

HOUSE BILL 263

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

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]

B. Three members of the commission shall be

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1 appointed by the governor, with no more than two affiliated  
2 with the same political party as follows:

3 (1) position one, a member of the general  
4 public whose permanent, legal residence is in New Mexico's  
5 first congressional district;

6 (2) position two, a member of the general  
7 public whose permanent, legal residence is in New Mexico's  
8 second congressional district; and

9 (3) position three, a member of the general  
10 public whose permanent, legal residence is in New Mexico's  
11 third congressional district.

12 C. Four members of the commission shall be New  
13 Mexico residents and shall be appointed by the New Mexico  
14 legislative council as follows:

15 (1) position four, a rancher or farmer who  
16 owns and manages a New Mexico ranch or farm, the majority of  
17 whose income is derived from the sale of agricultural products  
18 and whose ranch or farm contains at least two species of  
19 animals for which game hunting is licensed under the provisions  
20 of Section 17-3-2 NMSA 1978;

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

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1                   (3) position six, a hunter or angler who has  
2 held a New Mexico hunting or fishing license each of the  
3 previous four years; and

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

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

12                   E. All commissioners shall be appointed with the  
13 advice and consent of the senate. Except as provided in  
14 Section 2 of this 2019 act, the term of office for each member  
15 of the commission shall be [four] six years. [At the time of  
16 making the first appointments the governor shall designate the  
17 commissioners' terms as being one, two, three or four years so  
18 that the term of no more than two commissioners shall expire  
19 each year.

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

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

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

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

3                   D. ~~district four: Santa Fe, Taos, Colfax, Union,~~  
4 ~~Mora, Harding, Quay, San Miguel, Guadalupe and Torrance~~  
5 ~~counties; and~~

6                   E. ~~district five: Bernalillo county. The~~  
7 ~~remaining two members shall be appointed at-large. At least~~  
8 ~~one member of the commission shall manage and operate a farm or~~  
9 ~~ranch that contains at least two species of wildlife on that~~  
10 ~~part which is deeded land requiring licensing prior to legal~~  
11 ~~pursuit under the provisions of Section 17-3-2 NMSA 1978. At~~  
12 ~~least one member shall have a demonstrated history of~~  
13 ~~involvement in wildlife and habitat protection issues and whose~~  
14 ~~activities or occupation are not in conflict with wildlife and~~  
15 ~~habitat advocacy.]~~

16                   F. An appointed commissioner shall serve and have  
17 all of the duties, responsibilities and authority of that  
18 office during the period of time prior to final action by the  
19 senate confirming or rejecting the commissioner's appointment.

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

23                   H. When a commissioner dies, resigns or no longer  
24 meets the qualifications required for the commissioner's  
25 original selection, that position on the commission

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1 becomes vacant. The original appointing authority for the  
2 vacant position shall appoint a successor for the remainder of  
3 the term in the same manner as the original selection for that  
4 position was made.

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

13 J. The state game commission as provided in Chapter  
14 17 NMSA 1978 shall have the same authority, powers and duties  
15 as now vested in the state game commission by law [~~and each~~  
16 ~~member of the state game commission shall serve until his~~  
17 ~~successor has been appointed and qualified].~~

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

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

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

24 The initial appointments made to the state game commission by  
25 the governor and the New Mexico legislative council pursuant to

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1 the provisions of Section 1 of this act shall replace the  
2 commissioners, whose terms shall end on the effective date of  
3 this act. Terms for the initial appointments to the commission  
4 appointed on the effective date of this act shall be as  
5 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, 2020.