AN ACT

RELATING TO GAME AND FISH; AMENDING SECTIONS OF CHAPTER 17 NMSA 1978 TO PROVIDE FOR A CHANGE IN THE PERCENTAGES OF HUNTING LICENSES ISSUED TO NONRESIDENTS AND RESIDENTS FOR PUBLIC LAND DRAWS AND TO CHANGE CERTAIN LICENSE FEES.

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

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

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

A. There is created in the state treasury the "game and fish bond retirement fund". The state game commission shall place into the game and fish bond retirement fund the sum of one dollar ($1.00) from each license enumerated in this subsection that is sold after April 1, 1976:

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

Such payments to the game and fish bond retirement fund shall be effective for all bonds issued under the Game and Fish Bond Act up to the maximum limitation on the amount of bonds provided in that act.

B. Money in the game and fish bond retirement fund is first pledged for the payment of principal and interest on all state game commission bonds which have been issued and are outstanding prior to June 17, 1983. Money in the game and fish bond retirement fund is further pledged for the payment of principal and interest on all state game commission bonds issued as of June 17, 1983. The issuance and sale of bonds under the Game and Fish Bond Act constitutes an irrevocable contract between the state game commission and the owner of any bond, and so long as any bond remains outstanding the fees pledged for payment shall not be reduced.

C. Bonds issued under the Game and Fish Bond Act are payable solely from the game and fish bond retirement fund, and they are not general obligations of the state.

D. The state game commission shall continue to place in the game and fish bond retirement fund the sum of one dollar ($1.00) from each of the licenses enumerated in Subsection A of this section, even after the fund is sufficient to pay the principal and interest of the
outstanding bonds and after all bonds issued have been retired."

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(12) "oryx" entitles the licensee to hunt oryx during the open season;

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

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

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

(16) "special season turkey" entitles the licensee to hunt turkey during special seasons designated by the state game commission;

(17) "quality elk" entitles the licensee to hunt elk during a special quality elk season, to be established by the state game commission, when the timing of the season and hunter density is specially regulated and the
elk population is managed with an intent to provide the
licensee an increased opportunity to take a mature elk;

(18) "quality deer" entitles the licensee to
hunt deer during a special quality deer season, to be
established by the state game commission, when the timing of
the season and hunter density is specially regulated and the
deer population is managed with an intent to provide the
licensee an increased opportunity to take a mature deer;

(19) "temporary game hunting" entitles the
licensee to hunt game birds, except wild turkey, and squirrel
during a specific period of time indicated on the license;

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

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

B. A hunting license does not entitle the licensee
to hunt, kill or take game animals or birds within or upon a
park or enclosure licensed or posted as provided by law or
within or upon a privately owned enclosure without consent of
the owner or within or upon a game refuge or game management
area.

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

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

E. A senior fishing license may be purchased by a
resident who has reached the age of sixty-five years. A
senior fishing license entitles the licensee to fish for game
fish during the open season for each species.

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

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

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

I. A handicapped fishing license may be purchased by a resident who has a severe physical impairment that substantially limits one or more major life activities and who can furnish adequate proof of this disability to the state game commission. A handicapped fishing license may be purchased by a resident who has a developmental disability as defined in Subsection H of Section 43-1-3 NMSA 1978 and who can furnish adequate proof of this disability to the state game commission. A handicapped fishing license entitles the licensee to fish for game fish during the open season for each species.

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

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

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

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

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

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

P. A disabled veteran fishing and game hunting combination license may be purchased by a resident who has been granted a disability by the federal department of veterans affairs as a result of having served in the armed forces of the United States if the resident submits to the state game commission satisfactory proof that the resident was disabled as a result of having served in the armed forces of the United States. A disabled veteran fishing and game hunting combination license entitles the licensee to fish for game fish or hunt for squirrel and game birds, other than wild turkey, during the open season for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex, cougar and wild turkey.

Q. A military game hunting and fishing license may be purchased by a member of the armed forces of the United States who, for a period of not less than ninety days immediately preceding the date of application for the license, has been domiciled in New Mexico and has not claimed
residency elsewhere for any purpose. A military game hunting
and fishing license entitles the licensee to hunt squirrel
and game birds, other than wild turkey, and to fish for game
fish during the open seasons for each species and to apply
for or purchase a license to hunt for deer, antelope, elk,
bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex,
cougar and wild turkey."

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

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

A. The director of the department of game and fish
shall prepare and furnish blank applications for all persons
applying for fishing or hunting licenses within the state.
Except as provided in Subsection B or E of this section, each
person, before receiving any fishing or hunting license,
shall make application on a blank so provided. Among other
matters that may be shown by the application, a statement
shall show the exact residence of the applicant. Except as
provided in Subsection B or E of this section, the
application shall be signed by the applicant. All
applications for licenses shall be filed with and issued by
license vendors appointed by the director. All fishing and
hunting licenses and the applications therefor shall contain
the place of residence of the person to whom any license may
be issued.

