved by the state [~~game~~] wildlife  
18 conservation commission.

19 H. The state [~~game~~] wildlife conservation  
20 commission may prescribe, by rule, the documentation necessary  
21 for a finding pursuant to Subsection F or G of this section."

22 SECTION 85. Section 17-3-8 NMSA 1978 (being Laws 1959,  
23 Chapter 144, Section 1) is amended to read:

24 "17-3-8. LOSS OF APPLICATION BLANKS BY LICENSE  
25 COLLECTOR--ACCOUNTING.--In the event that a license collector  
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1     ~~[shall lose]~~ loses any of the application blanks for hunting or  
2     fishing licenses issued to ~~[him]~~ the license collector by the  
3     director of the department of ~~[game and fish, he]~~ wildlife  
4     conservation, the license collector shall immediately notify  
5     the director of the loss of the blanks and ~~[he shall]~~ inform  
6     the director of the number and the serial number of each of the  
7     application blanks lost."

8             SECTION 86. Section 17-3-9 NMSA 1978 (being Laws 1959,  
9     Chapter 144, Section 2) is amended to read:

10            "17-3-9. APPLICATION BLANKS LOST BY LICENSE COLLECTOR TO  
11     BE VOID.--Upon the receipt of a notice from the license  
12     collector that an application blank has been lost, the director  
13     of the department of ~~[game and fish]~~ wildlife conservation  
14     shall immediately declare the blank void. The director shall  
15     notify the various conservation officers throughout the state  
16     and such other persons as ~~[he shall deem]~~ the director deems  
17     necessary that the application blanks containing the serial  
18     numbers reported by the license collector are void."

19            SECTION 87. Section 17-3-10 NMSA 1978 (being Laws 1959,  
20     Chapter 144, Section 3) is amended to read:

21            "17-3-10. PRESUMPTION OF ~~[LOSS]~~ SALE.--In any case where  
22     a license collector has notified the director of the department  
23     of ~~[game and fish]~~ wildlife conservation of the loss of an  
24     application blank for hunting or fishing licenses, it shall be  
25     presumed that the blank has been sold."

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1           SECTION 88. Section 17-3-11 NMSA 1978 (being Laws 1959,  
2 Chapter 144, Section 4) is amended to read:

3           "17-3-11. POSSESSION OF LICENSE DECLARED VOID IS  
4 UNLAWFUL.--Any person in possession of a hunting or fishing  
5 license [~~containing the~~] that contains a serial number [~~which~~]  
6 that was reported by the collector as [~~the~~] an application  
7 blank [~~which~~] that was lost and [~~which was~~] declared void by  
8 the director of the department of [~~game and fish~~] wildlife  
9 conservation and [~~the license~~] that was not validly issued to  
10 [~~him shall be~~] that person is guilty of a misdemeanor."

11           SECTION 89. Section 17-3-12 NMSA 1978 (being Laws 1959,  
12 Chapter 144, Section 6) is amended to read:

13           "17-3-12. ACCOUNTING FOR LICENSES.--When a license vendor  
14 is unable to account for hunting and fishing licenses issued to  
15 [~~him~~] the license vendor, the state [~~game~~] wildlife  
16 conservation commission shall determine the extent of liability  
17 of the vendor, and the decision of the commission shall be  
18 final."

19           SECTION 90. Section 17-3-13 NMSA 1978 (being Laws 1964  
20 (1st S.S.), Chapter 17, Section 5, as amended) is amended to  
21 read:

22           "17-3-13. LICENSE FEES.--

23           A. The director of the department of [~~game and~~  
24 ~~fish~~] wildlife conservation shall keep a record of all money  
25 received and licenses and permits issued by the department,

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1 numbering each class separately. Upon satisfactory proof that  
2 a license or permit has been lost before its expiration, the  
3 director may issue a duplicate and collect a just and  
4 reasonable fee for it as determined by ~~[regulation]~~ rule of the  
5 state ~~[game]~~ wildlife conservation commission.

6 B. The director of the department of ~~[game and~~  
7 ~~fish]~~ wildlife conservation shall collect the following fees  
8 for each license of the class indicated:

9	Resident, fishing . . . . .	\$25.00
10	Resident, game hunting . . . . .	15.00
11	Resident, deer . . . . .	31.00
12	Resident, junior-senior, deer . . . . .	19.00
13	Resident, senior, handicapped,	
14	game hunting and fishing . . . . .	20.00
15	Resident, fishing and game hunting	
16	combination . . . . .	30.00
17	Resident, junior, fishing and game	
18	hunting combination . . . . .	15.00
19	Resident, disabled veteran, fishing	
20	and game hunting combination . . . . .	10.00
21	Resident, antelope . . . . .	50.00
22	Resident, elk cow . . . . .	50.00
23	Resident, elk bull or either sex . . . . .	80.00
24	Resident, junior-senior, elk . . . . .	48.00
25	Resident, bighorn sheep, ram . . . . .	150.00

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1	Resident, bighorn sheep, ewe . . . . .	75.00
2	Resident, Barbary sheep . . . . .	100.00
3	Resident, bear . . . . .	44.00
4	Resident, turkey . . . . .	25.00
5	Resident, cougar . . . . .	40.00
6	Resident, oryx . . . . .	150.00
7	Resident, ibex . . . . .	100.00
8	Resident, javelina . . . . .	55.00
9	Resident, fur dealer . . . . .	15.00
10	Resident, trapper . . . . .	20.00
11	Resident, junior trapper . . . . .	9.00
12	Nonresident, fishing . . . . .	56.00
13	Nonresident, junior fishing . . . . .	15.00
14	Nonresident, junior, game hunting . . . . .	15.00
15	Nonresident, game hunting . . . . .	65.00
16	Nonresident, deer . . . . .	260.00
17	Nonresident, quality deer . . . . .	345.00
18	Nonresident, bear . . . . .	250.00
19	Nonresident, cougar . . . . .	280.00
20	Nonresident, turkey . . . . .	100.00
21	Nonresident, antelope . . . . .	260.00
22	Nonresident, elk cow . . . . .	315.00
23	Nonresident, elk bull or either sex . . . . .	<del>[525.00]</del> <u>700.00</u>
24	Nonresident, quality elk . . . . .	750.00
25	Nonresident, bighorn sheep . . . . .	3,150.00

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1	Nonresident, Barbary sheep . . . . .	350.00
2	Nonresident, oryx . . . . .	1,600.00
3	Nonresident, ibex . . . . .	1,600.00
4	Nonresident, javelina . . . . .	155.00
5	Nonresident, fur dealer . . . . .	125.00
6	Nonresident, trapper . . . . .	345.00
7	Nonresident, nongame . . . . .	65.00
8	Resident, senior, handicapped,	
9	fishing . . . . .	8.00
10	Resident, junior fishing . . . . .	5.00
11	Temporary fishing, one day . . . . .	12.00
12	Temporary fishing, five days . . . . .	24.00
13	Resident, senior, handicapped,	
14	game hunting . . . . .	15.00
15	Resident, junior, game hunting . . . . .	10.00
16	Temporary game hunting, four days . . . . .	33.00
17	Second rod validation . . . . .	4.00."

18 SECTION 91. Section 17-3-13.1 NMSA 1978 (being Laws 1981,  
19 Chapter 344, Section 1) is amended to read:

20 "17-3-13.1. DISABLED VETERAN--LICENSE FEE EXEMPTION--  
21 LIFETIME LICENSE.--

22 A. The director of the department of [~~game and~~  
23 ~~fish~~] wildlife conservation shall issue without a fee a general  
24 hunting and fishing license and class A trout stamp to any  
25 resident who was one hundred percent disabled as a result of

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1 having served in the armed forces of the United States, upon  
2 submission by the person of proof satisfactory to the state  
3 wildlife conservation commission that [~~he~~] the person was one  
4 hundred percent disabled as a result of having served in the  
5 armed forces of the United States.

6 B. Any license and stamp issued pursuant to the  
7 provisions of Subsection A of this section shall be issued only  
8 once, but shall be issued for the life of the licensee,  
9 provided the licensee is a resident of New Mexico and provided  
10 the licensee notifies the director of the department of [~~game~~  
11 ~~and fish~~] wildlife conservation promptly of any change of  
12 residence within or outside the state.

13 C. Any person holding a license and stamp under the  
14 provisions of this section shall be subject to all applicable  
15 hunting and fishing [~~regulations~~] rules, provisions and  
16 penalties of Chapter 17 NMSA 1978."

17 SECTION 92. Section 17-3-13.3 NMSA 1978 (being Laws 2001,  
18 Chapter 213, Section 1) is amended to read:

19 "17-3-13.3. BIG GAME DEPREDATION DAMAGE STAMP REQUIRED--  
20 DISPOSITION OF RECEIPTS.--

21 A. Each license to hunt big game shall include a  
22 big game depredation damage stamp. The department of [~~game and~~  
23 ~~fish~~] wildlife conservation shall, by rule, set the fee for the  
24 stamp; provided that the fee shall not exceed five dollars  
25 (\$5.00) for each resident license or ten dollars (\$10.00) for

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1 each nonresident license.

2 B. No license to hunt big game shall be considered  
3 to be a proper and valid license unless it indicates, by a  
4 stamp, check off or other official mark, that the fee for the  
5 big game depredation damage stamp has been paid.

6 C. Revenues received by the department of [~~game and~~  
7 ~~fish~~] wildlife conservation from the sale of big game  
8 depredation damage stamps shall be deposited to the credit of  
9 the big game depredation damage fund."

10 SECTION 93. Section 17-3-13.4 NMSA 1978 (being Laws 2001,  
11 Chapter 213, Section 2) is amended to read:

12 "17-3-13.4. BIG GAME DEPREDATION DAMAGE FUND--CREATION--  
13 EXPENDITURE.--

14 A. The "big game depredation damage fund" is  
15 created in the state treasury. The fund consists of  
16 appropriations made to the fund, revenues received by the  
17 department of [~~game and fish~~] wildlife conservation from the  
18 sale of big game depredation damage stamps and earnings from  
19 the investment of the fund. The fund shall be administered by  
20 the department, and money in the fund is appropriated to the  
21 department to carry out the provisions of Subsection B of this  
22 section. Payments from the fund shall be by warrant of the  
23 secretary of finance and administration upon vouchers signed by  
24 the director of the department or [~~his~~] the director's  
25 authorized representative. Balances in the fund shall not

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1 revert to any other fund.

2 B. The department of [~~game and fish~~] wildlife  
3 conservation shall, by rule, establish a program to correct  
4 damage to federal, state or private land caused by big game and  
5 to prevent such damage in the future. Pursuant to rules  
6 adopted by the department, expenditures from the big game  
7 depredation damage fund shall be made by the department to  
8 carry out the established program [~~provided that money in the~~  
9 ~~fund shall not be expended for any administrative costs~~]."

10 SECTION 94. Section 17-3-13.5 NMSA 1978 (being Laws 2003,  
11 Chapter 290, Section 1) is amended to read:

12 "17-3-13.5. ELK LICENSES RESERVED.--The state [~~game~~]  
13 wildlife conservation commission shall reserve no more than two  
14 elk licenses a year for sale to persons under the age of  
15 twenty-one who have been determined by a licensed physician to  
16 have a life-threatening illness and who have been qualified  
17 through a nonprofit wish-granting organization approved by the  
18 commission."

19 SECTION 95. Section 17-3-13.6 NMSA 1978 (being Laws 2010,  
20 Chapter 72, Section 1) is amended to read:

21 "17-3-13.6. DISABLED MILITARY MEMBERS AND VETERANS--  
22 FISHING LICENSE FEE EXEMPTION.--The director of the department  
23 of [~~game and fish~~] wildlife conservation shall issue without  
24 any fee on an annual or seasonal basis a fishing license and  
25 appropriate habitat management stamp to a disabled member or

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1 veteran of the United States armed forces who is undergoing a  
2 rehabilitation program that:

3 A. involves learning and practicing fishing skills;

4 B. is sponsored by the federal government or a  
5 nonprofit organization authorized by the federal government;

6 and

7 C. is under the direction of a military or federal  
8 veterans administration rehabilitation center."

9 SECTION 96. Section 17-3-14 NMSA 1978 (being Laws 1959,  
10 Chapter 143, Section 1, as amended) is amended to read:

11 "17-3-14. DIRECTOR AUTHORIZED TO ISSUE LICENSE WHEN  
12 AGREEMENT TO HUNT ANTELOPE ON DEEDED OR LEASED PROPERTY IS  
13 MADE.--In any case where the department of [~~game and fish~~]  
14 wildlife conservation enters into an agreement with the owner  
15 of deeded property or the lessee of property held under a  
16 grazing lease to obtain permission for the hunting of antelope  
17 on the property, the director of the department of [~~game and~~  
18 ~~fish~~] wildlife conservation is authorized to issue an antelope  
19 license free of charge to the owner or lessee of the property  
20 in consideration for the permission to hunt on the property."

21 SECTION 97. Section 17-3-14.1 NMSA 1978 (being Laws 1989,  
22 Chapter 86, Section 1) is amended to read:

23 "17-3-14.1. LANDOWNER PERMITS FOR ELK.--The director of  
24 the department of [~~game and fish~~] wildlife conservation shall  
25 issue landowner permits for the lawful taking of elk in

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1 accordance with [~~regulations~~] rules of the state [~~game~~]  
2 wildlife conservation commission."

3 SECTION 98. Section 17-3-14.2 NMSA 1978 (being Laws 1998,  
4 Chapter 12, Section 1) is amended to read:

5 "17-3-14.2. LANDOWNER PERMITS--MANAGEMENT OF CERTAIN BIG  
6 GAME SPECIES.--The director of the department of [~~game and~~  
7 ~~fish~~] wildlife conservation may issue landowner permits for the  
8 lawful taking of elk, antelope, oryx, and deer. The permits  
9 may be issued when, in the determination of the director, they  
10 are necessary to effectively reduce conflicts between humans  
11 and wildlife and provide sport-hunting opportunities in  
12 accordance with [~~regulations~~] rules of the state [~~game~~]  
13 wildlife conservation commission."

14 SECTION 99. Section 17-3-15 NMSA 1978 (being Laws 1964  
15 (1st S.S.), Chapter 17, Section 6, as amended) is amended to  
16 read:

17 "17-3-15. ADDITIONAL DEER LICENSE.--

18 A. It is a misdemeanor for any person to procure or  
19 use more than one license to hunt big game in one year, except  
20 as provided in this section, or to use any tag after it has  
21 been used once.

22 B. For the purpose of effectuating better game  
23 management and control, the state [~~game~~] wildlife conservation  
24 commission may by [~~regulation~~] rule authorize the sale of not  
25 more than one additional deer license each year to any person

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1 holding a license that entitled the person to hunt deer during  
2 that year. The fee for an additional deer license shall be the  
3 resident or nonresident deer license fee pursuant to Section  
4 17-3-13 NMSA 1978.

5 C. It is a misdemeanor for any person to take or  
6 attempt to take a deer with an additional deer license unless  
7 the person has the additional deer license and the other  
8 license that entitled the person to hunt deer for that year in  
9 the person's possession. Possession of an additional deer  
10 license without the other license that entitled the person to  
11 hunt deer for that year is prima facie evidence of violation of  
12 this section."

13 SECTION 100. Section 17-3-16 NMSA 1978 (being Laws 1964  
14 (1st S.S.), Chapter 17, Section 7, as amended) is amended to  
15 read:

16 "17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES.--

17 A. The director of the department of [~~game and~~  
18 ~~fish~~] wildlife conservation may provide special envelopes and  
19 application blanks when a special drawing is to be held to  
20 determine the persons to receive licenses. Money required to  
21 be submitted with these applications, if enclosed in the  
22 special envelopes, need not be deposited with the state  
23 treasurer but may be held by the director until the successful  
24 applicants are determined. At that time, the fees of the  
25 successful applicants shall be deposited with the state

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1 treasurer and the fees submitted by the unsuccessful applicants  
2 shall be returned to them.

3 B. Beginning with the licenses issued from a  
4 special drawing for a hunt code that commences on or after  
5 ~~[April 1, 2012,~~

6 ~~(1) licenses shall be issued as follows:~~

7 ~~(a) ten percent of the licenses to be~~  
8 ~~drawn by nonresidents and residents who will be contracted with~~  
9 ~~a New Mexico outfitter prior to application; and~~

10 ~~(b) six percent of the licenses to be~~  
11 ~~drawn by nonresidents who are not required to be contracted~~  
12 ~~with an outfitter; and~~

13 ~~(2) a minimum of eighty-four]~~ April 1, 2022, a  
14 minimum of ninety percent of the licenses shall be issued to  
15 residents of New Mexico.

16 C. If the number of resident applicants who apply  
17 for licenses ~~[pursuant to the provisions of Paragraphs (1) and~~  
18 ~~(2) of Subsection B of this section]~~ does not constitute at  
19 least ninety percent of the allocated licenses ~~[for either~~  
20 ~~category]~~, then the additional licenses available may be  
21 granted to another category of applicants. The director of the  
22 department of wildlife conservation shall offer first choice of  
23 undersubscribed hunts to residents, whenever practicable.

24 ~~[D. If the determination of the percentages in~~  
25 ~~Subsection B of this section yields a fraction of:~~

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1                   ~~(1) five-tenths or greater, the number of~~  
2 ~~licenses to be issued shall be rounded up to the next whole~~  
3 ~~number; and~~

4                   ~~(2) less than five-tenths, the number of~~  
5 ~~licenses shall be rounded down to the next whole number.~~

6           ~~E.]~~ D. The fee for a nonresident license for a  
7 special drawing in a high-demand hunt [~~covered in Subsection B~~  
8 ~~of this section~~] shall be assessed at the same rate as a  
9 license for nonresident quality elk or quality deer. As used  
10 in this subsection, "high-demand hunt" means:

11                   (1) a hunt where the total number of  
12 nonresident applicants for a hunt code in each unit exceeds  
13 twenty-two percent of the total applicants and where the total  
14 applicants for a hunt exceeds the number of licenses available  
15 based on application data indicating that this criteria  
16 occurred in each of the two immediately preceding years; or

17                   (2) an additional hunt code designated by the  
18 department of [~~game and fish~~] wildlife conservation as a  
19 quality hunt.

20           ~~[F.]~~ E. All antlerless elk hunts pursuant to this  
21 section shall be exclusively for New Mexico residents.

22           ~~[G.]~~ F. Hunts on all state wildlife management  
23 areas shall be allocated exclusively to New Mexico residents.

24           ~~[H. As used in this section, "New Mexico outfitter"~~  
25 ~~means a person who has a business:~~

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1                   ~~(1) with a valid New Mexico state, county or~~  
2 ~~municipal business registration and a valid outfitter license~~  
3 ~~issued by the department of game and fish;~~

4                   ~~(2) that is authorized to do and is doing~~  
5 ~~outfitting business under the laws of this state;~~

6                   ~~(3) that has paid property taxes or rent on~~  
7 ~~real property in New Mexico, paid gross receipts taxes and paid~~  
8 ~~at least one other tax administered by the taxation and revenue~~  
9 ~~department in each of the three years immediately preceding the~~  
10 ~~submission of an affidavit to the department of game and fish;~~

11                   ~~(4) the majority of which is owned by the~~  
12 ~~person who has resided in New Mexico during the three-year~~  
13 ~~period immediately preceding the submission of an affidavit to~~  
14 ~~the department of game and fish;~~

15                   ~~(5) that employs at least eighty percent of~~  
16 ~~the total personnel of the business who are New Mexico~~  
17 ~~residents; and~~

18                   ~~(6) that has either leased property for ten~~  
19 ~~years or purchased property greater than fifty thousand dollars~~  
20 ~~(\$50,000) in value in New Mexico;~~

21                   ~~(7) that, if it has changed its name from that~~  
22 ~~of a previously certified business, the business is identical~~  
23 ~~in every way to the previously certified business that meets~~  
24 ~~all criteria;~~

25                   ~~(8) that possesses all required federal or~~

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1 ~~state land use permits for the hunt; and~~

2 ~~(9) that operates as a hunting guide service~~  
3 ~~during which at least two days are accompanied with the client~~  
4 ~~in the area where the license is valid.]"~~

5 SECTION 101. Section 17-3-16.1 NMSA 1978 (being Laws  
6 1989, Chapter 384, Section 1, as amended) is amended to read:

7 "17-3-16.1. BIGHORN SHEEP ENHANCEMENT PERMITS--ISSUANCE--  
8 USE.--

9 A. The state [~~game~~] wildlife conservation  
10 commission shall direct the department of [~~game and fish~~]  
11 wildlife conservation to authorize not more than four of the  
12 permits available for issuance in the license year for the  
13 taking of four bighorn rams for the purpose of raising funds  
14 for programs and projects to benefit bighorn sheep.

15 B. The state [~~game~~] wildlife conservation  
16 commission shall prescribe by [~~regulation~~] rule the form,  
17 design and manner of issuance of the bighorn sheep enhancement  
18 permits. The issuance of two permits shall be subject to  
19 auction by the department or by an incorporated nonprofit  
20 organization dedicated to conservation of wildlife, as  
21 determined by the commission, and shall be sold to the highest  
22 bidder. The issuance of the other two permits shall be subject  
23 to a lottery by the department or by an incorporated nonprofit  
24 organization dedicated to conservation of wildlife, as  
25 determined by the commission.

