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HOUSE BILL 23

56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024

INTRODUCED BY

Matthew McQueen

AN ACT

RELATING TO THE STATE GAME COMMISSION; REFORMING THE STATE GAME COMMISSION APPOINTMENT PROCESS; SETTING TERM LIMITS FOR COMMISSIONERS; ADDING REQUIREMENTS FOR APPOINTMENT AND REMOVAL OF COMMISSIONERS.

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

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

"17-1-2. STATE GAME COMMISSION--APPOINTMENT--TERM.--

A. To carry out the purpose of Chapter 17 NMSA 1978 and all other acts for like purpose, there is created a "state game commission" of seven members. [~~not more than four of whom shall be of the same political party at the time of their appointment. The members of the commission shall be appointed by the governor with the advice and consent of the senate. The~~

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1 ~~term of office for each member of the commission shall be four~~
2 ~~years. At the time of making the first appointments, the~~
3 ~~governor shall designate the commissioners' terms as being one,~~
4 ~~two, three or four years so that the term of no more than two~~
5 ~~commissioners shall expire each year.~~

6 ~~In making appointments to the state game commission, one~~
7 ~~member shall be appointed from each of the following districts:~~

8 ~~A. district one: Curry, De Baca, Roosevelt,~~
9 ~~Chaves, Lincoln, Otero, Eddy and Lea counties;~~

10 ~~B. district two: Catron, Socorro, Grant, Hidalgo,~~
11 ~~Luna, Sierra and Dona Ana counties;~~

12 ~~C. district three: San Juan, McKinley, Cibola,~~
13 ~~Valencia, Sandoval, Los Alamos and Rio Arriba counties;~~

14 ~~D. district four: Santa Fe, Taos, Colfax, Union,~~
15 ~~Mora, Harding, Quay, San Miguel, Guadalupe and Torrance~~
16 ~~counties; and~~

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

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1 ~~habitat advocacy. The state game commission as provided in~~
2 ~~Chapter 17 NMSA 1978 shall have the same authority, powers and~~
3 ~~duties as now vested in the state game commission by law and~~
4 ~~each member of the state game commission shall serve until his~~
5 ~~successor has been appointed and qualified.]~~

6 B. Three members of the commission shall be New
7 Mexico residents and shall be appointed by the governor,
8 positions one, two and three, with no more than one member
9 residing in any one county and with no more than two members
10 affiliated with the same political party.

11 C. Four members of the commission shall be New
12 Mexico residents and shall be appointed by the New Mexico
13 legislative council, with no more than one member residing in
14 any one county, as follows:

15 (1) position four, a rancher or farmer who
16 owns or manages a New Mexico ranch or farm, on which at least
17 two species of animals for which game hunting is licensed under
18 the provisions of Section 17-3-2 NMSA 1978 are frequently
19 present;

20 (2) position five, a conservationist who for
21 the previous four years has been an employee, a member of the
22 board or a member of an established advisory committee of a
23 nonprofit habitat or wildlife conservation organization, the
24 primary focus of which is not game species;

25 (3) position six, a hunter or angler who has

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1 held a New Mexico hunting or fishing license each of the
2 previous four years; and

3 (4) position seven, a scientist who holds at
4 least a master's degree from an accredited college or
5 university in wildlife biology, conservation biology, fisheries
6 science or management, wildlife science or management or a
7 comparable wildlife field.

8 D. No more than two of the commissioners appointed
9 by the New Mexico legislative council shall be affiliated with
10 the same political party.

11 E. All commissioners shall be appointed with the
12 advice and consent of the senate. Except for the initial
13 appointments as provided in Section 2 of this 2024 act, the
14 term of office for each member of the commission shall be six
15 years.

16 F. Commissioners shall serve for no more than two
17 terms after the effective date of this 2024 act. A partial
18 term shall be counted as one full term, unless the partial term
19 is less than one full year.

20 G. When a commissioner dies, resigns or no longer
21 meets the qualifications required for the commissioner's
22 original appointment, or misses three consecutive meetings,
23 that position on the commission becomes vacant. The original
24 appointing authority for the vacant position shall appoint a
25 successor for the remainder of the term in the same manner as

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1 the original appointment for that position was made.

2 H. A commissioner shall not be removed except for
3 incompetence, neglect of duty or malfeasance in office;
4 provided that no removal shall be made without notice of
5 hearing and an opportunity to be heard having first been given
6 to the commissioner. The supreme court is given exclusive
7 original jurisdiction over proceedings to remove commissioners
8 under such rules as it may promulgate, and its decision in
9 connection with such matters shall be final.

10 I. A person shall not be eligible to be appointed
11 as a commissioner if the person changed party affiliation
12 during the previous four years; provided that a person who
13 changed party affiliation for the purpose of voting in a
14 primary election pursuant to Section 1-4-5.7 NMSA 1978 and then
15 changed party affiliation back to the status of that person's
16 party affiliation immediately prior to the change within ninety
17 days shall not be considered to have changed party affiliation
18 for the purposes of this subsection.

19 J. The director of the New Mexico outdoor
20 recreation division of the economic development department or
21 the director's designee shall be an advisor to the commission."

22 SECTION 2. TEMPORARY PROVISION--INITIAL APPOINTMENTS.--
23 The initial appointments made to the state game commission by
24 the governor and the New Mexico legislative council pursuant to
25 the provisions of Section 1 of this act shall replace the

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1 members of the state game commission serving on the effective
2 date of this act, whose terms shall end on the effective date
3 of this act. Terms for the initial appointments to the
4 commission appointed on the effective date of this act shall be
5 as follows:

- 6 A. for position one, a one-year term;
- 7 B. for position two, a three-year term;
- 8 C. for position three, a five-year term;
- 9 D. for position four, a one-year term;
- 10 E. for position five, a three-year term;
- 11 F. for position six, a five-year term; and
- 12 G. for position seven, a five-year term.

13 SECTION 3. EFFECTIVE DATE.--The effective date of the
14 provisions of this act is January 1, 2025.