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SENATE BILL 34

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Billy J. McKibben

AN ACT

RELATING TO STATE GOVERNMENT ORGANIZATION; CREATING THE PARKS AND WILDLIFE DEPARTMENT; MERGING THE STATE PARKS DIVISION OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT AND THE DEPARTMENT OF GAME AND FISH INTO THE NEW DEPARTMENT; CHANGING THE NAME OF THE STATE GAME COMMISSION; PRESCRIBING POWERS AND DUTIES; TRANSFERRING PERSONNEL, MONEY, PROPERTY, CONTRACTS AND STATUTORY REFERENCES.

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

Section 1. Section 7-1-6.38 NMSA 1978 (being Laws 1994, Chapter 145, Section 1, as amended) is amended to read:

"7-1-6.38. DISTRIBUTION-- GOVERNMENTAL GROSS RECEIPTS TAX. --

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the public project revolving fund

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1 administered by the New Mexico finance authority in an amount
2 equal to seventy-five percent of the net receipts attributable
3 to the governmental gross receipts tax.

4 B. A distribution pursuant to Section 7-1-6.1 NMSA
5 1978 shall be made to the energy, minerals and natural
6 resources department and the parks and wildlife department in
7 an amount equal to twenty-five percent of the net receipts
8 attributable to the governmental gross receipts tax. Forty
9 percent of the distribution is appropriated to the energy,
10 minerals and natural resources department to implement the
11 provisions of the New Mexico Youth Conservation Corps Act, and
12 sixty percent of the distribution is appropriated to the
13 [~~energy, minerals and natural resources~~] parks and wildlife
14 department for state park and recreation area capital
15 improvements, including the costs of planning, engineering,
16 design, construction, renovation, repair, equipment and
17 furnishings.

18 C. The state pledges to and agrees with the
19 holders of any bonds or notes issued by the New Mexico finance
20 authority [~~or by~~], the energy, minerals and natural resources
21 department or the parks and wildlife department and payable
22 from the net receipts attributable to the governmental gross
23 receipts tax distributed to the New Mexico finance authority
24 [~~or~~], the energy, minerals and natural resources department or
25 the parks and wildlife department pursuant to this section

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1 that the state will not limit, reduce or alter the
2 distribution of the net receipts attributable to the
3 governmental gross receipts tax to the New Mexico finance
4 authority [~~or~~], the energy, minerals and natural resources
5 department or the parks and wildlife department or limit,
6 reduce or alter the rate of imposition of the governmental
7 gross receipts tax until the bonds or notes together with the
8 interest thereon are fully met and discharged. [~~The New~~
9 ~~Mexico finance authority and the energy, minerals and natural~~
10 ~~resources department are authorized to include~~] This pledge
11 and agreement of the state shall be included in any agreement
12 with the holders of the bonds or notes. "

13 Section 2. Section 9-5A-3 NMSA 1978 (being Laws 1987,
14 Chapter 234, Section 3, as amended by Laws 1997, Chapter 137,
15 Section 1 and also by Laws 1997, Chapter 149, Section 2) is
16 amended to read:

17 "9-5A-3. DEPARTMENT ESTABLISHED. -- [~~A.~~] There is created
18 in the executive branch the "energy, minerals and natural
19 resources department". The department shall be a cabinet
20 department and shall include [~~but not be limited to~~] the
21 following organizational units:

- 22 [~~(1)~~] A. the administrative services division;
- 23 [~~(2)~~] ~~the state parks division;~~
- 24 [~~(3)~~] B. the forestry division [~~which shall~~
25 ~~include a soil and water conservation bureau~~];

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1 [~~(4)~~] C. the energy conservation and management
2 division;

3 [~~(5)~~] D. the mining and minerals division; and

4 [~~(6)~~] E. the oil conservation division

5 [~~B. The state game commission is administratively~~
6 ~~attached to the department~~]. "