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1           C. All money collected from the issuance and sale  
2 of the bighorn sheep enhancement permits shall be credited to  
3 the ~~[game protection]~~ wildlife conservation fund to be used  
4 exclusively for bighorn sheep preservation, restoration and  
5 management."

6           **SECTION 102.** Section 17-3-16.2 NMSA 1978 (being Laws  
7 1999, Chapter 69, Section 1) is amended to read:

8           "17-3-16.2. ELK ENHANCEMENT PERMIT--ISSUANCE--USE.--

9           A. The state ~~[game]~~ wildlife conservation  
10 commission shall direct the department of ~~[game and fish]~~  
11 wildlife conservation to authorize two elk enhancement permits  
12 each license year for the taking of two elk bulls to raise  
13 funds for programs and projects to better manage elk.

14           B. The state ~~[game]~~ wildlife conservation  
15 commission shall prescribe by rule the form, design and manner  
16 of issuance of the two elk enhancement permits. The issuance  
17 of one permit shall be subject to auction by the department or  
18 by an incorporated nonprofit organization dedicated to  
19 conservation of wildlife, as determined by the commission, and  
20 shall be sold to the highest bidder. The issuance of the other  
21 permit shall be subject to a lottery by the department or by an  
22 incorporated nonprofit organization dedicated to conservation  
23 of wildlife, as determined by the commission.

24           C. All money collected from the issuance and sale  
25 of the elk enhancement permits shall be credited to the ~~[game~~

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1 ~~protection]~~ wildlife conservation fund to be used exclusively  
2 for elk restoration and management."

3 SECTION 103. Section 17-3-16.3 NMSA 1978 (being Laws  
4 2003, Chapter 69, Section 1) is amended to read:

5 "17-3-16.3. LIEUTENANT GOVERNOR'S DEER ENHANCEMENT  
6 PERMITS--ISSUANCE--USE.--

7 A. The state [~~game~~] wildlife conservation  
8 commission shall direct the department of [~~game and fish~~]  
9 wildlife conservation to authorize two deer enhancement permits  
10 each license year for the taking of two deer to raise funds for  
11 programs and projects to better manage deer.

12 B. The state [~~game~~] wildlife conservation  
13 commission shall prescribe by rule the form, design and manner  
14 of issuance of the two deer enhancement permits. The issuance  
15 of one permit shall be subject to auction by the department or  
16 by an incorporated nonprofit organization dedicated to  
17 conservation of wildlife, as determined by the commission, and  
18 shall be sold to the highest bidder. The issuance of the other  
19 permit shall be subject to a lottery by the department or by an  
20 incorporated nonprofit organization dedicated to conservation  
21 of wildlife, as determined by the commission.

22 C. All money collected from the issuance and sale  
23 of the lieutenant governor's deer enhancement permits shall be  
24 credited to the [~~game protection]~~ wildlife conservation fund to  
25 be used exclusively for deer restoration and management."

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1           SECTION 104. Section 17-3-16.4 NMSA 1978 (being Laws  
2 2005, Chapter 149, Section 1) is amended to read:

3           "17-3-16.4. GOULD'S TURKEY ENHANCEMENT PERMITS--  
4 ISSUANCE--USE.--

5           A. The state [~~game~~] wildlife conservation  
6 commission may direct the department of [~~game and fish~~]  
7 wildlife conservation to authorize Gould's turkey enhancement  
8 permits for the taking of Gould's turkeys, Meleagris gallopavo  
9 mexicana, to raise funds for programs and projects to better  
10 manage the Gould's turkey population in New Mexico.

11           B. The state [~~game~~] wildlife conservation  
12 commission shall prescribe by rule the form, design and manner  
13 of issuance of the Gould's turkey enhancement permits. The  
14 issuance of the permits shall be subject to a lottery or  
15 auction. Such allotment of the permits may be conducted by an  
16 incorporated nonprofit organization dedicated to conservation  
17 of wildlife, in cooperation with and overseen by the commission  
18 and the department of [~~game and fish~~] wildlife conservation.

19           C. The state [~~game~~] wildlife conservation  
20 commission shall direct the department of [~~game and fish~~]  
21 wildlife conservation to authorize Gould's turkey enhancement  
22 permits only after the department has documented that the  
23 issuance of each enhancement permit will not jeopardize the  
24 prospects for the survival and recruitment of the Gould's  
25 turkey within New Mexico.

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1           D. Gould's turkey enhancement permits shall be  
2 authorized only when doing so does not conflict with the  
3 Wildlife Conservation Act or any rules implementing that act.

4           E. Money collected from the issuance and sale of  
5 the Gould's turkey enhancement permits shall be credited to the  
6 ~~[game protection]~~ wildlife conservation fund to be used  
7 exclusively for the restoration and management of Gould's  
8 turkeys and Gould's turkey habitats, which support a variety of  
9 other unique and rare wildlife of southwestern New Mexico."

10           **SECTION 105.** Section 17-3-16.5 NMSA 1978 (being Laws  
11 2007, Chapter 105, Section 1) is amended to read:

12           "17-3-16.5. HUNTING AND FISHING AUTHORIZATIONS--  
13 GOVERNOR'S SPECIAL EVENTS.--The director of the department of  
14 ~~[game and fish]~~ wildlife conservation may annually make  
15 available to the governor no more than twelve big game special  
16 authorizations and twelve game bird or trophy fish special  
17 authorizations. The authorizations shall be allocated by  
18 auction in conjunction with special events called by the  
19 governor to raise money for fish and wildlife conservation.  
20 Any auction used to allocate an authorization shall comply with  
21 rules adopted by the state ~~[game]~~ wildlife conservation  
22 commission. Each authorization shall allow the holder to  
23 purchase a license to hunt or fish for the species indicated on  
24 the authorization during dates and times at locations specified  
25 by the state ~~[game]~~ wildlife conservation commission. The

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1 director may designate the species allowable for each  
2 authorization, but no more than three authorizations shall be  
3 issued for any one species each year. Money collected pursuant  
4 to the special authorizations of the governor shall be  
5 deposited in the [~~game protection~~] wildlife conservation fund."

6 SECTION 106. Section 17-3-16.6 NMSA 1978 (being Laws  
7 2007, Chapter 243, Section 1) is amended to read:

8 "17-3-16.6. ENHANCEMENT AUTHORIZATION PACKAGES--HABITAT  
9 ENHANCEMENT.--The state [~~game~~] wildlife conservation commission  
10 shall adopt rules for the department of [~~game and fish~~]  
11 wildlife conservation to issue enhancement authorization  
12 packages each license year for the taking of one each of elk,  
13 deer, oryx, ibex and pronghorn antelope. Each enhancement  
14 authorization package shall be auctioned by the department of  
15 [~~game and fish~~] wildlife conservation or by an incorporated  
16 nonprofit organization dedicated to the conservation of  
17 wildlife and sold to the highest bidder. Money collected from  
18 the enhancement authorization packages shall be deposited in  
19 the [~~game protection~~] wildlife conservation fund and shall be  
20 used exclusively for big game habitat enhancement, conservation  
21 and protection."

22 SECTION 107. Section 17-3-17 NMSA 1978 (being Laws 1964  
23 (1st S.S.), Chapter 17, Section 8, as amended) is amended to  
24 read:

25 "17-3-17. FISHING WITHOUT LICENSE--EXCEPTIONS.--

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1           A. It is a misdemeanor for any person, except  
2 children who have not reached their twelfth birthday, to take  
3 or attempt to take any game fish from any public stream or  
4 water in this state without carrying a proper fishing license  
5 as provided by law. The presence of any person, except  
6 children who have not reached their twelfth birthday, along any  
7 public stream or water in this state with fishing rod, hook or  
8 line, without carrying a proper fishing license, is prima facie  
9 evidence of the violation of this section. The director of the  
10 department of [~~game and fish~~] wildlife conservation or any  
11 conservation officer may require any person along any public  
12 stream or water in this state with fishing rod, hook or line to  
13 exhibit the person's license.

14           B. The director, with the approval of the state  
15 [~~game~~] wildlife conservation commission, may designate no more  
16 than two nonconsecutive Saturdays in each year as free fishing  
17 days. During the free fishing days, residents and nonresidents  
18 may exercise the privileges of holders of proper fishing  
19 licenses without having proper fishing licenses and without  
20 payment of any license fees, subject to all limitations,  
21 restrictions, conditions, laws and rules [~~and regulations~~]  
22 applicable to holders of proper fishing licenses.

23           C. The director may designate, by special permit,  
24 fishing events during which the requirement for a fishing  
25 license or permit pursuant to Chapter 17 NMSA 1978 is waived

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1 exclusively for designated event participants. During the  
2 special permitted events, residents and nonresidents may  
3 exercise only the privileges as allowed by the director. The  
4 director's special permit shall substitute for the requirement  
5 of any license or permit pursuant to Chapter 17 NMSA 1978, and  
6 no payment of any license fee is required. The director's  
7 special permit shall be for a period of no longer than three  
8 days, and all other laws and rules shall apply."

9 SECTION 108. Section 17-3-18 NMSA 1978 (being Laws 1977,  
10 Chapter 180, Section 4) is amended to read:

11 "17-3-18. DIRECTOR AUTHORIZED TO ISSUE FISHING PERMIT  
12 WITHOUT LICENSE TO CERTAIN HANDICAPPED PERSONS.--The director  
13 of the department of [~~game and fish~~] wildlife conservation is  
14 authorized to issue a fishing permit without a license to any  
15 group of mentally or physically handicapped persons who  
16 participate in a field trip of less than one week's duration  
17 under the supervision provided by a special institution or  
18 school for handicapped persons."

19 SECTION 109. Section 17-3-20 NMSA 1978 (being Laws 1949,  
20 Chapter 149, Section 2, as amended) is amended to read:

21 "17-3-20. FEE DISPOSITION.--Of the two dollars (\$2.00)  
22 collected for each temporary license issued pursuant to Section  
23 17-3-19 NMSA 1978, one dollar fifty cents (\$1.50) shall be paid  
24 to the department of [~~game and fish~~] wildlife conservation to  
25 be credited to the [~~game protection~~] wildlife conservation fund

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1 and fifty cents (\$.50) shall be paid to the vendor of the  
2 license."

3 SECTION 110. Section 17-3-21 NMSA 1978 (being Laws 1949,  
4 Chapter 149, Section 3) is amended to read:

5 "17-3-21. FISHING LAWS APPLICABLE TO SPECIAL LICENSEES.--  
6 All fishing under the privileges granted to the holders of  
7 [~~such~~] special licenses issued pursuant to Section 17-3-19 NMSA  
8 1978 shall be in accordance with the seasons and bag limits and  
9 other [~~regulations~~] rules established by the state [~~game~~]  
10 wildlife conservation commission."

11 SECTION 111. Section 17-3-22 NMSA 1978 (being Laws 1949,  
12 Chapter 149, Section 4) is amended to read:

13 "17-3-22. ADMINISTRATION.--The [~~state game and fish~~]  
14 department of wildlife conservation is hereby charged with the  
15 proper administration of [~~this Act~~] Sections 17-3-19 through  
16 17-3-22 NMSA 1978."

17 SECTION 112. Section 17-3-24 NMSA 1978 (being Laws 1951,  
18 Chapter 60, Section 2) is amended to read:

19 "17-3-24. FISHING SUPERVISION AT BOYS' SCHOOL.--[~~Provided~~  
20 ~~however, that such~~] Fishing by [~~said wards~~] resident children  
21 as provided by Section [~~1 of this act~~] 17-3-23 NMSA 1978 shall  
22 be done under the supervision of the officials of [~~said~~] the  
23 New Mexico [~~Industrial~~] boys' school and in conformity with  
24 seasons and bag limits established by the state [~~game~~] wildlife  
25 conservation commission."

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1           SECTION 113. Section 17-3-26 NMSA 1978 (being Laws 1939,  
2 Chapter 27, Section 1, as amended) is amended to read:

3           "17-3-26. TAKING MINNOWS AND NONGAME FISH TO SELL AS  
4 BAIT--LICENSE REQUIRED--EXCEPTION.--It is unlawful for any  
5 person, except children under the age of twelve years, to take  
6 from the streams or public waters of this state minnows and  
7 nongame fish for the purpose of sale to fishermen or others for  
8 bait without having first procured from the state [~~game~~]  
9 wildlife conservation commission a license therefor as provided  
10 in Sections 17-3-26 through 17-3-28 NMSA 1978."

11           SECTION 114. Section 17-3-27 NMSA 1978 (being Laws 1939,  
12 Chapter 27, Section 2, as amended) is amended to read:

13           "17-3-27. BAIT LICENSE--BOND--FEE--ISSUANCE.--Any person  
14 desiring to procure a license for the purpose of engaging in  
15 the business of selling minnows and nongame fish for bait or  
16 taking minnows and nongame fish from the streams of this state  
17 for the purpose of sale to others shall apply to the state  
18 [~~game~~] wildlife conservation commission for a license. The  
19 application shall be upon forms provided by the commission and  
20 shall set forth the public streams or waters out of which the  
21 applicant intends to take the minnows and nongame fish and the  
22 place at which they are to be sold. The application shall be  
23 accompanied by a just and reasonable fee as determined by  
24 [~~regulation~~] rule of the state [~~game~~] wildlife conservation  
25 commission. Upon receipt of the application, it [~~shall be~~] is

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1 the duty of the state [~~game~~] wildlife conservation commission  
2 or, when [~~it~~] the commission is not in session, the director of  
3 the department of [~~game and fish~~] wildlife conservation to pass  
4 upon the application and to issue a license authorizing the  
5 taking and the manner of taking of the minnows and nongame fish  
6 by the applicant from those waters in the state as in the  
7 opinion of the state [~~game~~] wildlife conservation commission or  
8 director will not be detrimental to the public or injurious to  
9 protected fish. The license when so issued shall specify the  
10 manner of taking and the waters from which the applicant is  
11 permitted to take minnows and nongame fish for sale for bait."

12 SECTION 115. Section 17-3-28 NMSA 1978 (being Laws 1939,  
13 Chapter 27, Section 3) is amended to read:

14 "17-3-28. EXCEPTIONS--PROHIBITIONS.--Nothing in [~~this~~  
15 ~~act~~] Sections 17-3-26 through 17-3-28 NMSA 1978 shall be  
16 construed to prevent licensed fishermen from taking minnows and  
17 other nongame fish for [~~his~~] their own use for bait or to  
18 prevent any minor under fifteen [~~(15)~~] years of age from taking  
19 minnows not for resale; provided, however, that it shall be  
20 unlawful for licensed fishermen or any other person using  
21 nongame fish for bait to place any of [~~such~~] the nongame fish  
22 [~~which~~] that are not used for bait in any waters stocked or  
23 reserved for game fish by the state [~~game~~] wildlife  
24 conservation commission [~~of the state of New Mexico~~]."

25 SECTION 116. Section 17-3-30 NMSA 1978 (being Laws 1912,

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1 Chapter 85, Section 43, as amended) is amended to read:

2 "17-3-30. [~~GAME FISH WARDEN MAY TRANSMIT SPECIMENS~~]  
3 WILDLIFE FURNISHED TO OTHER STATES.--[~~SEC. 43.~~] The [~~State~~  
4 ~~Warden]~~ director of the department of wildlife conservation  
5 may, upon application from the [~~game and fish warden]~~ director  
6 or corresponding officer of any other state, procure and  
7 transmit to [~~such~~] that officer alive specimens of the game  
8 animals, birds and fish of this state to be used for scientific  
9 or propagating purposes."

10 SECTION 117. Section 17-3-31 NMSA 1978 (being Laws 1919,  
11 Chapter 133, Section 9) is amended to read:

12 "17-3-31. PERMIT TO CAPTURE OR DESTROY GAME DAMAGING  
13 PROPERTY--BEAVERS.--

14 A. The [~~state game and fish warden]~~ director of the  
15 department of wildlife conservation may grant permits to owners  
16 or lessees of land for the capture or destruction on their  
17 lands of any protected game doing damage to their cultivated  
18 crops or property; provided that on [~~said permit or~~] the  
19 permits [~~so issued as aforesaid~~] the [~~state game and fish~~  
20 ~~warden]~~ director shall fix the numerical limit of any protected  
21 game [~~so~~] to be captured or destroyed and [~~shall also therein~~  
22 ~~fix~~] the time limit within which any [~~such~~] protected game  
23 shall be [~~so~~] captured.

24 B. The [~~state game and fish warden]~~ director shall  
25 [~~also~~] grant permits, preferably to owners or lessees of land,

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1 for the capture of such [~~beaver~~] beavers as interfere with the  
2 operation of any lawful canal, ditch or dam or cause or  
3 threaten the destruction of private property and for the  
4 capture of [~~beaver~~] beavers to be transferred from one stream  
5 to another; provided, however, that all skins of [~~beaver~~]  
6 beavers taken under the provisions of this section shall be  
7 turned in to the [~~state game and fish warden~~] director to be  
8 [~~by him~~] sold, and one-half of the proceeds therefor [~~to~~] shall  
9 be [~~by said state game and fish warden~~] conveyed by the  
10 director into the [~~game protection~~] wildlife conservation fund  
11 and the other one-half of the proceeds [~~to~~] shall be [~~by said~~  
12 ~~state game and fish warden~~] turned over by the director to the  
13 holder of [~~said~~] the permit."

14 SECTION 118. Section 17-3-32 NMSA 1978 (being Laws 1927,  
15 Chapter 37, Section 1, as amended) is amended to read:

16 "17-3-32. IMPORTING [~~GAME ANIMALS~~] WILDLIFE--PERMITS.--In  
17 order to protect [~~game animals, birds and fish~~] wildlife  
18 against importation of undesirable species and introduction of  
19 infectious or contagious diseases, it is a misdemeanor to  
20 import any live animals, birds or fish into this state, except  
21 domesticated animals or domesticated fowl or fish from  
22 government hatcheries, without first obtaining a permit from  
23 the department of [~~game and fish~~] wildlife conservation."

24 SECTION 119. Section 17-3-33 NMSA 1978 (being Laws 1912,  
25 Chapter 85, Section 14, as amended) is amended to read:

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1           "17-3-33. PRESUMPTION FROM POSSESSION OF [~~GAME OR FISH~~]  
2 WILDLIFE WITHOUT LICENSE--SHOWING LICENSE TO OFFICER.--The  
3 possession of [~~game or fish~~] wildlife at any time unaccompanied  
4 by a proper and valid license, game tag, certificate, [~~or~~]  
5 permit or invoice, as provided in Chapter 17 NMSA 1978, shall  
6 be prima facie evidence that [~~such game~~] the wildlife or fish  
7 was unlawfully taken and is unlawfully held in possession, and  
8 it shall be the duty of every person having possession or  
9 control of [~~game~~] wildlife or fish to produce the proper  
10 license, game tag, certificate, permit or invoice when one is  
11 required by Chapter 17 NMSA 1978 on demand of any officer and  
12 to permit [~~the same~~] it to be copied by [~~such~~] the officer.  
13 Violation of any provision of this section is a misdemeanor and  
14 is punishable as provided by Section 17-2-10 NMSA 1978."

15           SECTION 120. Section 17-3-34 NMSA 1978 (being Laws 1912,  
16 Chapter 85, Section 35, as amended) is amended to read:

17           "17-3-34. REVOCATION OF LICENSE, CERTIFICATE OR PERMIT  
18 FOR VIOLATION OF LAW--NOTICE AND HEARING--JUDICIAL REVIEW.--

19           A. If the holder of [~~any~~] a license, certificate or  
20 permit persistently, flagrantly or knowingly violates or  
21 countenances the violation of any of the provisions of Chapter  
22 17 NMSA 1978 or of any [~~regulations~~] rules referred to in  
23 Section 17-2-10 NMSA 1978, the license, certificate or permit  
24 shall be revoked by the state [~~game~~] wildlife conservation  
25 commission after reasonable notice given the accused of the

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1 alleged violation and after the accused is afforded an  
2 opportunity to appear and show cause against the charges.

3 B. At the hearing, the state [~~game~~] wildlife  
4 conservation commission shall cause a record of the hearing to  
5 be made and shall allow the person charged to examine witnesses  
6 testifying at the hearing. [~~Any~~] A person whose license,  
7 certificate or permit has been revoked by the commission may  
8 appeal to the district court pursuant to the provisions of  
9 Section 39-3-1.1 NMSA 1978."

10 SECTION 121. Section 17-3-35 NMSA 1978 (being Laws 1957,  
11 Chapter 194, Section 1) is amended to read:

12 "17-3-35. SHORT TITLE.--~~[This act]~~ Sections 17-3-35  
13 through 17-3-42 NMSA 1978 may be cited as the "Regulated  
14 Shooting Preserve Act"."

15 SECTION 122. Section 17-3-36 NMSA 1978 (being Laws 1957,  
16 Chapter 194, Section 2, as amended) is amended to read:

17 "17-3-36. REGULATED SHOOTING PRESERVES--FEES.--The state  
18 [~~game~~] wildlife conservation commission may issue licenses  
19 authorizing the establishment and operation of regulated  
20 propagated game bird shooting preserves on private lands when  
21 in the judgment of the commission such areas will not conflict  
22 with any reasonable prior interest. The commission shall  
23 govern and prescribe by [~~regulation~~] rule the following:

24 A. the minimum and maximum size of the areas,  
25 including the type of fences and signs;

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- 1           B. the method of hunting;  
2           C. the open and closed seasons, which need not  
3 conform to the regular hunting seasons;  
4           D. the releasing, possession and use of legally  
5 propagated pen-raised game birds on the preserves; and  
6           E. the fee for the licenses, which shall be just  
7 and reasonable."

8           SECTION 123. Section 17-3-39 NMSA 1978 (being Laws 1957,  
9 Chapter 194, Section 5) is amended to read:

10           "17-3-39. SPECIAL NONRESIDENT LICENSES.--The state  
11 wildlife conservation commission may issue special nonresident  
12 bird licenses to nonresidents to hunt on regulated shooting  
13 preserves with the owner's consent for legally propagated game  
14 birds upon the payment of a license fee of five dollars [~~and~~]  
15 twenty-five cents (\$5.25). The license must be carried on the  
16 person at all times when hunting on private shooting preserves.

17           Five dollars (\$5.00) of the special nonresident bird  
18 license fee is to be paid to the [~~state game and fish~~]  
19 department of wildlife conservation. Twenty-five cents (\$.25)  
20 of the fee is to be retained by the issuing agent."

21           SECTION 124. Section 17-3-43 NMSA 1978 (being Laws 1973,  
22 Chapter 13, Section 1) is amended to read:

23           "17-3-43. SHORT TITLE.--Sections [~~53-3-37 through 53-3-41~~  
24 ~~NMSA 1953~~] 17-3-43 through 17-3-47 NMSA 1978 may be cited as  
25 the "Airborne Hunting Act"."

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1           SECTION 125. Section 17-3-46 NMSA 1978 (being Laws 1973,  
2 Chapter 13, Section 4) is amended to read:

3           "17-3-46. APPLICABILITY.--The Airborne Hunting Act shall  
4 not apply to any person who is employed as an authorized agent  
5 of the state or federal government or is operating under a  
6 permit of the state granted by the director of the department  
7 of [~~game and fish~~] wildlife conservation."

8           SECTION 126. Section 17-3-47 NMSA 1978 (being Laws 1973,  
9 Chapter 13, Section 5) is amended to read:

10           "17-3-47. PERMIT.--The director of the department of  
11 [~~game and fish~~] wildlife conservation may grant a permit to any  
12 person to carry out acts [~~which~~] that are prohibited by the  
13 Airborne Hunting Act. Permits shall be granted only to protect  
14 or aid in the administration or protection of land, water,  
15 wildlife, livestock, domesticated animals, human life or crops.  
16 Each person operating under a permit shall report to the  
17 director of the department of [~~game and fish~~] wildlife  
18 conservation, each calendar quarter, the number of birds,  
19 [~~fishes~~] fish or other animals so injured, captured or killed."

20           SECTION 127. Section 17-3-49 NMSA 1978 (being Laws 2006,  
21 Chapter 86, Section 1) is amended to read:

22           "17-3-49. COMPUTER-ASSISTED REMOTE HUNTING PROHIBITED--  
23 PENALTIES.--

24           A. A person shall not:

25                   (1) engage in computer-assisted remote

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1 hunting;

2 (2) provide or operate facilities for the  
3 purpose of computer-assisted remote hunting;

4 (3) create, maintain, provide, advertise or  
5 sell computer software or an internet [~~web-site~~] website for  
6 the purpose of computer-assisted remote hunting; or

7 (4) entice, possess or confine an animal or  
8 bird for the purpose of computer-assisted remote hunting.

9 B. A person who violates the provisions of this  
10 section shall be sentenced in accordance with the provisions of  
11 Section 17-2-10 NMSA 1978.

12 C. When a person who violates the provisions of  
13 this section possesses a license, certificate or permit issued  
14 by the state [~~game~~] wildlife conservation commission, the  
15 license, certificate or permit shall be subject to revocation  
16 by the commission pursuant to Sections 17-1-14 and 17-3-34 NMSA  
17 1978.

18 D. As used in this section:

19 (1) "computer-assisted remote hunting" means  
20 the use of a computer or other electronic device, equipment or  
21 software to access the internet and remotely control the aiming  
22 and discharge of a bow, crossbow or firearm of any kind for the  
23 purpose of hunting, taking or capturing an animal or bird; and

24 (2) "facilities for computer-assisted remote  
25 hunting" means the real property and improvements on the

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1 property associated with computer-assisted remote hunting,  
2 including hunting blinds, offices and rooms equipped to  
3 facilitate computer-assisted remote hunting."

4 SECTION 128. Section 17-4-1 NMSA 1978 (being Laws 1939,  
5 Chapter 223, Section 1, as amended) is amended to read:

6 "17-4-1. POWER TO ACQUIRE LAND.--The state [~~game~~]  
7 wildlife conservation commission [~~of the state of New Mexico is~~  
8 ~~hereby authorized and empowered to~~] may acquire by purchase,  
9 gift, bequest or lease, and [~~to~~] hold, develop and improve,  
10 lands for fish hatcheries, [~~game~~] wildlife farms, [~~game~~]  
11 wildlife refuges, bird refuges, resting and nesting grounds,  
12 field stations, dams, lakes, ditches, flumes, waterways,  
13 pipelines, canals, rights of way, trails and roads and for all  
14 purposes incidental to the propagation, preservation,  
15 protection and management of the game, birds, fish and wildlife  
16 of the state [~~of New Mexico~~]."

17 SECTION 129. Section 17-4-2 NMSA 1978 (being Laws 1939,  
18 Chapter 223, Section 2, as amended) is amended to read:

19 "17-4-2. EMINENT DOMAIN POWER--ABANDONMENT OR  
20 RELINQUISHMENT OF PROPERTY ACQUIRED.--Any property or rights of  
21 way required for use by the state [~~game~~] wildlife conservation  
22 commission may be acquired as for a public purpose and as a  
23 matter of public necessity under the power of eminent domain,  
24 by and with the written approval of the board of county  
25 commissioners of the county in which the property or rights of

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1 way sought are located, in an action instituted and prosecuted  
2 in the name of the state, according to the procedure for  
3 condemnation provided by the Eminent Domain Code; provided,  
4 nevertheless, that any property right acquired under the  
5 provisions of this section, if and when the use for which it  
6 was acquired has been abandoned for three years or otherwise  
7 relinquished, shall revert to the grantor from whom it was  
8 derived."

9 SECTION 130. Section 17-4-3 NMSA 1978 (being Laws 1939,  
10 Chapter 223, Section 3, as amended) is amended to read:

11 "17-4-3. SALE, EXCHANGE OR LEASE OF LANDS--PROCEEDS.--The  
12 state [~~game~~] wildlife conservation commission, except as  
13 [~~herein~~] limited in this section, is authorized to exchange,  
14 sell, lease, sublease or assign any interest in any lands and  
15 leases heretofore or hereafter acquired, including [~~but not~~  
16 ~~limited to~~] the sale or lease of timber, oil, gas, minerals or  
17 any other severable product of or interest in real estate, when  
18 in the judgment of [~~said~~] the commission [~~such~~] the transaction  
19 will be in the interest of the state [~~game~~] wildlife  
20 conservation commission and [~~said~~] the lands, leases, products  
21 or severable parts thereof are in the opinion of [~~such~~] the  
22 commission no longer necessary for the purposes for which  
23 [~~such~~] the lands were acquired or where [~~such~~] the lease or  
24 sublease will not materially interfere [~~with~~] or conflict with  
25 the use of [~~such~~] the lands for the purpose for which they were

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1 acquired. The proceeds of any such sale, exchange, lease or  
2 assignment shall be [~~converted~~] deposited into the [~~game~~  
3 ~~protection~~] wildlife conservation fund and disbursed as the  
4 other [~~moneys~~] money in [~~said~~] the fund [~~are~~] is disbursed."

5 SECTION 131. Section 17-4-10 NMSA 1978 (being Laws 1912,  
6 Chapter 85, Section 61, as amended) is amended to read:

7 "17-4-10. GAME, FISH IN PRIVATE PARK OR LAKE--  
8 TRANSPORTATION--SALE.--[~~SEC. 61. No persons~~] A person shall  
9 not transport or sell, keep or expose or offer for  
10 transportation or sale any game or game fish taken from any  
11 park, enclosure, lake or body of water, public or private,  
12 unless the [~~same be~~] park, enclosure, lake or body of water is  
13 licensed as provided in [~~this chapter, and then only as~~  
14 ~~provided in this division, and~~] Sections 17-4-8 through 17-4-28  
15 NMSA 1978. This section shall apply to game and fish held by  
16 private ownership as well as to game and fish the ownership of  
17 which may be acquired under [~~this chapter~~] those sections."

18 SECTION 132. Section 17-4-12 NMSA 1978 (being Laws 1912,  
19 Chapter 85, Section 63, as amended) is amended to read:

20 "17-4-12. LICENSE--APPLICATION--CONTENTS--LIMITS---Any  
21 person having already established or desiring to establish or  
22 maintain a park or lake for the purpose of keeping or  
23 propagating and selling the game or game fish [~~therein~~] in the  
24 park or lake, or to be placed [~~therein~~] in the park or lake,  
25 shall apply in writing to the [~~Warden~~] director of the

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1 department of wildlife conservation, stating the name,  
2 location, extent and proprietorship of the [~~same~~] park or lake  
3 and the kind and, as near as may be, the number of game or game  
4 fish kept or desired to be kept [~~therein~~] in the park or lake  
5 and the term for which the license is desired and [~~inclosing~~]  
6 enclosing the fee [~~therefor, and~~] for the license. If upon  
7 examination by the [~~Warden~~] director, it [~~shall appear~~] appears  
8 that the application is in good faith and in other respects  
9 proper and reasonable, [~~he~~] the director shall grant to [~~such~~]  
10 the applicant a license [~~therefor~~]; provided that the maximum  
11 area that may be included within any park shall not exceed  
12 three thousand two hundred acres and that every park shall be  
13 enclosed by a game-proof fence [~~which~~] that shall conform to  
14 specifications required by the state [~~game~~] wildlife  
15 conservation commission."

16 SECTION 133. Section 17-4-13 NMSA 1978 (being Laws 1912,  
17 Chapter 85, Section 64, as amended) is amended to read:

18 "17-4-13. LICENSE--~~[SEC. 63]~~ FORM ~~[OF]~~...~~[SEC. 64.]~~ Such  
19 license shall be substantially in the following form:

20 STATE OF NEW MEXICO  
21 DEPARTMENT OF [~~GAME AND FISH~~] WILDLIFE CONSERVATION  
22 LICENSED PARKS AND LAKES  
23 No. \_\_\_\_\_ Class A. Santa Fe \_\_\_\_\_ [~~19~~] 20  
24 This certifies that \_\_\_\_\_  
25 proprietor of a (public or private) (park or lake)

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1 called \_\_\_\_\_ and situated on  
2 \_\_\_\_\_ Sec \_\_\_\_\_ Twp  
3 \_\_\_\_\_ Range \_\_\_\_\_ in  
4 \_\_\_\_\_ county, New Mexico, is hereby  
5 authorized to keep and propagate [~~therein~~] and dispose  
6 of as provided by law the following (game quadrupeds,  
7 birds or fish), viz: \_\_\_\_\_ together  
8 with such additions thereto (with the natural increase  
9 of all) as may be hereafter lawfully acquired. This  
10 license expires \_\_\_\_\_ years after date.  
11 \_\_\_\_\_ [~~Warden~~] Director."

12 SECTION 134. Section 17-4-15 NMSA 1978 (being Laws 1912,  
13 Chapter 85, Section 66, as amended) is amended to read:

14 "17-4-15. PRIVATE PARKS--CONSENT REQUIRED FOR USE--  
15 PERMIT--Except as [~~in this division~~] otherwise provided in  
16 Sections 17-4-8 through 17-4-28 NMSA 1978, all game and fish,  
17 with the natural increase thereof, held or confined in any  
18 private preserve, park or lake licensed under the provisions of  
19 [~~this act~~] those sections shall, during the existence of the  
20 license or any renewal thereof, be deemed the property of the  
21 licensee [~~of the same~~] to the extent that [~~he~~] the licensee may  
22 lawfully retain, pursue, capture, kill, use, sell or dispose of  
23 the game or fish therein in any quantity, in any manner and at  
24 any time of the year, and the pursuit, capture, wounding or  
25 killing of any game or fish in any licensed preserve, park or

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1 lake, public or private, without the consent of the proprietor  
2 shall be unlawful; provided that the aggregate number of game  
3 animals or fish in any licensed private preserve, park or lake  
4 [~~which~~] that contained game or fish belonging to the state at  
5 the time or date of the issuing of such license shall not be  
6 lessened by the killing, use, sale or disposition thereof, it  
7 being the purpose of this [~~provision~~] section to restrict such  
8 killing, use, sale and disposition to a number not exceeding in  
9 the aggregate the natural increase. If by reason of  
10 controlling necessity or for the purpose of stocking or  
11 replenishing some other park or lake any proprietor of a  
12 licensed preserve, park or lake may desire to lessen the  
13 aggregate number [~~above~~] provided for in this section, the  
14 [~~state game and fish warden~~] director of the department of  
15 wildlife conservation may, on being satisfied of the propriety  
16 thereof, grant a permit therefor."

17 SECTION 135. Section 17-4-16 NMSA 1978 (being Laws 1912,  
18 Chapter 85, Section 67, as amended) is amended to read:

19 "17-4-16. GAME--FISH--PARKS--LAKES--SALE [~~OF--~~  
20 ~~OWNER--DUTY~~]--INVOICE--FORM [~~WARDEN~~].--[~~SEC. 67.~~] When the  
21 proprietor of any licensed park or lake of Class A shall sell  
22 or dispose of any game or game fish as [~~herein~~] provided [~~he~~]  
23 in Sections 17-4-8 through 17-4-28 NMSA 1978, the proprietor  
24 shall at the same time deliver to the purchaser or donee or  
25 attach thereto an invoice signed by [~~such~~] the proprietor or

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1 [his] the proprietor's agent, stating the number of the license  
2 and name of [~~such~~] the park or lake, the date of disposition,  
3 the kind and as near as practicable the number and weight of  
4 such game or fish and the name and address of the purchaser,  
5 consignee or donee. [~~Such~~] The invoice shall authorize  
6 transportation within this state, possession and use for thirty  
7 days after its date and shall be substantially in the following  
8 form:

9 STATE OF NEW MEXICO

10 DEPARTMENT OF [~~GAME AND FISH~~] WILDLIFE CONSERVATION

11 PRIVATE PARKS AND LAKES--INVOICE

12 Name of park or lake \_\_\_\_\_ Class A

13 No. of license \_\_\_\_\_ Date \_\_\_\_\_

14 [~~19~~] 20 \_\_ Kind and number of game and fish \_\_\_\_\_

15 Weight of same \_\_\_\_\_ lbs. Name of consignee \_\_\_\_\_

16 Address of consignee \_\_\_\_\_

17 This authorizes transportation within this state,  
18 possession and sale for thirty days after date if  
19 attached to article.

20 \_\_\_\_\_ Proprietor \_\_\_\_\_

21 By \_\_\_\_\_ Agent.

22 [~~Such~~] The proprietor or [~~his~~] the proprietor's agent  
23 shall at the same time mail, postpaid, a duplicate of [~~such~~]  
24 the invoice to the [~~Warden at Santa Fe~~] director of the  
25 department of wildlife conservation."

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1           SECTION 136. Section 17-4-21 NMSA 1978 (being Laws 1912,  
2 Chapter 85, Section 72, as amended) is amended to read:

3           "17-4-21. GAME--FISH--PARKS, LAKES--PROPRIETOR REPORT TO  
4 [~~WARDEN~~] DIRECTOR.--[~~SEC. 72.~~] The proprietor of every private  
5 park and lake licensed under [~~the preceding~~] Sections 17-4-8  
6 through 17-4-28 NMSA 1978 shall, whenever required by the  
7 [~~warden~~] director of the department of wildlife conservation,  
8 make and send to the [~~warden at Santa Fe~~] director a report  
9 showing as near as practicable the kind, number, age and sex of  
10 the game, and the kind and number or weight of the game fish,  
11 added and disposed of during the year preceding and on hand at  
12 the date of the report."

13           SECTION 137. Section 17-4-22 NMSA 1978 (being Laws 1912,  
14 Chapter 85, Section 73, as amended) is amended to read:

15           "17-4-22. GAME--FISH--PARKS, LAKES--RIGHTS EXTEND TO  
16 CONNECTING CHANNELS.--[~~SEC. 73.~~] The rights acquired by the  
17 proprietor of a private lake licensed [~~hereunder~~] under  
18 Sections 17-4-8 through 17-4-28 NMSA 1978, and the prohibitions  
19 [~~hereof~~] of those sections, shall extend to and include all  
20 channels connecting a series or group of lakes under one  
21 license [~~and~~]. The [~~warden~~] director of the department of  
22 wildlife conservation may authorize the use of [~~such~~] screens  
23 or other appliances as may be necessary to prevent the fish in  
24 a licensed lake of Class A from escaping, and it shall be the  
25 duty of the proprietor to adopt and use [~~such~~] screens or other

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1 appliances as the [~~warden~~] director may direct to prevent the  
2 fish in public waters from entering [~~such~~] the lake."

3 SECTION 138. Section 17-4-27 NMSA 1978 (being Laws 1912,  
4 Chapter 85, Section 78, as amended) is amended to read:

5 "17-4-27. GAME--FISH--PARKS, LAKES--TRANSFER OF OWNERSHIP--  
6 -LICENSE.--[~~SEC. 78.~~] In case of a transfer of proprietorship  
7 or interest in any park, lake or preserve, the transferee shall  
8 within thirty days thereafter procure from the [~~warden~~]  
9 director of the department of wildlife conservation a transfer  
10 of the license, endorsed on the back [~~thereof~~]."

11 SECTION 139. Section 17-4-28 NMSA 1978 (being Laws 1912,  
12 Chapter 85, Section 79, as amended) is amended to read:

13 "17-4-28. PARKS, LAKES AND PRESERVES--LICENSE--FEES.--

14 A. Licenses for private parks, lakes and preserves  
15 may be for one year, and any license shall be renewed annually  
16 at the request of the licensee.

17 B. The director of the department of [~~game and~~  
18 ~~fish~~] wildlife conservation shall charge and collect just and  
19 reasonable fees for the following permits under Sections 17-4-8  
20 through 17-4-28 NMSA 1978, as determined by [~~regulation~~] rule  
21 of the state [~~game~~] wildlife conservation commission:

- 22 (1) permit to capture or exchange;  
23 (2) quadruped park license;  
24 (3) each renewal of each quadruped park  
25 license;

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- 1 (4) one lake license;
- 2 (5) each renewal of one lake license;
- 3 (6) each additional lake license;
- 4 (7) each renewal of each additional lake

5 license; and

- 6 (8) each certificate, permit or license not
- 7 provided for in this section."

8 SECTION 140. Section 17-4-29 NMSA 1978 (being Laws 1912,  
9 Chapter 85, Section 80, as amended) is amended to read:

10 "17-4-29. FLOATING LOGS IN FISH STREAM--RESTOCKING--  
11 PENALTY.--All persons floating logs, timber, lumber, ties or  
12 poles in any stream containing game fish shall, for each mile  
13 of the streams used, annually deposit one thousand trout fry or  
14 fingerlings at times and places designated by the department of  
15 [~~game and fish~~] wildlife conservation. Any person failing to  
16 comply with the provisions of this section is guilty of a  
17 misdemeanor."

18 SECTION 141. Section 17-4-30 NMSA 1978 (being Laws 1951,  
19 Chapter 66, Section 1) is amended to read:

20 "17-4-30. FEDERAL AID.--The state of New Mexico hereby  
21 assents to the provisions of the act of congress of the United  
22 States [~~of America~~] entitled "An Act to Provide That The United  
23 States Shall Aid The States In Fish Restoration And Management  
24 Projects, And For Other Purposes", approved August 9, 1950  
25 (Public Law 681, 81st Congress), and the state [~~game~~] wildlife

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1 conservation commission is hereby authorized and directed to  
2 perform all [~~such~~] acts as may be necessary to the conduct and  
3 establishment of cooperative fish restoration and management  
4 projects as defined by [~~said~~] that act of congress and in  
5 compliance with [~~said~~] that act and rules [~~and regulations~~]  
6 promulgated by the secretary of [~~Agriculture~~] the interior  
7 thereunder."

8 SECTION 142. Section 17-4-31 NMSA 1978 (being Laws 1951,  
9 Chapter 66, Section 2) is amended to read:

10 "17-4-31. FEDERAL FUNDS--DISBURSEMENT.--The state [~~game~~]  
11 wildlife conservation commission is authorized to receive any  
12 [~~moneys~~] money to which the state [~~of New Mexico~~] may become  
13 entitled under the [~~aforsaid~~] act of congress set forth in  
14 Section 17-4-30 NMSA 1978, such [~~moneys~~] money when received to  
15 be deposited with the state treasurer [~~of the state of New~~  
16 ~~Mexico~~] to the credit of the [~~State game protection~~] wildlife  
17 conservation fund, expended for the purpose designated and  
18 withdrawn as other [~~moneys are~~] money is withdrawn from the  
19 [~~State game protection~~] wildlife conservation fund."