7 Section 3. Section 9-5A-4 NMSA 1978 (being Laws 1987,
8 Chapter 234, Section 4, as amended) is amended to read:

9 "9-5A-4. DIVISIONS--DUTIES.--In addition to the duties
10 assigned to each division of the energy, minerals and natural
11 resources department by the secretary of energy, minerals and
12 natural resources:

13 A. the administrative services division shall
14 provide clerical, recordkeeping and administrative support to
15 the department in the areas of personnel, budget, procurement
16 and contracting;

17 B. the energy conservation and management division
18 shall plan, administer, review, provide technical assistance,
19 maintain records and monitor state and federal energy
20 conservation and alternative energy technology programs;

21 C. the forestry division shall enforce and
22 administer [~~all~~] laws and [~~regulations~~] rules relating to
23 forestry on lands within the state;

24 D. the mining and minerals division shall enforce
25 and administer laws and [~~regulations~~] rules relating to mine

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1 safety, coal surface mine reclamation and abandoned mine lands
2 reclamation; and

3 E. the oil conservation division shall administer
4 [the] laws and [regulations] rules relating to oil, gas and
5 geothermal resources, except those laws specifically
6 administered by another authority [and

7 ~~F. the state park and recreation division shall~~
8 ~~develop, maintain, manage and supervise all state parks and~~
9 ~~state owned or state leased recreation areas]. "~~

10 Section 4. Section 16-2-2 NMSA 1978 (being Laws 1977,
11 Chapter 254, Section 113, as amended) is amended to read:

12 "16-2-2. [STATE PARK AND RECREATION] PARKS AND RECREATION
13 ADVISORY COMMITTEE CREATED-- MEMBERSHIP-- COMPENSATION-- DUTIES. --

14 A. The "parks and recreation advisory committee" to
15 the [~~state park and recreation division of the energy, minerals~~
16 ~~and natural resources~~] parks division of the parks and wildlife
17 department is created. It shall be composed of seven to eleven
18 members appointed by the governor.

19 B. The parks and recreation advisory committee shall
20 provide advice and make recommendations relating to the
21 administration of [the] state [~~park and recreation division~~]
22 parks and recreation areas. It shall advise on all matters of
23 policy, [regulations] rules, the formulation of a comprehensive
24 statewide recreation plan and other such matters as may be
25 requested by the [~~director of that~~] parks division.

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1 C. The parks and recreation advisory committee shall
2 meet quarterly or at the call of the chairman.

3 D. [~~Each member of~~] The parks and recreation
4 advisory committee shall annually elect a chairman and vice
5 chairman from its membership. The [~~director of the state park~~
6 ~~and recreation~~] parks division [~~of the energy, minerals and~~
7 ~~natural resources department~~] shall [~~serve as the executive~~
8 ~~secretary of~~] staff the committee. "

9 Section 5. Section 16-2-3 NMSA 1978 (being Laws 1977,
10 Chapter 254, Section 12, as amended) is amended to read:

11 "16-2-3. MEANING OF DESIGNATIONS. -- Wherever in the laws of
12 New Mexico, whether or not the statutes have been compiled in
13 NMSA 1978, reference is made to the "state park and recreation
14 commission" [~~or to the "commission"~~], the term shall mean the
15 [~~state park and recreation division of the energy, minerals and~~
16 ~~natural resources department~~] parks and wildlife commission. As
17 used in Chapter 16 NMSA 1978, "secretary" means the [~~secretary~~
18 ~~of energy, minerals and natural resources~~] parks and wildlife
19 department. "

20 Section 6. Section 16-2-5 NMSA 1978 (being Laws 1935,
21 Chapter 57, Section 4, as amended) is amended to read:

22 "16-2-5. [~~DIRECTOR~~] CHIEF OF DIVISION-- QUALIFICATIONS. --
23 The [~~director~~] chief of the [~~state park and recreation division~~
24 ~~of the energy, minerals and natural resources~~] parks division of
25 the parks and wildlife department shall be qualified for that

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1 office if he has:

2 A. education and practical field experience in the
3 field of parks and recreation; and

4 B. demonstrated administrative capabilities in parks
5 management. "

6 Section 7. Section 16-2-7 NMSA 1978 (being Laws 1935,
7 Chapter 57, Section 7, as amended) is amended to read:

8 "16-2-7. RULES [~~AND REGULATIONS~~]. -- The [~~secretary~~] parks
9 and wildlife commission shall [~~promulgate and~~] adopt and
10 promulgate rules [~~and regulations~~] for each park as
11 circumstances may demand to the end that each state park may be
12 made as nearly self-supporting as possible. "

13 Section 8. Section 16-2-9 NMSA 1978 (being Laws 1935,
14 Chapter 57, Section 9, as amended) is amended to read:

15 "16-2-9. CONCESSIONS IN PARKS--CONTRACTS-- STATE BOARD OF
16 FINANCE APPROVAL. -- The [~~secretary~~] director of the parks and
17 wildlife department has the power to grant concessions in state
18 parks and recreation areas upon such rentals, fees or percentage
19 of income or profits as he may prescribe, but not for a longer
20 period than thirty years. All concessions shall be evidenced by
21 a written contract, the faithful performance of which shall be
22 secured by such bond as the [~~secretary~~] director may prescribe.
23 No contract granting a concession shall be effective until it
24 has been approved by the state board of finance. "

25 Section 9. Section 16-2-10 NMSA 1978 (being Laws 1935,

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1 Chapter 57, Section 10, as amended) is amended to read:

2 "16-2-10. [~~SECRETARY~~ MEMBERS AND EMPLOYEES PROHIBITED
3 FROM HAVING INTEREST IN CONCESSIONS. -- [~~Neither the secretary nor~~
4 ~~any member of the energy, minerals and natural resources~~] The
5 members of the parks and wildlife commission or the director or
6 other employees of the parks and wildlife department shall not
7 have any interest in, directly or indirectly, or in any manner
8 be connected with any concession granted to any person within
9 any state park or recreation area. "

10 Section 10. Section 16-2-13 NMSA 1978 (being Laws 1935,
11 Chapter 57, Section 12, as amended) is amended to read:

12 "16-2-13. TITLE TO PARK AND RECREATIONAL LANDS--
13 ACCEPTANCE.--Title to or right in property to be used for state
14 park or state recreational purposes may be taken in the name of
15 the "state of New Mexico" or in the name of the "governor of the
16 state of New Mexico and the people thereof". But no such
17 property or rights [~~therein~~] in the property shall be acquired
18 by the state for state park or state recreational purposes until
19 the property or rights [~~therein~~] in the property have been duly
20 accepted by written agreement of the [~~secretary~~] director of the
21 parks and wildlife department or by act of the state legislature
22 and an appropriate name has been designated for such park or
23 state recreational area. "

24 Section 11. Section 16-2-15 NMSA 1978 (being Laws 1951,
25 Chapter 45, Section 1, as amended) is amended to read:

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1 "16-2-15. ~~[SECRETARY'S]~~ DIRECTOR'S POWER TO AUTHORIZE
2 TRANSFER OF PARK LANDS. -- The ~~[secretary]~~ director of the parks
3 and wildlife department has the right to authorize the
4 commissioner of public lands to quitclaim to any state
5 educational institution or other state agency, department or
6 public body having authority to hold, and a use therefor, any
7 lands acquired for state park or state recreational purposes for
8 such nominal consideration and upon such conditions and subject
9 to such reservations as in each case may be prescribed by the
10 ~~[secretary]~~ director; provided, however, that disposition of any
11 such lands shall, in any case, relate only to lands held in
12 excess of the reasonable needs of the ~~[state park and~~
13 ~~recreation]~~ parks division of the ~~[energy, minerals and natural~~
14 ~~resources]~~ parks and wildlife department for public parks and
15 recreational purposes. "