20 SECTION 143. Section 17-4-32 NMSA 1978 (being Laws 1965,  
21 Chapter 73, Section 1) is amended to read:

22 "17-4-32. DESTRUCTION OF BOUNDARY MARKERS.--Every person  
23 who shall [~~wilfully~~] willfully, maliciously and without cause  
24 break down, injure, remove or destroy any sign, marker or  
25 poster erected for the purpose of designating the boundaries of

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1 any tract of land, refuge or sanctuary for wildlife, or for the  
2 purpose of designating the boundaries of a hunting area set  
3 forth by the state [~~game~~] wildlife conservation commission or  
4 under the direction of the director of the department of [~~game~~  
5 ~~and fish~~] wildlife conservation, shall upon conviction thereof  
6 be deemed guilty of a petty misdemeanor."

7 SECTION 144. Section 17-4-33 NMSA 1978 (being Laws 2005,  
8 Chapter 173, Section 1) is amended to read:

9 "17-4-33. GAINING ACCESS INTO NATURE PROGRAM--POLICY--  
10 ADDITIONAL POWERS OF STATE [~~GAME~~] WILDLIFE CONSERVATION  
11 COMMISSION.--

12 A. It is the policy of the state of New Mexico to  
13 encourage and promote wildlife-associated recreation in New  
14 Mexico and to provide for public participation in the use of  
15 available natural resources in a manner that will benefit the  
16 general public in its enjoyment of public assets and the state  
17 and its political subdivisions in increased economic  
18 development.

19 B. To implement the state policy, the state [~~game~~]  
20 wildlife conservation commission shall develop and administer a  
21 "gaining access into nature program" pursuant to the provisions  
22 of this section.

23 C. In addition to its other powers, in order to  
24 develop and administer the gaining access into nature program,  
25 the state [~~game~~] wildlife conservation commission may:

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1 (1) designate areas and properties under its  
2 control where activities other than hunting, fishing and  
3 trapping are available to the public;

4 (2) designate activities that may take place  
5 on properties under its control and designate conditions and  
6 qualifications for the activities;

7 (3) enter into partnership and joint powers  
8 agreements, leases and other contractual arrangements with  
9 other state agencies, private landowners and other private  
10 entities to jointly administer, promote and expand the gaining  
11 access into nature program;

12 (4) issue permits, special use licenses and  
13 other authorizations for access to individuals and  
14 organizations to access state ~~[game]~~ wildlife conservation  
15 commission properties for purposes of participating in gaining  
16 access into nature programs and charge fees for the access  
17 privileges; provided that the fees do not exceed the reasonable  
18 costs associated with developing and administering the gaining  
19 access into nature program;

20 (5) engage in public outreach programs to  
21 identify through public meetings, surveys and educational  
22 programs the interests of the public that may be best served by  
23 the gaining access into nature program;

24 (6) adopt such rules as it deems necessary for  
25 programs, events or other activities to properly implement the

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1 goals and the administration of the gaining access into nature  
2 program; and

3 (7) subject to appropriation by the  
4 legislature, expend money from the [~~game protection~~] wildlife  
5 conservation fund necessary to develop and administer the  
6 gaining access into nature program, including:

7 (a) the reasonable costs of improving  
8 habitat and properties in order to make them suitable for the  
9 public uses intended;

10 (b) costs of personnel necessary to  
11 service the properties being used for the program and to  
12 provide informational and interpretive services on the  
13 properties;

14 (c) the reasonable costs of maintenance  
15 and repair of habitat and properties being used for public  
16 access under the provisions of this section; and

17 (d) costs associated with issuing  
18 permits, licenses and other authorizations for access.

19 D. All money collected from issuing and selling  
20 gaining access into nature permits, licenses and other  
21 authorizations for access shall be deposited in the [~~game~~  
22 ~~protection~~] wildlife conservation fund."

23 SECTION 145. Section 17-4-34 NMSA 1978 (being Laws 2005,  
24 Chapter 177, Section 2) is amended to read:

25 "17-4-34. HABITAT MANAGEMENT STAMP--FUND--EXPENDITURE FOR  
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1 HABITAT MANAGEMENT--EXCEPTION.--

2 A. On and after April 1, 2006, each of the  
3 following licenses or permits shall include a habitat  
4 management stamp. The fee for a habitat management stamp shall  
5 be three dollars (\$3.00). Each of the following licenses or  
6 permits shall not be considered to be a proper and valid  
7 license unless the licensee can demonstrate, by a stamp, check  
8 off or other official mark, that the fee for the habitat  
9 management stamp has been paid; provided that an individual  
10 purchaser shall be required to purchase only one stamp each  
11 license year, regardless of the number of licenses or permits  
12 purchased by that purchaser:

13 (1) a resident or nonresident license  
14 specified in Section 17-3-13 NMSA 1978; or

15 (2) a wildlife-associated recreation permit  
16 issued by the state [~~game~~] wildlife conservation commission  
17 pursuant to Section [~~17-1-4~~] 17-1-14 NMSA 1978.

18 B. Revenue from the sale of habitat management  
19 stamps shall be deposited in the "habitat management fund",  
20 hereby created in the state treasury. The fund shall consist  
21 of money appropriated and transferred to the fund and revenue  
22 from the sale of habitat management stamps deposited in the  
23 fund. Earnings from investment of the fund shall be credited  
24 to the fund. Any unexpended or unencumbered balance remaining  
25 at the end of a fiscal year shall not revert. Disbursements

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1 from the fund shall be made upon warrants drawn by the  
2 secretary of finance and administration pursuant to vouchers  
3 signed by the director of the department of [~~game and fish~~]  
4 wildlife conservation.

5 C. Upon appropriation by the legislature, money in  
6 the habitat management fund may be expended by the state [~~game~~]  
7 wildlife conservation commission only for the improvement,  
8 maintenance, development and operation of property for fish and  
9 wildlife habitat management.

10 D. A habitat management stamp shall not be required  
11 for persons under the age of eighteen."

12 SECTION 146. Section 17-4-35 NMSA 1978 (being Laws 2009,  
13 Chapter 38, Section 1, as amended) is amended to read:

14 "17-4-35. AQUATIC INVASIVE SPECIES CONTROL.--

15 A. Based on a determination of credible scientific  
16 evidence, the director, after consulting with the secretary of  
17 energy, minerals and natural resources and with the concurrence  
18 of the director of the New Mexico department of agriculture, is  
19 authorized to designate:

20 (1) species of exotic or nonnative animals or  
21 plants as aquatic invasive species;

22 (2) water bodies within the state as infested  
23 waters; and

24 (3) specific requirements to decontaminate  
25 conveyances and equipment.

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1           B. Prior to entering a conveyance or equipment into  
2 any water body in the state, the owner or person in control of  
3 a warning-tagged conveyance or warning-tagged equipment or a  
4 conveyance or equipment that has been in an infested water body  
5 in New Mexico or elsewhere shall:

6                   (1) have the conveyance or equipment  
7 decontaminated by a person or entity approved by the director  
8 to effect decontamination, and only the person legally  
9 effecting the decontamination is authorized to remove a warning  
10 tag and provide certification that the conveyance or equipment  
11 is free from infestation; or

12                   (2) have the conveyance or equipment inspected  
13 and certified as free from infestation by trained personnel  
14 prior to entering a water body or if certification or other  
15 documentation of decontamination is not available, otherwise  
16 demonstrate compliance with the decontamination requirements  
17 established by the director.

18           C. A law enforcement officer may impound a  
19 conveyance or equipment if the person transporting the  
20 conveyance or equipment refuses to submit to an inspection  
21 authorized by this section and the officer has reason to  
22 believe that an aquatic invasive species may be present, or if  
23 the conveyance or equipment has a warning tag affixed and the  
24 operator of the conveyance is attempting to enter a state water  
25 body and cannot provide evidence that the conveyance or

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1 equipment has been decontaminated. A law enforcement officer  
2 shall take action to prevent equipment or conveyances believed  
3 or known to contain an aquatic invasive species and warning-  
4 tagged equipment or conveyances from entering a state water  
5 body.

6 D. The impoundment of a conveyance or equipment may  
7 continue for a reasonable period necessary to inspect and  
8 decontaminate the conveyance or equipment.

9 E. Notwithstanding any provision to the contrary,  
10 no motor vehicle that is drawing a conveyance shall be  
11 impounded pursuant to this section.

12 F. Trained personnel may:

13 (1) establish, operate and maintain aquatic  
14 invasive species check stations and conduct inspections at or  
15 adjacent to the entrance to any state-controlled water body or,  
16 pursuant to a cooperative agreement, at or adjacent to any  
17 county, municipal or federally or privately controlled water  
18 body or at or adjacent to the exit point of an infested water  
19 body or at a location agreed to by the owner of the conveyance  
20 or equipment in order to inspect conveyances and equipment  
21 prior to a conveyance or equipment entering, being launched  
22 onto or being directly exposed to water bodies of the state or  
23 upon the conveyance's or equipment's departure from infested  
24 waters;

25 (2) affix a warning tag to equipment or a

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1 conveyance where the presence of an aquatic invasive species  
2 has been found;

3 (3) affix a warning tag to a conveyance or  
4 equipment upon the conveyance or equipment leaving an infested  
5 water; or

6 (4) affix a warning tag to a conveyance or  
7 equipment that the trained personnel have reason to believe is  
8 infested with an aquatic invasive species based on its point of  
9 origin or use.

10 G. Except for state, local, tribal or federal  
11 agencies and their respective agents, employees and contractors  
12 while performing their duties or contractual obligations  
13 specific to management or control of an aquatic invasive  
14 species, it is unlawful for a person to:

15 (1) knowingly possess, import, export, ship or  
16 transport an aquatic invasive species into, within or from the  
17 state;

18 (2) knowingly release, place, plant or cause  
19 to be released, placed or planted an aquatic invasive species  
20 into a water body or adjacent to a water body where it  
21 reasonably might be anticipated to be introduced into a water  
22 body that is not infested;

23 (3) remove a warning tag other than as  
24 provided pursuant to this section;

25 (4) introduce any tagged conveyance or

1 equipment or any equipment or conveyance from which a warning  
2 tag has been unlawfully removed into a water body without first  
3 having that conveyance or equipment decontaminated and  
4 certified pursuant to the provisions of this section; or

5 (5) knowingly introduce into any water body a  
6 conveyance or equipment that has been exposed to an infested  
7 water body or a water body in any other state known to contain  
8 aquatic invasive species without first being decontaminated and  
9 certified pursuant to the provisions of this section.

10 H. Knowingly or willfully violating any provision  
11 of this section as a first offense is a petty misdemeanor. A  
12 second or subsequent violation of any provision of this section  
13 is a misdemeanor. Any violation is punishable pursuant to  
14 Section 31-19-1 NMSA 1978.

15 I. The director or the director's designee shall  
16 coordinate the monitoring of the water bodies of the state for  
17 the presence of aquatic invasive species, including privately  
18 controlled waters if the director has authorized access to them  
19 or has received permission to monitor them from the persons  
20 controlling access to such waters.

21 J. Upon determination of an infested water body in  
22 New Mexico, the director shall immediately recommend to the  
23 person in control of the infested water body actions to limit  
24 access or take other actions to prevent the potential spread of  
25 an aquatic invasive species to other water bodies.

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1           K. The commission is authorized to adopt rules  
2 pursuant to Section 17-1-26 NMSA 1978, and the secretary of  
3 energy, minerals and natural resources is authorized to adopt  
4 rules pursuant to Section 16-2-32 NMSA 1978 as necessary to  
5 implement and enforce the provisions of this section.

6           L. The director may enter into cooperative  
7 agreements with any federal, state, county or municipal  
8 authority or private entity that may be in control of a water  
9 body potentially affected by aquatic invasive species.

10          M. As used in this section:

11                 (1) "aquatic invasive species" means quagga  
12 mussels and zebra mussels and other exotic or nonnative aquatic  
13 animals, including invertebrates but excluding those species  
14 listed as protected in Chapter 17 NMSA 1978, or any plant or  
15 animal species whose introduction into an aquatic ecosystem is  
16 determined by the director, after consulting with the secretary  
17 of energy, minerals and natural resources and with the  
18 concurrence of the director of the New Mexico department of  
19 agriculture, to cause or be likely to cause harm to the  
20 economy, environment or human health or safety;

21                 (2) "commission" means the state [~~game~~]  
22 wildlife conservation commission;

23                 (3) "conveyance" means a motor vehicle,  
24 vessel, trailer or any associated equipment or containers,  
25 including [~~but not limited to~~] live wells, fish-hauling tanks,

1 ballast tanks, motorized skis and bilge areas that may contain  
2 or carry an aquatic invasive species or any other equipment by  
3 which aquatic invasive species may be introduced into an  
4 aquatic ecosystem;

5 (4) "decontaminate" means to wash, drain, dry  
6 or otherwise treat a conveyance in accordance with guidelines  
7 established by the director in order to remove or destroy an  
8 aquatic invasive species;

9 (5) "director" means the director of the  
10 department of ~~[game and fish]~~ wildlife conservation;

11 (6) "equipment" means an article, a tool, an  
12 implement, a device or a piece of clothing, including boots and  
13 waders, that is capable of containing or transporting water;

14 (7) "infested water" means a geographic  
15 region, water body or water supply system or facility within  
16 the state that the director, after consulting with the  
17 secretary of energy, minerals and natural resources and with  
18 the concurrence of the director of the New Mexico department of  
19 agriculture, identifies as carrying or containing an aquatic  
20 invasive species or a water body outside the state that has  
21 been identified as carrying or containing an aquatic invasive  
22 species;

23 (8) "inspect" means to examine a conveyance or  
24 equipment to determine whether an aquatic invasive species is  
25 present;

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1 (9) "law enforcement officer" means a state or  
2 federal certified law enforcement officer;

3 (10) "trained personnel" means individuals who  
4 have successfully completed the United States fish and wildlife  
5 service's aquatic invasive species watercraft inspection and  
6 decontamination training, level I or level II, or an equivalent  
7 training recognized by the director;

8 (11) "warning tag" means a tag that is affixed  
9 to equipment or a conveyance upon the equipment or conveyance  
10 leaving an infested water or upon an inspection determining  
11 that the equipment or conveyance contains an aquatic invasive  
12 species that requires the equipment or conveyance to be  
13 decontaminated; and

14 (12) "water body" means a natural or impounded  
15 surface water, including a stream, river, spring, lake,  
16 reservoir, pond, wetland, tank or fountain."

17 SECTION 147. A new section of Chapter 17, Article 4 NMSA  
18 1978 is enacted to read:

19 "[NEW MATERIAL] DEFINITION OF SPECIES OF GREATEST  
20 CONSERVATION NEED.--As used in the state wildlife action plan,  
21 "species of greatest conservation need" means species existing  
22 within New Mexico that are subject to one or more of the  
23 following factors:

24 A. species that have experienced substantial long-  
25 term declines in habitat or numbers, known as declining

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1 species;

2 B. species in which some aspect of their life  
3 history and ecology makes them disproportionately susceptible  
4 to decline within the next ten years, including concentration  
5 to small areas during migration or hibernation, low  
6 reproductive rates, susceptibility to disease, inability to  
7 respond to changing climate conditions, habitat loss, wildfire  
8 and overexploitation for anthropogenic purposes, known as  
9 vulnerable species;

10 C. species that are limited to New Mexico, known as  
11 endemic species;

12 D. species that have populations geographically  
13 isolated from other populations of the same species and are  
14 thereby disproportionately susceptible to local decline or  
15 extirpation, known as disjunct species; or

16 E. species that are crucial to the integrity and  
17 the functioning of their ecosystems and that may represent more  
18 value to conservation of biological diversity than the size of  
19 their population or their distribution would suggest, known as  
20 keystone species."

21 SECTION 148. Section 17-5-4 NMSA 1978 (being Laws 1939,  
22 Chapter 178, Section 4, as amended) is amended to read:

23 "17-5-4. STATE [~~GAME~~] WILDLIFE CONSERVATION COMMISSION TO  
24 ADMINISTER ACT--RULES [~~AND REGULATIONS~~].--The state [~~game~~]  
25 wildlife conservation commission is authorized and directed to

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1 administer the provisions of Sections 17-5-1 through 17-5-9  
2 NMSA 1978 and to make such rules [~~and regulations~~] and  
3 establish such [~~service~~] services as it may deem necessary to  
4 carry out all the provisions and purposes of those sections.  
5 In making [~~such~~] rules [~~and regulations~~] and providing when and  
6 by what means fur-bearing animals may be hunted, taken,  
7 captured, possessed or killed, the state [~~game~~] wildlife  
8 conservation commission shall give due [~~regard to the zones of~~  
9 ~~temperatures and to the distribution, abundance, economic value~~  
10 ~~and breeding habits of such animals~~] consideration to the  
11 regarding species' population size and trends, habitat  
12 availability, migration and hibernation, response to near- and  
13 long-term changes in climate conditions and conservation  
14 actions necessary to sustain healthy populations. Provided,  
15 nothing in Sections 17-5-1 through 17-5-9 NMSA 1978 shall  
16 interfere with the authority granted to the president of New  
17 Mexico state university under Sections 77-15-1 through 77-15-5  
18 NMSA 1978 or [~~shall~~] prevent livestock producers without a  
19 permit from the taking of bobcats that are doing damage to  
20 livestock."

21 SECTION 149. Section 17-5-5 NMSA 1978 (being Laws 1939,  
22 Chapter 178, Section 5, as amended) is amended to read:

23 "17-5-5. TRAPPER'S LICENSES.--

24 A. No resident who has reached [~~his twelfth~~  
25 ~~birthday~~] the age of twelve shall capture, trap or possess any

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1 fur-bearing animal or attempt to do so without first procuring  
2 a resident trapper's license; or, in the case of a resident who  
3 has reached ~~[his twelfth birthday]~~ the age of twelve but not  
4 ~~[his eighteenth birthday]~~ the age of eighteen, a resident  
5 junior trapper's license.

6 B. No nonresident shall capture, trap or possess  
7 any fur-bearing animal or skunk or coyote or attempt to do so  
8 without first procuring a nonresident trapper's license.

9 C. No nonresident who resides in a state that does  
10 not permit New Mexico residents to procure nonresident  
11 trapper's licenses may purchase a New Mexico nonresident  
12 trapper's license.

13 D. Trappers shall release all fur-bearing animals  
14 trapped during closed seasons, and resident trappers who  
15 release all fur-bearing animals during open seasons need not  
16 procure a trapper's license.

17 E. Trappers on official business, paid from state  
18 and federal funds and under supervision of the department of  
19 ~~[game and fish]~~ wildlife conservation, the New Mexico  
20 department of agriculture or the United States fish and  
21 wildlife service need not purchase a trapper's license.

22 F. Trapping of animals, both fur-bearing and  
23 nongame, by a resident in order to protect ~~[his]~~ livestock or  
24 domesticated animals or fowl shall not be subject to rules ~~[and~~  
25 ~~regulations]~~ on trapping made pursuant to Section 17-5-4 NMSA

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1 1978 or to licensing requirements provided in this section.

2 G. The state [~~game~~] wildlife conservation  
3 commission may by [~~regulation~~] rule require holders of  
4 trapper's licenses to use bobcat pelt tags and may specify the  
5 conditions for use of the tags."

6 SECTION 150. Section 17-5-6 NMSA 1978 (being Laws 1939,  
7 Chapter 178, Section 6, as amended) is amended to read:

8 "17-5-6. FUR [~~DEALER~~] DEALER'S LICENSES.--

9 A. Except for trappers selling their own catches,  
10 any person, firm or corporation engaged in the business of  
11 buying or selling unprocessed skins or pelts of any fur-bearing  
12 animal is a "fur dealer". It is a misdemeanor to engage in  
13 business as a fur dealer or solicit such business without first  
14 procuring a fur [~~dealer~~] dealer's license, except that resident  
15 fur dealers who buy and sell less than fifty skins or pelts of  
16 fur-bearing animals each year need not purchase a fur [~~dealer~~]  
17 dealer's license.

18 B. Every fur dealer shall file with the department  
19 of [~~game and fish~~] wildlife conservation, not later than the  
20 tenth of each month, a sworn statement showing the number and  
21 kind of skins and pelts of fur-bearing animals purchased and  
22 sold during the preceding month.

23 C. The provisions of this section apply to fur  
24 dealers who buy and sell the skins or pelts of predatory  
25 animals as well as to those who buy and sell the skins or pelts

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1 of protected nonpredatory fur-bearing animals."

2 SECTION 151. Section 17-5-7 NMSA 1978 (being Laws 1939,  
3 Chapter 178, Section 7) is amended to read:

4 "17-5-7. DISPOSITION OF LICENSE FEES.--All fees for  
5 [~~trappers~~] trapper's licenses and fur [~~dealers~~] dealer's  
6 licenses shall be collected by the [~~State Game Warden~~] director  
7 of the department of wildlife conservation and turned over to  
8 the state treasurer to be credited to the [~~game protection~~]  
9 wildlife conservation fund; provided that license vendors shall  
10 retain ten cents [~~(+10¢)~~] (\$.10) for each license sold as  
11 compensation for [~~his~~] their services, but no regular employee  
12 of the [~~State Game~~] department of wildlife conservation shall  
13 be entitled to [~~such~~] that fee."

14 SECTION 152. Section 17-5-8 NMSA 1978 (being Laws 1939,  
15 Chapter 178, Section 9) is amended to read:

16 "17-5-8. OFFICERS AUTHORIZED TO ENFORCE ACT.--All peace  
17 officers, [~~Port of Entry~~] employees of the motor transportation  
18 division of the department of public safety and [~~deputy game~~  
19 ~~wardens~~] conservation officers are hereby authorized and  
20 required to cooperate fully with the state [~~game~~] wildlife  
21 conservation commission in the enforcement of [~~this Act~~]  
22 Sections 17-5-1 through 17-5-9 NMSA 1978. It shall be the duty  
23 of all [~~such~~] those persons to make searches, seizures and  
24 arrests as in the case of other misdemeanors."