16 Section 12. Section 16-2-16 NMSA 1978 (being Laws 1951,
17 Chapter 45, Section 2, as amended) is amended to read:

18 "16-2-16. **PROCEDURE FOR TRANSFER OF PARK LANDS OR**
19 **RECREATIONAL AREAS TO STATE AGENCIES, INSTITUTIONS OR PUBLIC**
20 **BODIES.** -- Upon receipt of written notification from the
21 ~~[secretary]~~ director of the parks and wildlife department
22 containing a recommendation for transfer to a named grantee, a
23 recitation of the nominal consideration and such reservations
24 and conditions of transfer of specifically described lands as
25 may be required, the commissioner of public lands, in conformity

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1 with the notification, shall execute and deliver to the named
2 state educational institution or other state governmental
3 agency, as grantee, a good and sufficient quitclaim deed
4 conveying all the right, title and interest of the state in and
5 to the lands described in the notification. The commissioner of
6 public lands shall, in due course, transfer any receipts derived
7 as consideration actually paid in the transaction to the state
8 treasurer for credit to the proper fund. "

9 Section 13. Section 16-2-18 NMSA 1978 (being Laws 1935,
10 Chapter 57, Section 15, as amended) is amended to read:

11 "16-2-18. ACCEPTANCE OF DONATIONS OF MONEY, EQUIPMENT OR
12 MATERIAL. --

13 A. The state is authorized to receive and accept
14 gifts, donations or bequests of money, equipment or material,
15 either for state park and recreation purposes generally or for
16 any designated state park or recreation area or state park or
17 recreation purposes or as an endowment for any particular state
18 park or recreation area, and shall hold, expend and use the
19 money, equipment or material for the purposes designated in the
20 donation, gift, bequest or endowment.

21 B. The [secretary] director of the parks and
22 wildlife department is authorized to enter into agreements and
23 contracts and to cooperate with the federal government in
24 obtaining funds or other assistance for the acquisition,
25 erection, maintenance and operation of state parks and

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1 recreation areas. "

2 Section 14. Section 16-2-22 NMSA 1978 (being Laws 1965,
3 Chapter 280, Section 3, as amended) is amended to read:

4 "16-2-22. BONDING AUTHORITY. -- Whenever the [secretary]
5 parks and wildlife commission determines by written order that
6 it is necessary to raise funds to provide for developing,
7 operating and maintaining state parks or recreation areas, the
8 [~~state park and recreation~~] parks division of the [energy,
9 ~~minerals and natural resources~~] parks and wildlife department
10 may issue and sell bonds of the state as provided for in the
11 State Park and Recreation Bond Act. The purposes for which the
12 bonds are to be issued and the amount of each bond issue shall
13 be approved by the state board of finance before issuance of the
14 bonds. "

15 Section 15. Section 16-2-30 NMSA 1978 (being Laws 1935,
16 Chapter 57, Section 17, as amended) is amended to read:

17 "16-2-30. POLICE POWERS VESTED IN [~~DIRECTOR AND PARK AND~~
18 ~~RECREATION EMPLOYEES DESIGNATED BY THE SECRETARY~~] CHIEF. -- The
19 [~~director~~] chief and such [~~state park and recreation~~] other
20 parks division employees as may be designated by the [secretary]
21 director of the parks and wildlife department are vested with
22 general police power and with the authority of conservators of
23 the peace within state parks and recreation areas; and it shall
24 be their duty to enforce the laws of the state and the rules
25 [~~and regulations of the energy, minerals and natural resources~~

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1 ~~department]~~ of the parks and wildlife commission within state
2 parks and recreation areas; and they shall have the further
3 power of forcibly ejecting from any state park or recreation
4 area [~~any and~~] all persons who knowingly, willfully or wantonly
5 violate [~~any~~] a rule [~~or regulation~~] of the [~~department~~]
6 commission within a state park or recreation area. "

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

9 "16-2-32. CRIMINAL OFFENSES--PENALTY. --A person who
10 commits any of the following acts is guilty of a petty
11 misdemeanor and shall be sentenced in accordance with the
12 provisions of Section 31-19-1 NMSA 1978:

13 A. cut, break, injure, destroy, take or remove a
14 tree, shrub, timber, plant or natural object in any state park
15 and recreation area, except in areas designated by the
16 [~~secretary~~] chief of the parks division of the parks and
17 wildlife department and permitted by [~~regulations~~] rules adopted
18 by the [~~secretary such. Regulations~~] parks and wildlife
19 commission. Rules shall only permit the removal of a tree,
20 shrub, timber, plant or natural object for scientific study or
21 for noncommercial use by an individual as a souvenir. The
22 quantity of material authorized for removal from any area shall
23 be strictly regulated by park personnel in order to minimize
24 resource damage;

25 B. kill, cause to be killed or pursue with intent to

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1 kill a bird or animal in a state park and recreation area,
2 except in areas designated by the [~~secretary~~] chief of the parks
3 division and except in conformity with the provisions of general
4 law and the [~~regulations~~] rules of the [~~state game~~] parks and
5 wildlife commission;

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

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

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

23 F. place in a state park and recreation area or affix
24 to an object in a state park and recreation area a word,
25 character or device designed to advertise a business,

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1 profession, article, thing, exhibition, matter or event without
2 a written license from the [~~secretary~~] chief of the parks
3 division permitting him to do it; or

4 G. violate a rule [~~or regulation~~] adopted by the
5 [~~secretary~~] parks and wildlife commission pursuant to the
6 provisions of Chapter 16, Article 2 NMSA 1978. "

7 Section 17. Section 16-3-2 NMSA 1978 (being Laws 1973,
8 Chapter 372, Section 2, as amended) is amended to read:

9 "16-3-2. DEFINITIONS. --As used in the State Trails System
10 Act:

11 A. "local government" means any county, municipality
12 or other political subdivision of the state and includes rural
13 communities and unincorporated towns or villages in the state;
14 and

15 B. "secretary" means the [~~secretary of energy,~~
16 ~~minerals and natural resources~~] parks and wildlife department. "

17 Section 18. Section 16-3-9 NMSA 1978 (being Laws 1973,
18 Chapter 372, Section 10, as amended) is amended to read:

19 "16-3-9. LIMITATION OF LIABILITY OF OWNERS OF LAND USED FOR
20 RECREATIONAL PURPOSES. --No person or corporation, or their
21 successors in interest, who has granted a right of way or
22 easement across his land to the [~~energy, minerals and natural~~
23 ~~resources department~~] state for use in the state trails system
24 shall be liable to any user of the trail for injuries suffered
25 on the right of way or easement unless the injuries are caused

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1 by the willful or wanton misconduct of the grantor."

2 Section 19. Section 16-4-3 NMSA 1978 (being Laws 1977,
3 Chapter 242, Section 3, as amended) is amended to read:

4 "16-4-3. DEFINITIONS. --As used in El Rio Chama Scenic and
5 Pastoral Act:

6 A. "corridor" means those lands immediately adjacent
7 to the riverbed essentially from rim to rim or four hundred feet
8 back from the river banks of the Rio Chama, whichever is less;

9 B. "pastoral" means those free-flowing segments of the
10 river ~~[which]~~ that are affected by the works of man but ~~[which]~~
11 that still possess natural and scenic value. Included are areas
12 with developed or partially developed shorelines;

13 C. "river" means a flowing body of water or any
14 segment, portion or tributary thereof within the corridor,
15 including rivers, streams, creeks, branches or small lakes;

16 D. "scenic" means those sections of the river that are
17 free of impoundments, with shorelines remaining largely
18 undeveloped, but which may be accessible in places by primitive
19 roads; and

20 E. "secretary" means the ~~[secretary of energy,~~
21 ~~minerals and natural resources]~~ parks and wildlife department."