25 SECTION 153. Section 17-5-9 NMSA 1978 (being Laws 1939,

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1 Chapter 178, Section 10, as amended) is amended to read:

2 "17-5-9. PENALTY--REVOCATION OF LICENSE--SALE OF PELTS.--

3 Any person who violates or aids, abets or assists in the  
4 violation of any provision of Sections [~~53-5-1 through 53-5-10~~  
5 ~~New Mexico Statutes Annotated, 1953 Compilation~~] 17-5-1 through  
6 17-5-9 NMSA 1978, or any person who makes any false statement  
7 as to the residence of any applicant for a trapper's license or  
8 fur dealer's license, or any nonresident who fraudulently  
9 procures a resident license, is guilty of a misdemeanor. In  
10 addition, the [~~department of game and fish~~] state wildlife  
11 conservation commission, pursuant to Section 17-3-34 NMSA 1978,  
12 may revoke [~~for the year in which the violation occurred~~] the  
13 trapper's or fur dealer's license of any person convicted. All  
14 skins, pelts or furs involved in the violation remain the  
15 property of the state and shall be sold for the benefit of the  
16 [~~game protection~~] wildlife conservation fund."

17 SECTION 154. Section 17-6-1 NMSA 1978 (being Laws 1973,  
18 Chapter 242, Section 1) is amended to read:

19 "17-6-1. SHORT TITLE.--~~[This act]~~ Chapter 17, Article 6  
20 NMSA 1978 may be cited as the "Habitat Protection Act".

21 SECTION 155. Section 17-6-2 NMSA 1978 (being Laws 1973,  
22 Chapter 242, Section 2) is amended to read:

23 "17-6-2. DEFINITIONS.--As used in the Habitat Protection  
24 Act:

25 A. "commission" means the state [~~game~~] wildlife

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1 conservation commission;

2 B. "cross-country" means travel over the  
3 countryside other than by road;

4 C. "vehicle" means any motor-powered mechanical  
5 device used for conveyance; and

6 D. "road" means any maintained or unmaintained  
7 right-of-way that has been utilized by the public, and includes  
8 roads, streets, highways and state scenic, recreation or  
9 historical trails."

10 SECTION 156. Section 17-6-7 NMSA 1978 (being Laws 1973,  
11 Chapter 242, Section 7) is amended to read:

12 "17-6-7. EXPENDITURE OF FUNDS--FUNCTIONS.--The commission  
13 may expend such funds as become available from the [~~game~~  
14 ~~protection~~] wildlife conservation fund, state or federal grants  
15 or other sources to carry out the provisions of the Habitat  
16 Protection Act, including [~~but not limited to~~]:

17 A. investigations and surveys of actual or possible  
18 wildlife habitat damage by vehicles and the study of areas to  
19 be recommended for recreational vehicle use;

20 B. posting notices of restrictions, prohibitions  
21 and permitted use of vehicles;

22 C. providing maps and other necessary information  
23 to the public;

24 D. an informational and educational program on  
25 wildlife habitat preservation and restoration; or

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1 E. the enforcement of the provisions of the Habitat  
2 Protection Act."

3 SECTION 157. Section 17-7-1 NMSA 1978 (being Laws 1976  
4 (S.S.), Chapter 43, Section 1) is amended to read:

5 "17-7-1. SHORT TITLE.--~~[This act]~~ Chapter 17, Article 7  
6 NMSA 1978 may be cited as the "Shooting Range Fund Act"."

7 SECTION 158. Section 17-7-2 NMSA 1978 (being Laws 1976  
8 (S.S.), Chapter 43, Section 2, as amended) is amended to read:

9 "17-7-2. FUND CREATED.--There is created in the state  
10 treasury a special fund to be known as the "shooting range  
11 fund". All money appropriated to this fund or accruing to it  
12 as a result of gift, deposit or from other sources, except  
13 interest earned on the fund, which shall be credited to the  
14 general fund, shall not be transferred to another fund or  
15 encumbered or disbursed in any manner except as provided in the  
16 Shooting Range Fund Act. Appropriated money in the fund shall  
17 not revert to the general fund. Money in the fund shall be  
18 used for construction or improvement of public shooting ranges  
19 pursuant to the Shooting Range Fund Act. Disbursements from  
20 the fund shall be made only upon warrant drawn by the secretary  
21 of finance and administration pursuant to vouchers signed by  
22 the director of the department of [~~game and fish~~] wildlife  
23 conservation."

24 SECTION 159. Section 17-7-3 NMSA 1978 (being Laws 1976  
25 (S.S.), Chapter 43, Section 3) is amended to read:

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1 "17-7-3. ADMINISTRATION.--

2 A. The state [~~game~~] wildlife conservation  
3 commission shall administer the provisions of the Shooting  
4 Range Fund Act and shall, pursuant to the State Rules Act,  
5 adopt such rules [~~and regulations~~] as deemed necessary to carry  
6 out the provisions of the Shooting Range Fund Act.

7 B. Rules [~~and regulations~~] shall include:

8 (1) a method for the determination of a county  
9 or municipality eligibility for grants from the shooting range  
10 fund;

11 (2) procedures for applications, approvals and  
12 rejections of grant proposals;

13 (3) a requirement that a county or  
14 municipality contribute at least twenty-five percent of the  
15 cost necessary to complete a shooting range grant proposal;

16 (4) a requirement that one-half of the local  
17 contribution required by Paragraph (3) of this subsection is to  
18 be money;

19 (5) a requirement that a shooting range  
20 project shall be undertaken in accordance with specifications  
21 determined by the department of [~~game and fish~~] wildlife  
22 conservation. Such specifications may provide for pistol,  
23 rifle, shotgun and archery facilities; and

24 (6) provisions for the operation and  
25 maintenance of shooting range facilities.

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1 C. Grants from the shooting range fund shall be  
2 awarded by the state [~~game~~] wildlife conservation commission  
3 only for new public shooting range construction or for  
4 improvements to existing public shooting ranges. No funds  
5 shall be approved for maintenance of shooting ranges [~~nor~~] or  
6 for shooting range renovation prior to 1980. No grant from the  
7 money appropriated to the shooting range fund shall exceed:

- 8 (1) twenty-five percent of the cost of any one  
9 project; [~~nor~~] or  
10 (2) more than ten percent of the amount  
11 appropriated to the shooting range fund by the Shooting Range  
12 Fund Act.

13 D. The state [~~game~~] wildlife conservation  
14 commission may expend not more than five percent of the  
15 appropriated money in the shooting range fund each fiscal year  
16 for administrative purposes to carry out the provisions of the  
17 Shooting Range Fund Act."

18 SECTION 160. Section 17-9-1 NMSA 1978 (being Laws 2019,  
19 Chapter 97, Section 1) is amended to read:

20 "17-9-1. SHORT TITLE.--[~~This act~~] Chapter 17, Article 9  
21 NMSA 1978 may be cited as the "Wildlife Corridors Act"."

22 SECTION 161. Section 17-9-2 NMSA 1978 (being Laws 2019,  
23 Chapter 97, Section 2) is amended to read:

24 "17-9-2. DEFINITIONS.--As used in the Wildlife Corridors  
25 Act:

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1           A. "human-caused barrier" means a road, culvert,  
2 commercial or residential development or other human-made  
3 structure that has the potential to affect the natural movement  
4 of wildlife across the landscape;

5           B. "large mammal" includes mule deer, elk,  
6 pronghorn antelope, bighorn sheep, black bear and mountain  
7 lions;

8           C. "species of concern" means a wildlife species  
9 identified by the department of [~~game and fish~~] wildlife  
10 conservation as being adversely affected by habitat  
11 fragmentation exacerbated by human-caused barriers and the high  
12 potential of wildlife-vehicle collisions; and

13           D. "wildlife corridors" means those areas used  
14 routinely by wildlife to travel through their habitat and  
15 includes corridors used by migrating wildlife."

16           SECTION 162. Section 17-9-3 NMSA 1978 (being Laws 2019,  
17 Chapter 97, Section 3) is amended to read:

18           "17-9-3. WILDLIFE CORRIDORS ACTION PLAN--CREATION--  
19 DEPARTMENT COORDINATION.--

20           A. The department of [~~game and fish~~] wildlife  
21 conservation, in coordination with the department of  
22 transportation, shall create a state "wildlife corridors action  
23 plan".

24           B. The wildlife corridors action plan shall  
25 contain:

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1 (1) identification of existing highway  
2 crossings that pose a risk to successful wildlife migration or  
3 that pose a risk to the traveling public because large mammals  
4 use the crossing;

5 (2) identification of other human-caused  
6 barriers, especially road segments that negatively affect  
7 wildlife habitat and movement;

8 (3) information about the habitat and movement  
9 needs of species of concern with particular attention to large  
10 mammals or other species that pose a risk to the traveling  
11 public;

12 (4) projections of anticipated effects that  
13 drought and other stressors will have on wildlife habitat,  
14 dispersal and movement;

15 (5) information about the habitat quality  
16 needed to support and maintain viable populations of wildlife;

17 (6) information about how increased movement  
18 of species could benefit overused and highly impacted habitat  
19 areas;

20 (7) maps that identify locations of:

21 (a) existing populations of species of  
22 greatest concern;

23 (b) existing wildlife crossings; and

24 (c) areas requiring additional  
25 monitoring or research;

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1 (8) protocols for post-completion monitoring  
2 of wildlife corridors projects in order to assess their  
3 effectiveness in establishing, maintaining and promoting  
4 wildlife movements;

5 (9) economic benefits anticipated from  
6 preserving wildlife movement patterns, including the potential  
7 impact of reduced wildlife-vehicle collisions;

8 (10) opportunities to collaborate with and  
9 enter into joint powers agreements as provided in the Joint  
10 Powers Agreements Act as necessary with New Mexico Indian  
11 nations, tribes or pueblos; relevant agencies or Indian  
12 nations, tribes or pueblos in neighboring states; and relevant  
13 federal agencies to protect wildlife corridors that cross state  
14 or tribal lines;

15 (11) the wildlife corridors project list; and

16 (12) additional information that the  
17 department of [~~game and fish~~] wildlife conservation and the  
18 department of transportation deem necessary and appropriate to  
19 carry out the intent and purposes of the Wildlife Corridors  
20 Act.

21 C. The department of [~~game and fish~~] wildlife  
22 conservation and the department of transportation shall consult  
23 with and actively seek the involvement of tribal governments in  
24 the development of the wildlife corridors action plan.

25 D. The initial wildlife corridors action plan shall

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1 be:

2 (1) open for public comment before being  
3 finalized; provided that, once finalized, the department of  
4 [~~game and fish~~] wildlife conservation and the department of  
5 transportation shall publish the initial action plan on their  
6 websites and shall submit the action plan to the governor and  
7 the legislature on or before January 15, 2020; and

8 (2) updated at least every ten years and may  
9 be amended prior to a full update as new research and data  
10 become available or changes in conditions affecting wildlife  
11 and wildlife-human interactions arise.

12 E. The wildlife corridors action plan or the  
13 provisions of the Wildlife Corridors Act do not apply to  
14 private property or private property owners, unless private  
15 property owners choose to participate voluntarily."

16 SECTION 163. Section 17-9-4 NMSA 1978 (being Laws 2019,  
17 Chapter 97, Section 4) is amended to read:

18 "17-9-4. PRIORITIZED WILDLIFE CORRIDORS PROJECT LIST--  
19 PUBLICATION.--

20 A. As part of the wildlife corridors action plan,  
21 the department of [~~game and fish~~] wildlife conservation and the  
22 department of transportation shall publish a prioritized  
23 "wildlife corridors project list" of projects to be undertaken.

24 B. The department of [~~game and fish~~] wildlife  
25 conservation and the department of transportation shall

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1 prioritize projects within the wildlife corridors project list  
2 by assessing the following criteria, listed in order of  
3 importance:

4 (1) the potential to reduce wildlife-vehicle  
5 collision and enhance safety to the traveling public;

6 (2) the relative current population size of  
7 select large mammal species and species of concern or the value  
8 of proposed infrastructure that will improve wildlife  
9 corridors;

10 (3) the feasibility and constructability of  
11 wildlife corridors infrastructure;

12 (4) the potential costs and economics of  
13 wildlife corridors infrastructure, including benefits or other  
14 effects on local communities;

15 (5) local community support for proposed  
16 wildlife corridors infrastructure;

17 (6) the value of the project to native large  
18 mammals and other native species; and

19 (7) surrounding land-use and ownership,  
20 especially tribal lands, and an evaluation of the need for  
21 conservation easements or other real estate instrument  
22 necessary to maintain the viability of a proposed wildlife  
23 corridor.

24 C. On an annual basis following the issuance of the  
25 first wildlife corridors project list, the department of ~~game~~  
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1 ~~and fish~~] wildlife conservation and the department of  
2 transportation shall issue a report to the governor and the  
3 legislature stating the progress toward completing the  
4 enumerated projects as of the current fiscal year. The report  
5 shall represent progress toward completion of a project as a  
6 percentage, with a corresponding explanation for the  
7 represented number and plans for future progress."

8 SECTION 164. Section 17-10-1 NMSA 1978 (being Laws 2020,  
9 Chapter 77, Section 1) is amended to read:

10 "17-10-1. SHORT TITLE.--~~[This act]~~ Chapter 17, Article 10  
11 NMSA 1978 may be cited as the "Wildlife Trafficking Act"."

12 SECTION 165. Section 17-10-6 NMSA 1978 (being Laws 2020,  
13 Chapter 77, Section 6) is amended to read:

14 "17-10-6. ENFORCEMENT AUTHORITY.--

15 A. The criminal enforcement provisions of the  
16 Wildlife Trafficking Act may be enforced by any commissioned  
17 law enforcement officer, including an officer employed by the  
18 department of [~~game and fish~~] wildlife conservation and the  
19 state parks division of the energy, minerals and natural  
20 resources department.

21 B. The civil enforcement provision of the Wildlife  
22 Trafficking Act may be enforced by any agency or political  
23 subdivision of the state that employs commissioned law  
24 enforcement officers or by any person authorized by the  
25 attorney general."

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1           SECTION 166. Section 29-4A-3 NMSA 1978 (being Laws 1995,  
2 Chapter 59, Section 3, as amended) is amended to read:

3           "29-4A-3. DEFINITIONS.--As used in the Peace Officers',  
4 New Mexico Mounted Patrol Members' and Reserve Police Officers'  
5 Survivors Supplemental Benefits Act:

6           A. "fund" means the peace officers', New Mexico  
7 mounted patrol members' and reserve police officers' survivors  
8 fund;

9           B. "New Mexico mounted patrol" means units or  
10 troops officered and manned to assist with law enforcement  
11 pursuant to the provisions of Sections 29-6-1 and 29-6-4 NMSA  
12 1978, Subsection A of Section 29-6-5 NMSA 1978 and Section 29-  
13 6-6 NMSA 1978;

14           C. "peace officer" means any full-time salaried and  
15 commissioned or certified law enforcement officer of a police  
16 or sheriff's department or a conservation officer of the  
17 department of [~~game and fish~~] wildlife conservation as used in  
18 Chapter 17 NMSA 1978 that is part of or administered by the  
19 state or any political subdivision of the state;

20           D. "reserve police officer" means a volunteer or a  
21 temporary or part-time employee of a state or local law  
22 enforcement agency who is accepted by that agency as a reserve  
23 law enforcement officer after receiving a background check and  
24 training as needed by that agency and who is not a member of  
25 the New Mexico mounted patrol; and

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1           E. "secretary" means the secretary of public  
2 safety."

3           SECTION 167. Section 30-8-5 NMSA 1978 (being Laws 1975,  
4 Chapter 199, Section 2) is amended to read:

5           "30-8-5. ENFORCEMENT.--The state [~~game~~] wildlife  
6 conservation commission may designate trained employees of the  
7 commission vested with police powers to enforce the provisions  
8 of Section [~~40A-8-4 NMSA 1953~~] 30-8-4 NMSA 1978. In addition,  
9 members of the state police, county sheriffs and their  
10 deputies, police officers and those employees of the state  
11 [~~park and recreation commission~~] parks division of the energy,  
12 minerals and natural resources department vested with police  
13 powers shall enforce the provisions of that section."

14           SECTION 168. Section 30-8-7 NMSA 1978 (being Laws 1975,  
15 Chapter 199, Section 4) is amended to read:

16           "30-8-7. PUBLIC EDUCATION.--The state [~~game~~] wildlife  
17 conservation commission, the [~~state highway~~] department of of  
18 transportation, the state [~~park and recreation commission~~]  
19 parks division of the energy, minerals and natural resources  
20 department and the environmental improvement [~~agency~~] division  
21 of the department of environment are encouraged to institute  
22 public education programs through the news media in order to  
23 inform the public of the litter problem in New Mexico and of  
24 individual efforts that can be made to assist in the abatement  
25 of the problem. In addition, these agencies are authorized to

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1 work with industry organizations in a joint anti-litter  
2 campaign so that additional effect may be given to the anti-  
3 litter effort in New Mexico."

4 SECTION 169. Section 30-14-1 NMSA 1978 (being Laws 1963,  
5 Chapter 303, Section 14-1, as amended) is amended to read:

6 "30-14-1. CRIMINAL TRESPASS.--

7 A. Criminal trespass consists of knowingly entering  
8 or remaining upon posted private property without possessing  
9 written permission from the owner or person in control of the  
10 land. The provisions of this subsection do not apply if:

11 (1) the owner or person in control of the land  
12 has entered into an agreement with the department of [~~game and~~  
13 ~~fish~~] wildlife conservation granting access to the land to the  
14 general public for the purpose of taking any game animals,  
15 birds or fish by hunting or fishing; or

16 (2) a person is in possession of a landowner  
17 license given to [~~him~~] the person by the owner or person in  
18 control of the land that grants access to that particular  
19 private land for the purpose of taking any game animals, birds  
20 or fish by hunting or fishing.

21 B. Criminal trespass also consists of knowingly  
22 entering or remaining upon the unposted lands of another  
23 knowing that such consent to enter or remain is denied or  
24 withdrawn by the owner or occupant [~~thereof~~] of the lands.  
25 Notice of no consent to enter shall be deemed sufficient notice

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1 to the public and evidence to the courts, by the posting of the  
2 property at all vehicular access entry ways.

3 C. Criminal trespass also consists of knowingly  
4 entering or remaining upon lands owned, operated or controlled  
5 by the state or any of its political subdivisions knowing that  
6 consent to enter or remain is denied or withdrawn by the  
7 custodian [~~thereof~~] of the lands.

8 D. Any person who enters upon the lands of another  
9 without prior permission and injures, damages or destroys any  
10 part of the realty or its improvements, including buildings,  
11 structures, trees, shrubs or other natural features, is guilty  
12 of a misdemeanor and [~~he~~] shall be liable to the owner, lessee  
13 or person in lawful possession for civil damages in an amount  
14 equal to double the value of the damage to the property injured  
15 or destroyed.

16 E. [~~Whoever~~] Any person who commits criminal  
17 trespass is guilty of a misdemeanor. Additionally, any person  
18 who violates the provisions of Subsection A, B or C of this  
19 section, when in connection with hunting, fishing or trapping  
20 activity, shall have [~~his~~] the person's hunting or fishing  
21 license revoked by the state [~~game~~] wildlife conservation  
22 commission for a period of not less than three years, pursuant  
23 to the provisions of Section 17-3-34 NMSA 1978.

24 F. [~~Whoever~~] Any person who knowingly removes,  
25 tampers with or destroys any "no trespass" sign is guilty of a

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1 petty misdemeanor; except when the damage to the sign amounts  
2 to more than one thousand dollars (\$1,000), [~~he or she~~] the  
3 person is guilty of a misdemeanor and shall be subject to  
4 imprisonment in the county jail for a definite term less than  
5 one year or a fine not more than one thousand dollars (\$1,000)  
6 or to both such imprisonment and fine in the discretion of the  
7 judge.

8 G. This section, as amended, shall be published in  
9 all issues of "Big Game Hunt Proclamation" as published by the  
10 department of [~~game and fish~~] wildlife conservation."

11 SECTION 170. Section 30-18-16 NMSA 1978 (being Laws 2019,  
12 Chapter 151, Section 1) is amended to read:

13 "30-18-16. COYOTE-KILLING CONTESTS PROHIBITED--  
14 DEFINITION--PENALTIES.--

15 A. It is unlawful for a person to organize, cause,  
16 sponsor, arrange, hold or participate in a coyote-killing  
17 contest.

18 B. As used in this section, "coyote-killing  
19 contest" means an organized or sponsored competition with the  
20 objective of killing coyotes for prizes or entertainment.

21 C. Organizing, causing, sponsoring, arranging or  
22 holding a coyote-killing contest consists of a person  
23 knowingly:

24 (1) planning, organizing or enticing a person  
25 to participate in a coyote-killing contest; or

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1 (2) providing the venue for a coyote-killing  
2 contest.

3 D. Participation in a coyote-killing contest  
4 consists of a person knowingly taking part in a coyote-killing  
5 contest.

6 E. A person who organizes, causes, sponsors,  
7 arranges or holds a coyote-killing contest is guilty of a  
8 misdemeanor.