22 Section 20. Section 16-4-11 NMSA 1978 (being Laws 1983,
23 Chapter 18, Section 3, as amended) is amended to read:

24 "16-4-11. DEFINITIONS. --As used in the Rio Grande Valley
25 State Park Act:

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1 A. "conservancy district" means the middle Rio Grande
2 conservancy district;

3 B. "operating party" means the party designated by the
4 secretary to manage the state park; and

5 C. "secretary" means the [~~secretary of energy,~~
6 ~~minerals and natural resources~~] parks and wildlife department."

7 Section 21. A new Section 17-1-1.1 NMSA 1978 is enacted to
8 read:

9 "17-1-1.1. [NEW MATERIAL] DEFINITIONS. -- As used in Chapter 17
10 NMSA 1978:

11 A. "commission" or "state game commission" means the
12 parks and wildlife commission;

13 B. "department" or "department of game and fish" means
14 the parks and wildlife department; and

15 C. "director" means the director of the department."

16 Section 22. Section 17-1-2 NMSA 1978 (being Laws 1921,
17 Chapter 35, Section 2, as amended) is amended to read:

18 "17-1-2. [~~STATE GAME~~] PARKS AND WILDLIFE COMMISSION--
19 APPOINTMENT-- TERM --

20 A. To carry out the purpose of Chapter 17 NMSA 1978 and
21 all other acts for like purpose, [~~there is created a "state game~~]
22 the "parks and wildlife commission" [~~of~~] is created. The
23 commission shall consist of seven members, not more than four of
24 whom shall be of the same political party at the time of their
25 appointment. The members of the commission shall be appointed by

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

7 B. In making appointments to the [~~state game~~]
8 commission:

9 (1) one member shall be appointed from each of the
10 following districts:

11 [~~A.~~] (a) district one: Curry, De Baca,
12 Roosevelt, Chaves, Lincoln, Otero, Eddy and Lea counties;

13 [~~B.~~] (b) district two: Catron, Socorro, Grant,
14 Hidalgo, Luna, Sierra and Dona Ana counties;

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

17 [~~D.~~] (d) district four: Santa Fe, Taos,
18 Colfax, Union, Mora, Harding, Quay, San Miguel, Guadalupe and
19 Torrance counties; and

20 [~~E.~~] (e) district five: Bernalillo county; and

21 (2) the remaining two members shall be appointed
22 at-large.

23 C. At least one member of the commission shall manage
24 and operate a farm or ranch that contains at least two species of
25 wildlife on that part [~~which~~] that is deeded land requiring

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1 licensing prior to legal pursuit under the provisions of Section
2 17-3-2 NMSA 1978. At least one member shall have a demonstrated
3 history of involvement in wildlife and habitat protection issues
4 and ~~[whose]~~ have activities or occupation ~~[are]~~ not in conflict
5 with wildlife and habitat advocacy. ~~[The state game commission as
6 provided in Chapter 17 NMSA 1978 shall have the same authority,
7 powers and duties as now vested in the state game commission by
8 law and]~~ At least one member shall have a demonstrated history of
9 involvement with park and recreation issues; provided, however,
10 that the members serving on January 1, 1999 may continue to serve
11 until their terms are completed and the parks and recreation
12 member shall be appointed to the first vacancy on the commission.

13 D. Each member of the ~~[state game]~~ commission shall
14 serve until his successor has been appointed and qualified."

15 Section 23. Section 17-1-4 NMSA 1978 (being Laws 1921,
16 Chapter 35, Section 4) is amended to read:

17 "17-1-4. ORGANIZATION--MEETINGS--SECRETARY. ~~-- [Within sixty
18 days after this Act shall take effect]~~ The ~~[state game]~~ commission
19 shall ~~[meet at the capitol and organize by electing]~~ elect from
20 its membership a chairman ~~[and thereafter one meeting shall be
21 held annually and others]~~ and vice chairman. Meetings of the
22 commission shall be at the call of the ~~[governor]~~ chairman or a
23 majority of the commission. The ~~[State Game Warden]~~ director of
24 the department shall be secretary of the commission."