9 F. A person who participates in a coyote-killing  
10 contest is guilty of a petty misdemeanor.

11 G. Nothing in this section shall be construed to  
12 prohibit a person from protecting a person or property or the  
13 state [~~game~~] wildlife conservation commission from carrying out  
14 the statutory authority allowed by Chapter 17 NMSA 1978 in a  
15 non-coyote-killing contest setting."

16 SECTION 171. Section 30-32-3 NMSA 1978 (being Laws 1921,  
17 Chapter 33, Section 6, as amended) is amended to read:

18 "30-32-3. ARREST FOR VIOLATIONS.--All peace officers of  
19 the state, including department of [~~game and fish~~] wildlife  
20 conservation officers, have the power to make arrests on  
21 warrant issued by any magistrate of the state for violation of  
22 any of the state forest fire laws, including Chapter 68,  
23 Article 2 NMSA 1978, rules implementing Chapter 68, Article 2  
24 NMSA 1978 or fire restrictions issued pursuant to such rules,  
25 or without warrant for violations of those laws committed in

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1 their presence, and shall not be liable to civil action for  
2 trespass for acts done in the discharge of their duties."

3 SECTION 172. Section 40-5A-3 NMSA 1978 (being Laws 1995,  
4 Chapter 25, Section 3, as amended) is amended to read:

5 "40-5A-3. DEFINITIONS.--As used in the Parental  
6 Responsibility Act:

7 A. "applicant" means an obligor who is applying for  
8 issuance of a license;

9 B. "board" means:

10 (1) the construction industries commission,  
11 the construction industries division and the electrical bureau,  
12 mechanical bureau and general construction bureau of the  
13 construction industries division of the regulation and  
14 licensing department;

15 (2) the manufactured housing committee and  
16 manufactured housing division of the regulation and licensing  
17 department;

18 (3) a board, commission or agency that  
19 administers a profession or occupation licensed pursuant to  
20 Chapter 61 NMSA 1978;

21 (4) any other state agency to which the  
22 Uniform Licensing Act is applied by law;

23 (5) a licensing board or other authority that  
24 issues a license, certificate, registration or permit to engage  
25 in a profession or occupation regulated in New Mexico;

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1 (6) the department of [~~game and fish~~] wildlife  
2 conservation;

3 (7) the motor vehicle division of the taxation  
4 and revenue department; or

5 (8) the [~~alcohol and gaming~~] alcoholic  
6 beverage control division of the regulation and licensing  
7 department;

8 C. "certified list" means a verified list that  
9 includes the names, social security numbers and last known  
10 addresses of obligors not in compliance;

11 D. "compliance" means that:

12 (1) an obligor is no more than thirty days in  
13 arrears in payment of amounts required to be paid pursuant to  
14 an outstanding judgment and order for support; and

15 (2) an obligor has, after receiving  
16 appropriate notice, complied with subpoenas or warrants  
17 relating to paternity or child support proceedings;

18 E. "department" means the human services  
19 department;

20 F. "judgment and order for support" means the  
21 judgment entered against an obligor by the district court or a  
22 tribal court in a case enforced by the department pursuant to  
23 Title IV-D of the Social Security Act;

24 G. "license" means a liquor license or other  
25 license, certificate, registration or permit issued by a board

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1 that a person is required to have to engage in a profession or  
2 occupation in New Mexico; "license" includes a commercial  
3 driver's license, driver's license and recreational licenses,  
4 including hunting, fishing or trapping licenses;

5 H. "licensee" means an obligor to whom a license  
6 has been issued; and

7 I. "obligor" means the person who has been ordered  
8 to pay child or spousal support pursuant to a judgment and  
9 order for support."

10 SECTION 173. Section 60-2C-10 NMSA 1978 (being Laws 1989,  
11 Chapter 346, Section 10) is amended to read:

12 "60-2C-10. PENALTY--CRIMINAL.--

13 A. [~~Any~~] An individual, firm, partnership or  
14 corporation that violates [~~any~~] a provision of the Fireworks  
15 Licensing and Safety Act is guilty of a misdemeanor and upon  
16 conviction shall be punished by a fine of not more than one  
17 thousand dollars (\$1,000) or imprisonment for not more than one  
18 year, or both.

19 B. Nothing in the Fireworks Licensing and Safety  
20 Act shall apply to or prohibit [~~any~~] employees of the  
21 department of [~~game and fish~~] wildlife conservation or the  
22 United States fish and wildlife service from possessing  
23 fireworks for control of game birds and animals or to prohibit  
24 [~~any~~] a law enforcement officer from possessing fireworks in  
25 the performance of [~~his~~] the officer's duties or to prohibit

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1 [any] a municipality or civic organization [~~therein~~] from  
2 sponsoring and conducting in connection with [any] a public  
3 celebration an officially supervised and controlled fireworks  
4 display."

5 SECTION 174. Section 66-3-424.6 NMSA 1978 (being Laws  
6 2003, Chapter 178, Section 2, as amended) is amended to read:

7 "66-3-424.6. SPECIAL WILDLIFE ARTWORK REGISTRATION  
8 PLATES--PROCEDURES--FEE.--

9 A. The department shall establish and issue a  
10 standardized special registration plate with a logo specified  
11 in Section 66-3-424 NMSA 1978 featuring artwork of New Mexico  
12 wildlife for any private motor vehicle except a motorcycle.  
13 The department shall adopt procedures for application for and  
14 issuance of the special wildlife artwork registration plates.

15 B. The director of the department of [~~game and~~  
16 ~~fish~~] wildlife conservation shall designate a "share with  
17 wildlife" logo design committee that shall recommend to the  
18 director the color and design of the special wildlife artwork  
19 logo. The director in cooperation with the secretary shall  
20 determine the design of the special wildlife artwork logo. No  
21 personalized or vanity design variation of the special wildlife  
22 artwork registration plates shall be issued.

23 C. For a fee of twenty-five dollars (\$25.00), which  
24 [~~shall be~~] is in addition to the regular motor vehicle  
25 registration fees, an owner of a motor vehicle may apply for

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1 the issuance of a special wildlife artwork registration plate.  
2 The owner of a motor vehicle shall apply for the plate and pay  
3 the twenty-five-dollar (\$25.00) fee for the first year and ten  
4 dollars (\$10.00) for each subsequent year if ~~he~~ the owner  
5 wishes to retain and renew the special wildlife artwork  
6 registration plate.

7 D. The revenue from the additional fee for a  
8 special wildlife artwork registration plate shall be  
9 distributed as follows:

10 (1) ten dollars (\$10.00) of the initial fee  
11 collected shall be retained by the division and is appropriated  
12 to the division to defray the cost of making and issuing  
13 special registration plates for wildlife artwork; and

14 (2) fifteen dollars (\$15.00) of the initial  
15 fee and the entire renewal fee collected shall be distributed  
16 to the share with wildlife program of the ~~[game protection]~~  
17 wildlife conservation fund."

18 SECTION 175. Section 66-3-424.27 NMSA 1978 (being Laws  
19 2009, Chapter 85, Section 1) is amended to read:

20 "66-3-424.27. SPECIAL BASS FISHING REGISTRATION  
21 PLATES--PROCEDURES--FEE.--

22 A. The department shall establish and issue a  
23 standardized special registration plate with a logo specified  
24 in Section 66-3-424 NMSA 1978 featuring bass fishing for any  
25 private motor vehicle except a motorcycle. The department

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1 shall adopt procedures for application for and issuance of the  
2 special bass fishing registration plates.

3 B. The director of the department of [~~game and~~  
4 ~~fish~~] wildlife conservation shall designate a "bass fishing"  
5 logo design committee that includes a bass fishing federation  
6 representative and that shall determine the design of the  
7 special wildlife artwork logo. No personalized or vanity  
8 design variation of the special bass fishing registration  
9 plates shall be issued.

10 C. For a fee of twenty-five dollars (\$25.00), which  
11 shall be in addition to the regular motor vehicle registration  
12 fees, an owner of a motor vehicle may apply for the issuance of  
13 a special bass fishing registration plate. The owner of a  
14 motor vehicle shall apply for the plate and pay the twenty-  
15 five-dollar (\$25.00) fee for the first year and ten dollars  
16 (\$10.00) for each subsequent year if the owner wishes to retain  
17 and renew the special bass fishing registration plate.

18 D. The revenue from the additional fee for a  
19 special bass fishing registration plate shall be distributed as  
20 follows:

21 (1) ten dollars (\$10.00) of the initial fee  
22 collected shall be retained by the division and is appropriated  
23 to the division to defray the cost of making and issuing  
24 special registration plates for bass fishing; and

25 (2) fifteen dollars (\$15.00) of the initial

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1 fee and the entire renewal fee collected shall be distributed  
2 to the bass habitat management program of the [~~game protection~~]  
3 wildlife conservation fund."

4 SECTION 176. Section 66-3-1001.1 NMSA 1978 (being Laws  
5 2005, Chapter 325, Section 1, as amended) is amended to read:

6 "66-3-1001.1. DEFINITIONS.--As used in the Off-Highway  
7 Motor Vehicle Act:

8 A. "board" means the off-highway motor vehicle  
9 advisory board;

10 B. "department" means the department of [~~game and~~  
11 ~~fish~~] wildlife conservation;

12 C. "division" means the motor vehicle division of  
13 the taxation and revenue department;

14 D. "fund" means the trail safety fund;

15 E. "off-highway motor vehicle" means a motor  
16 vehicle designed by the manufacturer for operation exclusively  
17 off the highway or road and includes:

18 (1) "all-terrain vehicle", which means a motor  
19 vehicle fifty inches or less in width, having an unladen dry  
20 weight of one thousand pounds or less, traveling on three or  
21 more low-pressure tires and having a seat designed to be  
22 straddled by the operator and handlebar-type steering control;

23 (2) "off-highway motorcycle", which means a  
24 motor vehicle traveling on not more than two tires and having a  
25 seat designed to be straddled by the operator and that has

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1 handlebar-type steering control;

2 (3) "snowmobile", which means a motor vehicle  
3 designed for travel on snow or ice and steered and supported in  
4 whole or in part by skis, belts, cleats, runners or low-  
5 pressure tires;

6 (4) "recreational off-highway vehicle", which  
7 means a motor vehicle designed for travel on four or more  
8 non-highway tires, for recreational use by one or more persons,  
9 and having:

10 (a) a steering wheel for steering  
11 control;

12 (b) non-straddle seating;

13 (c) maximum speed capability greater  
14 than thirty-five miles per hour;

15 (d) gross vehicle weight rating no  
16 greater than one thousand seven hundred fifty pounds;

17 (e) less than eighty inches in overall  
18 width, exclusive of accessories;

19 (f) engine displacement of less than one  
20 thousand cubic centimeters; and

21 (g) identification by means of a  
22 seventeen-character vehicle identification number; or

23 (5) by rule of the department, any other  
24 vehicles that may enter the market that fit the general profile  
25 of vehicles operated off the highway for recreational purposes;

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1 F. "staging area" means a parking lot, trailhead or  
2 other location to or from which an off-highway motor vehicle is  
3 transported so that it may be placed into operation or removed  
4 from operation; and

5 G. "unpaved public roadway" means a dirt graveled  
6 street or road that is constructed, signed and maintained for  
7 regular passenger-car use by the general public."

8 SECTION 177. Section 66-3-1010.3 NMSA 1978 (being Laws  
9 2005, Chapter 325, Section 11, as amended) is amended to read:

10 "66-3-1010.3. OPERATION AND EQUIPMENT--SAFETY  
11 REQUIREMENTS.--

12 A. A person shall not operate an off-highway motor  
13 vehicle:

14 (1) in a careless, reckless or negligent  
15 manner so as to endanger the person or property of another;

16 (2) while under the influence of intoxicating  
17 liquor or drugs as provided by Section 66-8-102 NMSA 1978;

18 (3) while in pursuit of and with intent to  
19 hunt or take a species of animal or bird protected by law  
20 unless otherwise authorized by the state [~~game~~] wildlife  
21 conservation commission;

22 (4) in pursuit of or harassment of livestock  
23 in any manner that negatively affects the livestock's  
24 condition;

25 (5) on or within an earthen tank or other

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1 structure meant to water livestock or wildlife, unless the  
2 off-highway motor vehicle is on a route designated by the  
3 landowner or land management agency as an off-highway motor  
4 vehicle route;

5 (6) in a manner that has a direct negative  
6 effect on or interferes with persons engaged in agricultural  
7 practices;

8 (7) in excess of ten miles per hour within two  
9 hundred feet of a business, animal shelter, horseback rider,  
10 bicyclist, pedestrian, livestock or occupied dwelling, unless  
11 the person operates the vehicle on a closed course or track or  
12 a public roadway;

13 (8) unless in possession of the person's  
14 registration certificate or nonresident permit;

15 (9) unless the vehicle is equipped with a  
16 spark arrester approved by the United States forest service;  
17 provided that a snowmobile is exempt from this provision;

18 (10) when conditions such as darkness limit  
19 visibility to five hundred feet or less, unless the vehicle is  
20 equipped with:

21 (a) one or more headlights of sufficient  
22 candlepower to light objects at a distance of one hundred fifty  
23 feet; and

24 (b) at least one taillight of sufficient  
25 intensity to exhibit a red or amber light at a distance of two

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1 hundred feet under normal atmospheric conditions;

2 (11) that produces noise that exceeds  
3 ninety-six decibels when measured using test procedures  
4 established by the society of automotive engineers pursuant to  
5 standard J-1287; or

6 (12) where off-highway motor vehicle traffic  
7 is prohibited under local, state or federal rules or  
8 regulations.

9 B. A person under the age of eighteen shall not  
10 operate an off-highway motor vehicle:

11 (1) or ride upon an off-highway motor vehicle  
12 without wearing eye protection and a safety helmet that is  
13 securely fastened in a normal manner as headgear and that meets  
14 the standards established by the department;

15 (2) without an off-highway motor vehicle  
16 safety permit; or

17 (3) while carrying a passenger.

18 C. A person under the age of eighteen but at least  
19 ten years of age shall not operate an off-highway motor vehicle  
20 unless the person is visually supervised at all times by a  
21 parent, legal guardian or a person over the age of eighteen who  
22 has a valid driver's license. This subsection shall not apply  
23 to a person who is at least:

24 (1) thirteen years of age and has a valid  
25 motorcycle license and off-highway motor vehicle safety permit;

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1 or

2 (2) fifteen years of age and has a valid  
3 driver's license, instructional permit or provisional license  
4 and off-highway motor vehicle safety permit.

5 D. A person under the age of ten shall not operate  
6 an off-highway motor vehicle unless:

7 (1) the all-terrain vehicle or recreational  
8 off-highway vehicle is an age-appropriate size-fit vehicle  
9 established by rule of the department; and

10 (2) the person is visually supervised at all  
11 times by a parent, legal guardian or instructor of a safety  
12 training course certified by the department.

13 E. An off-highway motor vehicle shall not be sold  
14 or offered for sale if the vehicle produces noise that exceeds  
15 ninety-six decibels when measured using test procedures  
16 established by the society of automotive engineers pursuant to  
17 standard J-1287. This subsection shall not apply to an off-  
18 highway motor vehicle that is sold or offered for sale only for  
19 organized competition."

20 SECTION 178. Section 66-3-1011 NMSA 1978 (being Laws  
21 1975, Chapter 240, Section 11, as amended) is amended to read:

22 "66-3-1011. OPERATION ON STREETS OR HIGHWAYS--PROHIBITED  
23 AREAS.--

24 A. A person shall not operate an off-highway motor  
25 vehicle on any:

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1 (1) limited access highway or freeway at any  
2 time; or

3 (2) paved street or highway except as provided  
4 in Subsection B, C, D or E of this section.

5 B. Off-highway motor vehicles may cross streets or  
6 highways, except limited access highways or freeways, if the  
7 crossings are made after coming to a complete stop prior to  
8 entering the roadway. Off-highway motor vehicles shall yield  
9 the right of way to oncoming traffic and shall begin a crossing  
10 only when it can be executed safely and then cross in the most  
11 direct manner as close to a perpendicular angle as possible.

12 C. If authorized by ordinance or resolution of a  
13 local authority or the state transportation commission, a  
14 recreational off-highway vehicle or an all-terrain vehicle may  
15 be operated on a paved street or highway owned and controlled  
16 by the authorizing entity if:

17 (1) the vehicle has one or more headlights and  
18 one or more taillights that comply with the Off-Highway Motor  
19 Vehicle Act;

20 (2) the vehicle has brakes, mirrors and  
21 mufflers;

22 (3) the operator has valid driver's licenses  
23 or permits as required under the Motor Vehicle Code and off-  
24 highway motor vehicle safety permits as required under the Off-  
25 Highway Motor Vehicle Act;

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1 (4) the operator is insured in compliance with  
2 the provisions of the Mandatory Financial Responsibility Act;

3 (5) the operator of the vehicle is using eye  
4 protection that complies with the Off-Highway Motor Vehicle  
5 Act; and

6 (6) if the operator is under eighteen years of  
7 age, the operator is wearing a safety helmet that complies with  
8 the Off-Highway Motor Vehicle Act.

9 D. Except for sections of the Motor Vehicle Code  
10 that are in conflict with the licensing and equipment  
11 requirements of the Off-Highway Motor Vehicle Act, any operator  
12 using an off-highway motor vehicle on a paved street or highway  
13 shall be subject to the requirements and penalties for  
14 operators of moving and parked vehicles under the Motor Vehicle  
15 Code.

16 E. By ordinance or resolution, a local authority or  
17 state transportation commission may establish separate speed  
18 limits and operating restrictions for off-highway vehicles  
19 where they are authorized to operate on paved streets or  
20 highways pursuant to Subsection C of this section.

21 F. A person shall not operate an off-highway motor  
22 vehicle on state ~~[game]~~ wildlife conservation commission-owned,  
23 -controlled or -administered land except as specifically  
24 allowed pursuant to Chapter 17, Article 6 NMSA 1978.

25 G. A person shall not operate an off-highway motor

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1 vehicle on land owned, controlled or administered by the state  
2 parks division of the energy, minerals and natural resources  
3 department, pursuant to Chapter 16, Article 2 NMSA 1978, except  
4 in areas designated by and permitted by rules adopted by the  
5 secretary of energy, minerals and natural resources.

6 H. Unless authorized, a person shall not:

7 (1) remove, deface or destroy any official  
8 sign installed by a state, federal, local or private land  
9 management agency; or

10 (2) install any off-highway motor vehicle-  
11 related sign."

12 SECTION 179. Section 66-3-1019 NMSA 1978 (being Laws  
13 2005, Chapter 325, Section 21, as amended) is amended to read:

14 "66-3-1019. FUND CREATED--DISPOSITION.--

15 A. The "trail safety fund" is created in the state  
16 treasury. The fund is a nonreverting fund and consists of  
17 revenues from off-highway motor vehicle registration and user  
18 fees, grants and donations. No more than thirty percent of the  
19 fund may be used for administrative overhead, and at least  
20 fifty percent shall be devoted to law enforcement and  
21 education. Income from investment of the fund shall be  
22 credited to the fund. The fund shall be administered by the  
23 department, and money in the fund is appropriated to the  
24 department to carry out the purposes of the Off-Highway Motor  
25 Vehicle Act. Expenditures from the fund shall be by warrant of

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1 the secretary of finance and administration upon vouchers  
2 signed by the director of the department of [~~game and fish~~]  
3 wildlife conservation or the director's authorized  
4 representative.

5 B. The department shall make annual distributions  
6 from the fund for the following purposes:

- 7 (1) administrative;  
8 (2) law enforcement;  
9 (3) education and training;  
10 (4) information system development and  
11 management;  
12 (5) resource monitoring and protection and  
13 trail building, maintenance and restoration; and  
14 (6) implementation of other provisions of the  
15 Off-Highway Motor Vehicle Act."

16 SECTION 180. Section 66-3-1020 NMSA 1978 (being Laws  
17 2005, Chapter 325, Section 22, as amended) is amended to read:

18 "66-3-1020. PENALTIES.--

19 A. A person who violates the provisions of the  
20 Off-Highway Motor Vehicle Act is guilty of a penalty assessment  
21 misdemeanor. A parent, guardian or custodian who causes or  
22 knowingly permits a child under the age of eighteen years to  
23 operate an off-highway motor vehicle in violation of the  
24 provisions of the Off-Highway Motor Vehicle Act is in violation  
25 of that act and subject to the same penalty as the child

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1 operating the off-highway motor vehicle in violation of that  
2 act.

3 B. As used in the Off-Highway Motor Vehicle Act,  
4 "penalty assessment misdemeanor" means violation of any  
5 provision of the Off-Highway Motor Vehicle Act for which a  
6 violator may be subject to the following:

7 CLASS 1 VIOLATIONS	SECTION	PENALTY
8	VIOLATED	ASSESSMENT
9 failure to possess a		
10 registration certificate		
11 or nonresident permit	66-3-1010.3	\$10.00
12 violations involving		
13 headlights or taillights	66-3-1010.3	10.00
14 failure to possess an off-		
15 highway motor vehicle		
16 safety permit	66-3-1010.3	10.00
17 selling a vehicle that produces		
18 noise in excess of ninety-six		
19 decibels	66-3-1010.3	10.00
20 any violation of the Off-Highway		
21 Motor Vehicle Act not otherwise		
22 specifically defined elsewhere		
23 in this section	66-3-1010.3	10.00
24 CLASS 2 VIOLATIONS	SECTION	PENALTY
25	VIOLATED	ASSESSMENT

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underscored material = new  
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1 failure to complete a required  
2 off-highway motor vehicle  
3 safety training course 66-3-1010.2 \$50.00  
4 operating a vehicle in excess  
5 of ten miles per hour within  
6 two hundred feet of a business,  
7 animal shelter, horseback  
8 rider, bicyclist, pedestrian,  
9 livestock or occupied  
10 dwelling 66-3-1010.3 50.00  
11 a person under the age of  
12 eighteen but at least  
13 fifteen years of age who  
14 operates an off-highway  
15 motor vehicle in violation  
16 of the supervision requirements  
17 of the Off-Highway Motor  
18 Vehicle Act 66-3-1010.3 50.00  
19 operating an off-highway motor  
20 vehicle that produces noise  
21 that exceeds ninety-six  
22 decibels 66-3-1010.3 50.00  
23 unauthorized installation,  
24 removal, destruction or  
25 defacing of a motor

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1	vehicle sign	66-3-1011	50.00
2	CLASS 3 VIOLATIONS	SECTION	PENALTY
3		VIOLATED	ASSESSMENT
4	operating a vehicle that is		
5	not equipped with an approved		
6	spark arrester	66-3-1010.3	\$100.00
7	operating an off-highway		
8	motor vehicle while in		
9	pursuit of and with		
10	intent to hunt or take		
11	a species of animal or bird		
12	protected by law, unless		
13	otherwise authorized by		
14	the state [ <del>game</del> ] <u>wildlife</u>		
15	<u>conservation</u> commission	66-3-1010.3	100.00
16	operating an off-highway		
17	motor vehicle in pursuit of		
18	or harassment of livestock		
19	in any manner that negatively		
20	affects the livestock's		
21	condition	66-3-1010.3	100.00
22	operating an off-highway		
23	motor vehicle on or within		
24	an earthen tank or other		
25	structure meant to water		

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1	livestock or wildlife	66-3-1010.3	100.00
2	operating a motor vehicle		
3	in a manner that has a		
4	direct negative effect on		
5	or interferes with persons		
6	engaged in agricultural		
7	practices	66-3-1010.3	100.00
8	a person under the age of		
9	eighteen operating an		
10	off-highway motor vehicle		
11	without wearing eye		
12	protection and a safety		
13	helmet	66-3-1010.3	100.00
14	a person under the age of		
15	eighteen operating an		
16	off-highway motor vehicle		
17	while carrying a passenger	66-3-1010.3	100.00
18	a person under the age of		
19	fifteen but at least ten		
20	years of age who operates		
21	an off-highway motor vehicle		
22	in violation of the supervision		
23	requirements of the Off-Highway		
24	Motor Vehicle Act	66-3-1010.3	100.00
25	a person under the age of		

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1           ten operating an all-terrain  
2           vehicle or recreational off-highway  
3           motor vehicle that is not an  
4           age-appropriate size-fit or  
5           who operates an off-highway  
6           motor vehicle in violation  
7           of the supervision requirements  
8           of this section                           66-3-1010.3           100.00  
9   CLASS 4 VIOLATIONS                           SECTION           PENALTY  
10   VIOLATED           ASSESSMENT  
11          operating an off-highway  
12           motor vehicle in a  
13           careless, reckless or  
14           negligent manner so as  
15           to endanger the person  
16           or property of another               66-3-1010.3           \$200.00  
17          operating an off-highway  
18           motor vehicle on any road  
19           or area closed to off-  
20           highway motor vehicle  
21           traffic under local, state  
22           or federal regulations               66-3-1010.3           200.00  
23          operating an off-highway  
24           motor vehicle on a  
25           limited-access highway

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1 for the particular penalty assessment misdemeanor, and  
2 probation imposed upon a suspended or deferred sentence shall  
3 not exceed ninety days."

4 SECTION 181. Section 68-4-3 NMSA 1978 (being Laws 2019,  
5 Chapter 62, Section 3) is amended to read:

6 "68-4-3. FOREST AND WATERSHED ADVISORY BOARD CREATED--  
7 MEMBERSHIP--APPOINTMENTS--TERMS--COMPENSATION.--

8 A. The "forest and watershed advisory board" is  
9 created and is administratively attached to the energy,  
10 minerals and natural resources department. The board consists  
11 of the following members:

- 12 (1) the [~~New Mexico~~] state forester;
- 13 (2) the state engineer or the state engineer's  
14 designee;
- 15 (3) the commissioner of public lands or the  
16 commissioner's designee;
- 17 (4) the secretary of economic development or  
18 the secretary's designee;
- 19 (5) the secretary of environment or the  
20 secretary's designee;
- 21 (6) the director of the department of [~~game and~~  
22 fish] wildlife conservation or the director's designee;
- 23 (7) the state fire marshal or the fire marshal's  
24 designee; and
- 25 (8) three public members appointed by the

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1 governor from a list of nominees submitted to the governor  
2 jointly by the president pro tempore of the senate and the  
3 speaker of the house of representatives:

4 (a) one of whom shall be a representative of  
5 the forest products industry;

6 (b) one of whom shall be a representative of  
7 local government interests, such as a member of the New Mexico  
8 association of counties or the soil and water conservation  
9 commission; and

10 (c) one of whom shall be a representative of  
11 an academic or nonprofit conservation organization with a focus  
12 on ecological restoration science.

13 B. Public members of the board shall serve until  
14 their successors have been appointed.

15 C. A majority of the members of the board  
16 constitutes a quorum for transaction of business. The board  
17 shall elect a chair from among its members.

18 D. Members of the board are entitled to receive per  
19 diem and mileage pursuant to the Per Diem and Mileage Act and  
20 shall receive no other compensation, perquisite or allowance."

21 SECTION 182. Section 69-25A-4 NMSA 1978 (being Laws 1979,  
22 Chapter 291, Section 4, as amended) is amended to read:

23 "69-25A-4. COAL SURFACE MINING COMMISSION--DUTIES.--

24 A. The "coal surface mining commission" is created.  
25 The commission [~~shall consist~~] consists of:

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1 (1) the director of the bureau of geology and  
2 mineral resources of the New Mexico institute of mining and  
3 technology or [~~his~~] the director's designee;

4 (2) the director of the department of [~~game and~~  
5 ~~fish~~] wildlife conservation or [~~his~~] the director's designee;

6 (3) the secretary of environment or [~~his~~] the  
7 secretary's designee;

8 (4) the [~~chairman~~] chair of the soil and water  
9 conservation commission or [~~his~~] the chair's designee;

10 (5) the director of the agricultural experiment  
11 station of New Mexico state university or [~~his~~] the director's  
12 designee;

13 (6) the state engineer or [~~his~~] the state  
14 engineer's designee;

15 (7) the commissioner of public lands or [~~his~~]  
16 the commissioner's designee; and

17 (8) two public members who shall be appointed by  
18 the governor with the advice and consent of the senate. The  
19 public members shall have, by education, training or  
20 experience, expertise related to mining or mine reclamation.

21 B. The commission shall elect [~~a chairman~~] the chair  
22 and other necessary officers and keep records of its  
23 proceedings.

24 C. The commission shall convene upon the call of the  
25 [~~chairman~~] chair or a majority of its members.

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1 D. A majority of the commission is a quorum for the  
2 transaction of business. However, no action of the commission  
3 is valid unless concurred in by at least three of the members  
4 present.

5 E. The commission shall perform those duties as  
6 specified in the Surface Mining Act relating to the  
7 promulgation of [~~regulations~~] rules and as specified in Section  
8 69-25A-29 NMSA 1978 relating to appeals from the decisions of  
9 the director.

10 F. No member of the commission who performs a  
11 function or duty under the Surface Mining Act may have a direct  
12 or indirect financial interest in any activity undertaken by  
13 the commission.

14 G. The public members shall receive per diem and  
15 mileage pursuant to the Per Diem and Mileage Act."

16 SECTION 183. Section 69-36-6 NMSA 1978 (being Laws 1993,  
17 Chapter 315, Section 6, as amended) is amended to read:

18 "69-36-6. MINING COMMISSION--CREATED--MEMBERS.--

19 A. The "mining commission" is created. The  
20 commission [~~shall consist~~] consists of seven voting members,  
21 including:

22 (1) the director of the bureau of geology and  
23 mineral resources of the New Mexico institute of mining and  
24 technology or [~~his~~] the director's designee;

25 (2) the secretary of environment or [~~his~~] the

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1 secretary's designee;

2 (3) the state engineer or [~~his~~] the state  
3 engineer's designee;

4 (4) the commissioner of public lands or [~~his~~]  
5 the commissioner's designee;

6 (5) the director of the department of [~~game and~~  
7 ~~fish~~] wildlife conservation or [~~his~~] the director's designee;  
8 and

9 (6) two members of the public and an alternate  
10 for each, all to be appointed by the governor with the advice  
11 and consent of the senate. The public members shall be chosen  
12 to represent and to balance environmental and mining interests  
13 while minimizing conflicts of interest. No more than one of  
14 the public members and one of the alternates appointed may  
15 belong to the same political party. When the initial  
16 appointments are made, one of the public members and [~~his~~] the  
17 public member's alternate will be designated to serve for two-  
18 year terms, after which all public members shall serve for four  
19 years. An alternate member may vote only in the absence of the  
20 public member for whom [~~he~~] the member is the alternate.

21 B. The [~~chairman~~] chair of the soil and water  
22 conservation commission and the director of the agricultural  
23 experiment station of New Mexico state university or their  
24 designees shall be nonvoting members of the commission.

25 C. The commission shall elect a [~~chairman~~] chair and

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1 other necessary officers and keep records of its proceedings.

2 D. The commission shall convene upon the call of the  
3 [~~chairman~~] chair or a majority of its members.

4 E. A majority of the voting members of the commission  
5 shall be a quorum for the transaction of business. However, no  
6 action of the commission shall be valid unless concurred upon  
7 by at least four of the members present.

8 F. No member of the commission, with the exception of  
9 one of the public members and [~~his~~] the public member's  
10 alternate, shall receive, or shall have received during the  
11 previous two years, more than ten percent of [~~his~~] that  
12 member's income directly or indirectly from permit holders or  
13 applicants for permits. Each member of the commission shall,  
14 upon acceptance of [~~his~~] the appointment and prior to the  
15 performance of any [~~of his~~] duties, file a statement of  
16 disclosure with the secretary of state stating:

17 (1) the amount of money or other valuable  
18 consideration received, whether provided directly or  
19 indirectly, from persons subject to or who appear before the  
20 commission;

21 (2) the identity of the source of money or other  
22 valuable consideration; and

23 (3) whether the money or other valuable  
24 consideration was in excess of ten percent of [~~his~~] the  
25 member's gross personal income in either of the preceding two

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1 years.

2 G. No commissioner with any financial interest  
3 affected or potentially affected by a permit action may  
4 participate in proceedings related to that permit action."

5 SECTION 184. Section 72-4A-4 NMSA 1978 (being Laws 2001,  
6 Chapter 164, Section 4, as amended) is amended to read:

7 "72-4A-4. WATER TRUST BOARD CREATED.--

8 A. The "water trust board" is created. The board is  
9 composed of the following sixteen members:

10 (1) the state engineer or the state engineer's  
11 designee;

12 (2) the secretary of finance and administration  
13 or the secretary's designee;

14 (3) the executive director of the New Mexico  
15 finance authority or the executive director's designee;

16 (4) the secretary of environment or the  
17 secretary's designee;

18 (5) the secretary of energy, minerals and  
19 natural resources or the secretary's designee;

20 (6) the director of the department of [~~game and~~  
21 ~~fish~~] wildlife conservation or the director's designee;

22 (7) the director of the New Mexico department of  
23 agriculture or the director's designee;

24 (8) the executive director of the New Mexico  
25 municipal league or the executive director's designee;

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1                   (9) the executive director of the New Mexico  
2 association of counties or the executive director's designee;

3                   (10) five public members appointed by the  
4 governor and confirmed by the senate and who represent:

5                               (a) the environmental community;

6                               (b) an irrigation or conservancy district  
7 that uses surface water;

8                               (c) an irrigation or conservancy district  
9 that uses ground water;

10                              (d) acequia water users; and

11                              (e) soil and water conservation districts;

12                   (11) one public member appointed by the Indian  
13 affairs commission; and

14                   (12) the president of the Navajo Nation or the  
15 president's designee.

16                   B. The chair of the board shall be elected by a  
17 quorum of the board members. The board shall meet at the call  
18 of the chair or whenever three members submit a request in  
19 writing to the chair, but not less often than once each  
20 calendar year. A majority of members constitutes a quorum for  
21 the transaction of business. The affirmative vote of at least  
22 a majority of a quorum present shall be necessary for an action  
23 to be taken by the board.

24                   C. Each public member of the board appointed by the  
25 governor shall be appointed to a four-year term. To provide

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1 for staggered terms, two of the initially governor-appointed  
2 public members shall be appointed for terms of two years and  
3 three members for terms of four years. Thereafter, all  
4 governor-appointed members shall be appointed for four-year  
5 terms. Vacancies shall be filled by appointment by the  
6 governor for the remainder of the unexpired term.

7 D. Public members of the board shall be reimbursed  
8 for attending meetings of the board as provided for nonsalaried  
9 public officers in the Per Diem and Mileage Act and shall  
10 receive no other compensation, perquisite or allowance.

11 E. Public members of the board are appointed public  
12 officials of the state while carrying out their duties and  
13 activities under the Water Project Finance Act."

14 SECTION 185. Section 74-6-2 NMSA 1978 (being Laws 1967,  
15 Chapter 190, Section 2, as amended) is amended to read:

16 "74-6-2. DEFINITIONS.--As used in the Water Quality Act:

17 A. "gray water" means untreated household wastewater  
18 that has not come in contact with toilet waste and includes  
19 wastewater from bathtubs, showers, washbasins, clothes washing  
20 machines and laundry tubs, but does not include wastewater from  
21 kitchen sinks or dishwashers or laundry water from the washing  
22 of material soiled with human excreta, such as diapers;

23 B. "water contaminant" means any substance that could  
24 alter, if discharged or spilled, the physical, chemical,  
25 biological or radiological qualities of water. "Water

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1 contaminant" does not mean source, special nuclear or byproduct  
2 material as defined by the federal Atomic Energy Act of 1954;

3 C. "water pollution" means introducing or permitting  
4 the introduction into water, either directly or indirectly, of  
5 one or more water contaminants in such quantity and of such  
6 duration as may with reasonable probability injure human  
7 health, animal or plant life or property, or to unreasonably  
8 interfere with the public welfare or the use of property;

9 D. "wastes" means sewage, industrial wastes or any  
10 other liquid, gaseous or solid substance that may pollute any  
11 waters of the state;

12 E. "sewer system" means pipelines, conduits, pumping  
13 stations, force mains or any other structures, devices,  
14 appurtenances or facilities used for collecting or conducting  
15 wastes to an ultimate point for treatment or disposal;

16 F. "treatment works" means any plant or other works  
17 used for the purpose of treating, stabilizing or holding  
18 wastes;

19 G. "sewerage system" means a system for disposing of  
20 wastes, either by surface or underground methods, and includes  
21 sewer systems, treatment works, disposal wells and other  
22 systems;

23 H. "water" means all water, including water situated  
24 wholly or partly within or bordering upon the state, whether  
25 surface or subsurface, public or private, except private waters

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1 that do not combine with other surface or subsurface water;

2 I. "person" means an individual or any other entity,  
3 including partnerships, corporations, associations, responsible  
4 business or association agents or officers, the state or a  
5 political subdivision of the state or any agency, department or  
6 instrumentality of the United States and any of its officers,  
7 agents or employees;

8 J. "commission" means the water quality control  
9 commission;

10 K. "constituent agency" means, as the context may  
11 require, any or all of the following agencies of the state:

12 (1) the department of environment;

13 (2) the state engineer and the interstate stream  
14 commission;

15 (3) the department of [~~game and fish~~] wildlife  
16 conservation;

17 (4) the oil conservation commission;

18 (5) the state parks division of the energy,  
19 minerals and natural resources department;

20 (6) the New Mexico department of agriculture;

21 (7) the soil and water conservation commission;

22 and

23 (8) the bureau of geology and mineral resources  
24 at the New Mexico institute of mining and technology;

25 L. "new source" means:

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1 (1) any source, the construction of which is  
2 commenced after the publication of proposed ~~[regulations]~~ rules  
3 prescribing a standard of performance applicable to the source;  
4 or

5 (2) any existing source when modified to treat  
6 substantial additional volumes or when there is a substantial  
7 change in the character of water contaminants treated;

8 M. "source" means a building, structure, facility or  
9 installation from which there is or may be a discharge of water  
10 contaminants directly or indirectly into water;

11 N. "septage" means the residual wastes and water  
12 periodically pumped from a liquid waste treatment unit or from  
13 a holding tank for maintenance or disposal purposes;

14 O. "sludge" means solid, semi-solid or liquid waste  
15 generated from a municipal, commercial or industrial wastewater  
16 treatment plant, water supply treatment plant or air pollution  
17 control facility that is associated with the treatment of these  
18 wastes. "Sludge" does not mean treated effluent from a  
19 wastewater treatment plant;

20 P. "substantial adverse environmental impact" means  
21 that an act or omission of the violator causes harm or damage:

22 (1) to human beings; or

23 (2) that amounts to more than ten thousand  
24 dollars (\$10,000) damage or mitigation costs to flora,  
25 including agriculture crops; fish or other aquatic life;

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1 waterfowl or other birds; livestock or wildlife or damage to  
2 their habitats; ground water or surface water; or the lands of  
3 the state;

4 Q. "federal act" means the Federal Water Pollution  
5 Control Act, its subsequent amendment and successor provisions;

6 R. "standards of performance" means any standard,  
7 effluent limitation or effluent standard adopted pursuant to  
8 the federal act or the Water Quality Act; and

9 S. "produced water" means a fluid that is an  
10 incidental byproduct from drilling for or the production of oil  
11 and gas."

12 SECTION 186. Section 74-6-3 NMSA 1978 (being Laws 1967,  
13 Chapter 190, Section 3, as amended) is amended to read:

14 "74-6-3. WATER QUALITY CONTROL COMMISSION CREATED.--

15 A. There is created the "water quality control  
16 commission" consisting of:

17 (1) the secretary of environment or a member of  
18 the secretary's staff designated by the secretary;

19 (2) the secretary of health or a member of the  
20 secretary's staff designated by the secretary;

21 (3) the director of the department of [~~game and~~  
22 ~~fish~~] wildlife conservation or a member of the director's staff  
23 designated by the director;

24 (4) the state engineer or a member of the state  
25 engineer's staff designated by the state engineer;

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1 (5) the chair of the oil conservation commission  
2 or a member of the chair's staff designated by the chair;

3 (6) the director of the state parks division of  
4 the energy, minerals and natural resources department or a  
5 member of the director's staff designated by the director;

6 (7) the director of the New Mexico department of  
7 agriculture or a member of the director's staff designated by  
8 the director;

9 (8) the chair of the soil and water conservation  
10 commission or a soil and water conservation district supervisor  
11 designated by the chair;

12 (9) the director of the bureau of geology and  
13 mineral resources at the New Mexico institute of mining and  
14 technology or a member of the director's staff designated by  
15 the director;

16 (10) a municipal or county government  
17 representative; and

18 (11) four representatives of the public to be  
19 appointed by the governor for terms of four years and who shall  
20 be compensated from the budgeted funds of the department of  
21 environment in accordance with the provisions of the Per Diem  
22 and Mileage Act. At least one member appointed by the governor  
23 shall be a member of a New Mexico Indian tribe or pueblo.

24 B. A member of the commission shall not receive, or  
25 shall not have received during the previous two years, a

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1 significant portion of the member's income directly or  
2 indirectly from permit holders or applicants for a permit. A  
3 member of the commission shall, upon the acceptance of the  
4 member's appointment and prior to the performance of any of the  
5 member's duties, file a statement of disclosure with the  
6 secretary of state disclosing any amount of money or other  
7 valuable consideration, and its source, the value of which is  
8 in excess of ten percent of the member's gross personal income  
9 in each of the preceding two years, that the member received  
10 directly or indirectly from permit holders or applicants for  
11 permits required under the Water Quality Act. A member of the  
12 commission shall not participate in the consideration of an  
13 appeal if the subject of the appeal is an application filed or  
14 a permit held by an entity that either employs the commission  
15 member or from which the commission member received more than  
16 ten percent of the member's gross personal income in either of  
17 the preceding two years.

18 C. The commission shall elect a chair and other  
19 necessary officers and shall keep a record of its proceedings.

20 D. A majority of the commission constitutes a quorum  
21 for the transaction of business, but no action of the  
22 commission is valid unless concurred in by six or more members  
23 present at a meeting.

24 E. The commission is the state water pollution  
25 control agency for this state for all purposes of the federal

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1 act and the wellhead protection and sole source aquifer  
2 programs of the federal Safe Drinking Water Act of 1974 and may  
3 take all action necessary and appropriate to secure to this  
4 state, its political subdivisions or interstate agencies the  
5 benefits of that act and those programs.

6 F. The commission is administratively attached, as  
7 defined in the Executive Reorganization Act, to the department  
8 of environment."