25 Section 24. Section 17-1-5 NMSA 1978 (being Laws 1931,

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1 Chapter 117, Section 5, as amended) is repealed and a new Section
2 17-1-5 NMSA 1978 is enacted to read:

3 "17-1-5. [NEW MATERIAL] DEPARTMENT CREATED-- DIRECTOR--
4 EMPLOYEES. --

5 A. The "parks and wildlife department" is created. The
6 department shall serve as the staff of the commission.

7 B. The commission shall employ a director of the
8 department. The commission may discharge the director for reasons
9 that the commission deems sufficient.

10 C. The director may appoint such conservation officers,
11 clerks and other employees as he deems necessary to enforce and
12 administer the laws and rules relating to parks, recreation and
13 wildlife, and the director shall prescribe their duties. The
14 director may dismiss employees in accordance with the provisions
15 of the Personnel Act.

16 D. The department shall consist of such organizational
17 units as the director deems necessary to carry out the duties of
18 the department, including the:

- 19 (1) administrative services division;
- 20 (2) conservation services division;
- 21 (3) field operations division;
- 22 (4) fisheries management division;
- 23 (5) habitat, environment and lands division; and
- 24 (6) parks division. "

25 Section 25. Section 17-1-13 NMSA 1978 (being Laws 1912,

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1 Chapter 85, Section 46, as amended) is amended to read:

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

6 Section 26. Section 17-1-15 NMSA 1978 (being Laws 1931,
7 Chapter 117, Section 6, as amended) is amended to read:

8 "17-1-15. DISBURSEMENT OF MONEY--LIMITATION OF
9 EXPENDITURES. --

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

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

23 C. The state shall not be liable for any obligation
24 created by the [~~state game commission~~] department or any employee
25 [~~thereof~~] of the department, except to the extent of [~~such~~] the

underscored material = new
[bracketed material] = delete

1 game protection fund.

2 D. Neither the [~~state game commission~~] department nor
3 any employee [~~thereof~~] of the department shall issue any voucher
4 nor shall the secretary of finance and administration approve any
5 [~~such~~] voucher for the payment of which [~~moneys are~~] money is not
6 then available in the game protection fund. "

7 Section 27. TEMPORARY PROVISION--TRANSFER OF PERSONNEL,
8 MONEY, PROPERTY, FUNCTIONS, CONTRACTS AND STATUTORY REFERENCES. --

9 A. On July 1, 1999, all personnel, money,
10 appropriations, records, equipment, supplies and other property of
11 the state parks division of the energy, minerals and natural
12 resources department is transferred to the parks and wildlife
13 department. All existing contracts of the state parks division of
14 the energy, minerals and natural resources department shall be
15 binding on the parks and wildlife department. All references in
16 law to the state park and recreation division of the energy,
17 minerals and natural resources department or the state parks
18 division of the energy, minerals and natural resources department
19 shall be construed as references to the parks division of the
20 parks and wildlife department.

21 B. On July 1, 1999, all personnel, money,
22 appropriations, records, equipment, supplies and other property of
23 the department of game and fish is transferred to the parks and
24 wildlife department. All existing contracts of the department of
25 game and fish shall be binding on the parks and wildlife

underscored material = new
[bracketed material] = delete

1 department. All references in law to the department of game and
2 fish shall be construed as references to the parks and wildlife
3 department.

4 C. On July 1, 1999, any money, records or other property
5 of the state game commission is transferred to the parks and
6 wildlife department. All existing contracts of the state game
7 commission shall be binding on the parks and wildlife department.
8 All references in law to the state game commission or the state
9 park and recreation commission shall be construed as references to
10 the parks and wildlife commission.

11 Section 28. REPEAL. -- Section 9-5A-6.1 NMSA 1978 (being Laws
12 1997, Chapter 149, Section 3) is repealed.

13 Section 29. EFFECTIVE DATE. -- The effective date of the
14 provisions of this act is July 1, 1999.