9 SECTION 187. Section 75-5-4 NMSA 1978 (being Laws 1987,  
10 Chapter 192, Section 4, as amended) is amended to read:

11 "75-5-4. ADMINISTRATION OF THE ACT.--

12 A. The Natural Lands Protection Act shall be  
13 administered by the secretary of energy, minerals and natural  
14 resources in consultation with a committee consisting of the  
15 secretary of energy, minerals and natural resources, who shall  
16 serve as [~~chairman~~] chair of the committee, the director of the  
17 department of [~~game and fish~~] wildlife conservation, the  
18 commissioner of public lands, the director of the New Mexico  
19 department of agriculture and three public members appointed by  
20 the governor, one of whom shall represent the ranching or  
21 farming industry.

22 B. The secretary of energy, minerals and natural  
23 resources shall present a list of projects to the committee  
24 based on priorities generated by the energy, minerals and  
25 natural resources department.

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1 C. The committee shall recommend lands to be acquired  
2 under the provisions of the Natural Lands Protection Act and,  
3 subject to appropriation for such purpose by the legislature,  
4 pay the state's share of acquisitions. No land shall be  
5 acquired unless a corporation jointly acquires the land with  
6 the state. A corporation ~~[must]~~ shall participate in acquiring  
7 a minimum of at least ten percent undivided interest in the  
8 land or the state cannot participate in the acquisition. Title  
9 to lands acquired shall be held as cotenants having undivided  
10 interests in proportion to the state's and the corporation's  
11 share of the acquisition and shall be held in the name of the  
12 state ~~[of New Mexico]~~ and the corporation.

13 D. Priority among projects qualified under the  
14 Natural Lands Protection Act shall be determined in descending  
15 order as follows:

16 (1) the degree to which the lands in question  
17 are subject to the threat of immediate alteration or  
18 destruction;

19 (2) the degree to which ecosystems in question  
20 are unduplicated elsewhere; and

21 (3) usefulness for teaching and research."

22 SECTION 188. Section 75-8-2 NMSA 1978 (being Laws 1994,  
23 Chapter 118, Section 1) is amended to read:

24 "75-8-2. CONDITIONS.--

25 A. Any funds expended for the purpose of restoring

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1 native riparian vegetation and wetland areas in the Pecos River  
2 valley are contingent upon:

3 (1) the development of comprehensive plans to  
4 monitor all impacts of control activities and to restore native  
5 riparian vegetation throughout each project area;

6 (2) the provision of sufficient funds to  
7 undertake those restoration activities; and

8 (3) the approval of all control, restoration and  
9 monitoring plans by the New Mexico department of agriculture,  
10 the department of [~~game and fish~~] wildlife conservation and the  
11 department of environment in consultation with the interstate  
12 stream commission.

13 B. In addition to the conditions set out in  
14 Subsection A of this section, any funds expended for the  
15 purpose of restoring native riparian vegetation and wetland  
16 areas in the Pecos River valley for projects on private lands  
17 are contingent upon the owners of those lands agreeing to a  
18 sixteen-year covenant running with the land providing for the  
19 management and continuity of all restored native riparian  
20 vegetation. The covenant shall be enforced by the energy,  
21 minerals and natural resources department."

22 SECTION 189. Section 76-7B-5 NMSA 1978 (being Laws 1985,  
23 Chapter 53, Section 5) is amended to read:

24 "76-7B-5. COMMITTEE CREATED.--

25 A. There is created the "rangeland protection

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1 advisory committee". The following persons or their designees  
2 shall be members: the director of the New Mexico department of  
3 agriculture, the ~~[chairman]~~ chair of the range improvement task  
4 force, college of agriculture of New Mexico state university,  
5 the commissioner of public lands, the director of the  
6 department of ~~[game and fish]~~ wildlife conservation, the  
7 secretary of energy, minerals and natural resources, the dean  
8 of the college of agriculture at New Mexico state university  
9 and the ~~[director of the environmental improvement division of~~  
10 ~~the health and environment department]~~ secretary of  
11 environment. The committee shall coordinate its activities and  
12 insofar as possible involve the state director of the United  
13 States bureau of land management, the regional forester of the  
14 United States forest service, the bureau of Indian affairs and  
15 the state conservationist of the United States ~~[soil]~~ natural  
16 resources conservation service. The ~~[chairman will]~~ chair  
17 shall appoint one additional member for a one-year term to be  
18 selected from the ranching industry. The director of the New  
19 Mexico department of agriculture shall serve as ~~[chairman]~~  
20 chair.

21 B. The ~~[chairman]~~ chair shall call meetings of the  
22 committee and prescribe the time and place of each meeting.

23 C. To facilitate cooperation and coordination, the  
24 committee shall:

25 (1) meet upon the call of the ~~[chairman]~~ chair

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1 to develop mutually acceptable general guidelines to be  
2 followed for all rangeland protection projects conducted by the  
3 department under the Rangeland Protection Act; and

4 (2) be convened at least once annually to  
5 discuss rangeland protection projects conducted during the  
6 preceding year and to provide updated recommendations and  
7 guidance for future projects as necessitated by [~~but not~~  
8 ~~limited to~~] changes in available funding, laws or technology.

9 D. The department shall provide the administrative  
10 staff and facilities needed by the rangeland protection  
11 advisory committee."

12 SECTION 190. Section 77-1B-2 NMSA 1978 (being Laws 2007,  
13 Chapter 60, Section 2, as amended) is amended to read:

14 "77-1B-2. DEFINITIONS.--As used in the Animal Sheltering  
15 Act:

16 A. "animal" means any animal, except humans, not  
17 defined as "livestock" in Subsection K of this section;

18 B. "animal shelter":

19 (1) means:

20 (a) a county or municipal facility that  
21 provides shelter to animals on a regular basis, including a  
22 small animal impound facility; and

23 (b) a private humane society or a private  
24 animal shelter that temporarily houses stray, unwanted or  
25 injured animals through administrative or contractual

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1 arrangements with a local government agency; and

2 (2) does not include a municipal zoological  
3 park;

4 C. "board" means the board of veterinary medicine;

5 D. "disposition" means adoption of an animal; return  
6 of an animal to the owner; release of an animal to a rescue  
7 organization; release of an animal to another animal shelter or  
8 to a rehabilitator licensed by the department of [~~game and~~  
9 ~~fish~~] wildlife conservation or the United States fish and  
10 wildlife service; or euthanasia of an animal;

11 E. "emergency field euthanasia" means the process  
12 defined by rule of the board to cause the death of an animal in  
13 an emergency situation when safe and humane transport of the  
14 animal is not possible;

15 F. "euthanasia" means to produce a humane death of an  
16 animal by standards deemed acceptable by the board as set forth  
17 in its rules;

18 G. "euthanasia agency" means a facility that provides  
19 shelter to animals on a regular basis, including a small animal  
20 impound facility, a humane society or a public or private  
21 shelter facility that temporarily houses stray, unwanted or  
22 injured animals, and that performs euthanasia;

23 H. "euthanasia drugs" means non-narcotic Schedule II  
24 or Schedule III substances and chemicals as set forth in the  
25 Controlled Substances Act that are used for the purposes of

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1 euthanasia and pre-euthanasia of animals;

2 I. "euthanasia instructor" means a veterinarian or a  
3 euthanasia technician certified by the board to instruct other  
4 individuals in euthanasia techniques;

5 J. "euthanasia technician" means a person licensed by  
6 the board to euthanize animals for a euthanasia agency;

7 K. "livestock" means all domestic or domesticated  
8 animals that are used or raised on a farm or ranch and exotic  
9 animals in captivity and includes horses, asses, mules, cattle,  
10 sheep, goats, swine, bison, poultry, ostriches, emus, rheas,  
11 camelids and farmed cervidae but does not include canine or  
12 feline animals;

13 L. "rescue organization" means an organization that  
14 rescues animals and is not involved in the breeding of animals;

15 M. "supervising veterinarian" means a person who is a  
16 veterinarian, who holds both a valid New Mexico controlled  
17 substance license and a valid federal drug enforcement agency  
18 license and who approves the drug protocols and the procurement  
19 and administration of all pharmaceuticals; and

20 N. "veterinarian" means a person who is licensed as a  
21 doctor of veterinary medicine by the board pursuant to the  
22 Veterinary Practice Act."

23 SECTION 191. Section 77-1B-8 NMSA 1978 (being Laws 2007,  
24 Chapter 60, Section 8, as amended by Laws 2009, Chapter 102,  
25 Section 11 and by Laws 2009, Chapter 103, Section 2) is amended  
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1 to read:

2 "77-1B-8. EUTHANASIA AGENCIES--INSPECTIONS--EXEMPTIONS.--

3 A. The board shall have authority over the licensing  
4 of euthanasia agencies. All euthanasia agencies shall be  
5 licensed by the board prior to euthanasia being performed by  
6 that agency.

7 B. The board shall adopt rules governing the  
8 procedures for administering euthanasia; provided that the use  
9 of carbon monoxide gas chambers shall be prohibited for the  
10 euthanasia of cats and dogs.

11 C. The board shall establish rules for inspecting a  
12 facility holding or claiming to hold a license as a euthanasia  
13 agency in this state.

14 D. The board shall establish policies and procedures  
15 for ~~[record-keeping]~~ recordkeeping and for securing, using and  
16 disposing of euthanasia drugs in accordance with requirements  
17 of the Controlled Substances Act, the United States drug  
18 enforcement administration's Controlled Substances Act and the  
19 rules of the board of pharmacy.

20 E. Euthanasia agencies using controlled substances  
21 shall have on staff or under contract a consulting pharmacist  
22 as that position is defined in the Pharmacy Act.

23 F. A supervising veterinarian is not required to be  
24 on the premises of a euthanasia agency when euthanasia is  
25 performed.

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1 G. Nothing in [~~Chapter 77, Article 1B NMSA 1978~~] the  
2 Animal Sheltering Act shall be construed as allowing a  
3 euthanasia technician or a euthanasia instructor to engage in  
4 the practice of veterinary medicine when performing the duties  
5 set forth in that act.

6 H. Nothing in [~~Chapter 77, Article 1B NMSA 1978~~] the  
7 Animal Sheltering Act shall be construed as preventing a  
8 euthanasia instructor from euthanizing animals during a board-  
9 approved course on euthanasia instruction.

10 I. Nothing in [~~Chapter 77, Article 1B NMSA 1978~~] the  
11 Animal Sheltering Act affects wildlife rehabilitators working  
12 under the auspices of the department of [~~game and fish~~]  
13 wildlife conservation.

14 J. A veterinary clinic serving as a euthanasia agency  
15 pursuant to a contract with a local government is exempt from  
16 the provisions of [~~Chapter 77, Article 1B NMSA 1978~~] the Animal  
17 Sheltering Act; provided that the veterinary clinic is subject  
18 to licensure and rules adopted pursuant to the Veterinary  
19 Practice Act.

20 K. A municipal facility that is a zoological park is  
21 exempt from the provisions of [~~Chapter 77, Article 1B NMSA~~  
22 ~~1978~~] the Animal Sheltering Act."

23 SECTION 192. Section 77-1B-9 NMSA 1978 (being Laws 2007,  
24 Chapter 60, Section 9, as amended) is amended to read:

25 "77-1B-9. VIOLATIONS.--

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1           A. Unless otherwise provided in the Animal Sheltering  
2 Act, it is a violation of that act for a person to:

3           (1) perform euthanasia for a euthanasia agency  
4 or an animal shelter in this state without possessing a valid  
5 license pursuant to the Animal Sheltering Act;

6           (2) solicit, advertise or offer to perform an  
7 act for which licensure or certification is required pursuant  
8 to the Animal Sheltering Act, unless the person holds a license  
9 or certification;

10           (3) refuse to comply with a cease and desist  
11 order issued by the board;

12           (4) refuse or fail to comply with the provisions  
13 of the Animal Sheltering Act;

14           (5) make a material misstatement in an  
15 application for licensure or certification;

16           (6) intentionally make a material misstatement  
17 to the board during an official investigation;

18           (7) impersonate an official or inspector;

19           (8) refuse or fail to comply with rules adopted  
20 by the board or with a lawful order issued by the board;

21           (9) aid or abet another in violating provisions  
22 of the Animal Sheltering Act, or a rule adopted by the board;

23           (10) alter or falsify a certificate of  
24 inspection, license or certification issued by the board;

25           (11) fail to carry out the duties of a

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1 euthanasia technician in a professional manner;

2 (12) abuse the use of a chemical substance or be  
3 guilty of habitual or excessive use of intoxicants or drugs;

4 (13) sell or give chemical substances used in  
5 euthanasia procedures to an unlicensed person; or

6 (14) assist an unlicensed or unauthorized person  
7 in euthanizing animals, except during a board-approved course  
8 in euthanasia.

9 B. It is a violation of the Animal Sheltering Act for  
10 a euthanasia agency or an animal shelter to:

11 (1) refuse to permit entry or inspection of its  
12 facilities by the board or its designees;

13 (2) sell, offer for sale, barter, exchange or  
14 otherwise transfer animals that are prohibited by the  
15 department of [~~game and fish~~] wildlife conservation, the United  
16 States department of agriculture or any other regulatory agency  
17 to be kept unless the sale, offer for sale, bartering,  
18 exchanging or transferring of the animal is to a facility  
19 employing permitted rehabilitators or an individual that is a  
20 permitted rehabilitator pursuant to the rules adopted by the  
21 department of [~~game and fish~~] wildlife conservation or another  
22 agency that has authority over people who are permitted to  
23 receive and provide care for such animals;

24 (3) allow a license or certificate issued  
25 pursuant to the Animal Sheltering Act to be used by an

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1 unlicensed or uncertified person; or

2 (4) make a misrepresentation or false promise  
3 through advertisements, employees, agents or other mechanisms  
4 in connection with the euthanasia of an animal.

5 C. It is a violation of the Animal Sheltering Act for  
6 an employee or official of the board or the animal sheltering  
7 committee to disclose or use for that person's own advantage  
8 information derived from reports or records submitted to the  
9 board pursuant to that act."

10 SECTION 193. Section 17-3-16 NMSA 1978 (being Laws 1964  
11 (1st S.S.), Chapter 17, Section 7, as amended) is amended to  
12 read:

13 "17-3-16. FUNDS--SPECIAL DRAWINGS FOR LICENSES.--

14 A. The director of the department of game and fish  
15 may provide special envelopes and application blanks when a  
16 special drawing is to be held to determine the persons to  
17 receive licenses. Money required to be submitted with these  
18 applications, if enclosed in the special envelopes, need not be  
19 deposited with the state treasurer but may be held by the  
20 director until the successful applicants are determined. At  
21 that time, the fees of the successful applicants shall be  
22 deposited with the state treasurer and the fees submitted by  
23 the unsuccessful applicants shall be returned to them.

24 B. Beginning with the licenses issued from a special  
25 drawing for a hunt code that commences on or after ~~April 1,~~

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1 2012:

2 ~~(1) licenses shall be issued as follows:~~

3 ~~(a) ten percent of the licenses to be drawn~~  
4 ~~by nonresidents and residents who will be contracted with a New~~  
5 ~~Mexico outfitter prior to application; and~~

6 ~~(b) six percent of the licenses to be drawn~~  
7 ~~by nonresidents who are not required to be contracted with an~~  
8 ~~outfitter; and~~

9 ~~(2) a minimum of eighty-four]~~ April 1, 2022, a  
10 minimum of ninety percent of the licenses shall be issued to  
11 residents of New Mexico.

12 C. If the number of resident applicants who apply for  
13 licenses [~~pursuant to the provisions of Paragraphs (1) and (2)~~  
14 ~~of Subsection B of this section]~~ does not constitute at least  
15 ninety percent of the allocated licenses [~~for either category~~],  
16 then the additional licenses available may be granted to  
17 another category of applicants. The director shall offer first  
18 choice of undersubscribed hunts to residents, whenever  
19 practicable.

20 ~~[D. If the determination of the percentages in~~  
21 ~~Subsection B of this section yields a fraction of:~~

22 ~~(1) five-tenths or greater, the number of~~  
23 ~~licenses to be issued shall be rounded up to the next whole~~  
24 ~~number; and~~

25 ~~(2) less than five-tenths, the number of~~

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[bracketed material] = delete

1 ~~licenses shall be rounded down to the next whole number.~~

2 ~~E.]~~ D. The fee for a nonresident license for a  
3 special drawing in a high-demand hunt [~~covered in Subsection B~~  
4 ~~of this section~~] shall be assessed at the same rate as a  
5 license for nonresident quality elk or quality deer. As used  
6 in this subsection, "high-demand hunt" means:

7 (1) a hunt where the total number of nonresident  
8 applicants for a hunt code in each unit exceeds twenty-two  
9 percent of the total applicants and where the total applicants  
10 for a hunt exceeds the number of licenses available based on  
11 application data indicating that this criteria occurred in each  
12 of the two immediately preceding years; or

13 (2) an additional hunt code designated by the  
14 department of game and fish as a quality hunt.

15 ~~[F.]~~ E. All antlerless elk hunts pursuant to this  
16 section shall be exclusively for New Mexico residents.

17 ~~[G.]~~ F. Hunts on all state wildlife management areas  
18 shall be allocated exclusively to New Mexico residents.

19 ~~[H. As used in this section, "New Mexico outfitter"~~  
20 ~~means a person who has a business:~~

21 ~~(1) with a valid New Mexico state, county or~~  
22 ~~municipal business registration and a valid outfitter license~~  
23 ~~issued by the department of game and fish;~~

24 ~~(2) that is authorized to do and is doing~~  
25 ~~outfitting business under the laws of this state;~~

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[bracketed material] = delete

1                   ~~(3) that has paid property taxes or rent on real~~  
2 ~~property in New Mexico, paid gross receipts taxes and paid at~~  
3 ~~least one other tax administered by the taxation and revenue~~  
4 ~~department in each of the three years immediately preceding the~~  
5 ~~submission of an affidavit to the department of game and fish;~~

6                   ~~(4) the majority of which is owned by the person~~  
7 ~~who has resided in New Mexico during the three-year period~~  
8 ~~immediately preceding the submission of an affidavit to the~~  
9 ~~department of game and fish;~~

10                   ~~(5) that employs at least eighty percent of the~~  
11 ~~total personnel of the business who are New Mexico residents;~~  
12 ~~and~~

13                   ~~(6) that has either leased property for ten~~  
14 ~~years or purchased property greater than fifty thousand dollars~~  
15 ~~(\$50,000) in value in New Mexico;~~

16                   ~~(7) that, if it has changed its name from that~~  
17 ~~of a previously certified business, the business is identical~~  
18 ~~in every way to the previously certified business that meets~~  
19 ~~all criteria;~~

20                   ~~(8) that possesses all required federal or state~~  
21 ~~land use permits for the hunt; and~~

22                   ~~(9) that operates as a hunting guide service~~  
23 ~~during which at least two days are accompanied with the client~~  
24 ~~in the area where the license is valid.]"~~

25                   SECTION 194. TEMPORARY PROVISION--TRANSFER OF FUNCTIONS,

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underscoring material = new  
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1 PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY, CONTRACTUAL  
2 OBLIGATIONS AND STATUTORY REFERENCES.--On the effective date of  
3 this act, all:

4 A. functions, personnel, money, appropriations,  
5 records, furniture, equipment, supplies and other property of  
6 the department of game and fish are transferred to the  
7 department of wildlife conservation;

8 B. contractual obligations of the department of game  
9 and fish are binding on the department of wildlife  
10 conservation;

11 C. references in law to the department of game and  
12 fish shall be deemed to be references to the department of  
13 wildlife conservation;

14 D. functions, personnel, money, appropriations,  
15 records, furniture, equipment, supplies and other property of  
16 the state game commission are transferred to the state wildlife  
17 conservation commission;

18 E. contractual obligations of the state game  
19 commission are binding on the state wildlife conservation  
20 commission; and

21 F. references in law to the state game commission  
22 shall be deemed to be references to the state wildlife  
23 conservation commission.

24 SECTION 195. APPROPRIATION.--

25 A. One million dollars (\$1,000,000) is appropriated

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1 from the general fund to the department of game and fish for  
2 expenditure in fiscal year 2022 and subsequent fiscal years for  
3 the management of species of greatest conservation need, as  
4 enumerated in the state wildlife action plan. Any unexpended  
5 or unencumbered balance remaining at the end of a fiscal year  
6 shall not revert to the general fund.

7 B. One million dollars (\$1,000,000) is appropriated  
8 from the general fund to the department of game and fish for  
9 expenditure in fiscal year 2022 for expenses relating to the  
10 name change of the department and the state game commission.  
11 Any unexpended or unencumbered balance remaining at the end of  
12 fiscal year 2022 shall revert to the general fund.

13 SECTION 196. REPEAL.--Section 17-3-25 NMSA 1978 (being  
14 Laws 1967, Chapter 26, Section 1, as amended) is repealed.

15 SECTION 197. DELAYED REPEAL.--That version of Section  
16 17-3-16 NMSA 1978 (being Laws 1964 (1st S.S.), Chapter 17,  
17 Section 7, as amended) that was amended by Section 193 of this  
18 act is repealed effective July 1, 2022.

19 SECTION 198. EFFECTIVE DATE.--

20 A. The effective date of the provisions of Section  
21 195 of this act is July 1, 2021.

22 B. The effective date of the provisions of Section  
23 193 of this act is April 1, 2022.

24 C. The effective date of the provisions of Sections 1  
25 through 192, 194, 196 and 197 of this act is July 1, 2022.

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