B. License vendors, as authorized by the director of the department of game and fish, may take applications for hunting and fishing licenses or authorizations via telephone or the internet. The vendor or applicant shall fill out a license application with the same information as required for other applications. The vendor shall mail the license to the applicant, and the license shall be in the possession of the hunter or angler unless otherwise provided in Chapter 17 NMSA 1978. All money collected through telephone or internet sales shall be remitted to the director by the tenth day of the month following the sale. An individual receiving a license pursuant to this subsection is not required to sign an application prior to issuance of the license; provided, however, that the individual is subject to prosecution pursuant to Section 17-3-6 NMSA 1978 for any false or fraudulent statement or other misrepresentation as if the individual had signed an application for license.

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

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

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

SECTION 4. Section 17-3-13 NMSA 1978 (being Laws 1964
(1st S.S.), Chapter 17, Section 5, as amended) is amended to
read:

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

A. The director of the department of game and fish
shall keep a record of all money received and licenses and
permits issued by the department, numbering each class
separately. Upon satisfactory proof that a license or permit
has been lost before its expiration, the director may issue a
duplicate and collect a just and reasonable fee for it as determined by regulation of the state game commission.

B. The director of the department of game and fish shall collect the following fees for each license of the class indicated:

- Resident, fishing .................. $25.00
- Resident, game hunting ............. 15.00
- Resident, deer ..................... 31.00
- Resident, junior-senior, deer ...... 19.00
- Resident, senior, handicapped, military, game hunting and fishing ............. 20.00
- Resident, fishing and game hunting combination ................ 30.00
- Resident, junior, fishing and game hunting combination ................ 15.00
- Resident, disabled veteran, fishing and game hunting combination ................ 10.00
- Resident, antelope .................. 50.00
- Resident, elk cow ................... 50.00
- Resident, elk bull or either sex ...... 80.00
- Resident, junior-senior, elk ........ 48.00
- Resident, bighorn sheep, ram ........ 150.00
- Resident, bighorn sheep, ewe ....... 75.00
- Resident, Barbary sheep ............. 100.00
- Resident, bear ...................... 44.00
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Nonresident, javelina .................. 155.00
Nonresident, fur dealer ............... 125.00
Nonresident, trapper .................. 345.00
Nonresident, nongame .................. 65.00
Resident, senior, handicapped,
fishing .................................. 8.00
Resident, junior fishing ............... 5.00
Temporary fishing, one day ............ 12.00
Temporary fishing, five days .......... 24.00
Resident, senior, handicapped,
game hunting ............................ 15.00
Resident, junior, game hunting ........ 10.00
Temporary game hunting, four days .... 33.00
Second rod validation .................. 4.00."

SECTION 5. Section 17-3-16 NMSA 1978 (being Laws 1964
(1st S.S.), Chapter 17, Section 7, as amended) is amended to
read:

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

A. The director of the department of game and fish
may provide special envelopes and application blanks when a
special drawing is to be held to determine the persons to
receive licenses. Money required to be submitted with these
applications, if enclosed in the special envelopes, need not
be deposited with the state treasurer but may be held by the
director until the successful applicants are determined. At
that time, the fees of the successful applicants shall be
deposited with the state treasurer and the fees submitted by
the unsuccessful applicants shall be returned to them.

B. Beginning with the licenses issued from a
special drawing for a hunt code that commences on or after
April 1, 2012:

(1) licenses shall be issued as follows:
   (a) ten percent of the licenses to be
drawn by nonresidents and residents who will be contracted
with a New Mexico outfitter prior to application; and
   (b) six percent of the licenses to be
drawn by nonresidents who are not required to be contracted
with an outfitter; and

(2) a minimum of eighty-four percent of the
licenses shall be issued to residents of New Mexico.

C. If the number of applicants who apply for
licenses pursuant to the provisions of Paragraphs (1) and (2)
of Subsection B of this section does not constitute the
allocated licenses for either category, then the additional
licenses available may be granted to another category of
applicants. The director shall offer first choice of
undersubscribed hunts to residents, whenever practicable.

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

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

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

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

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

(2) an additional hunt code designated by the department of game and fish as a quality hunt.

F. All antlerless elk hunts pursuant to this section shall be exclusively for New Mexico residents.

G. Hunts on all state wildlife management areas shall be allocated exclusively to New Mexico residents.

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

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

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

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

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

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

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

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

(8) that possesses all required federal or
state land use permits for the hunt; and

(9) that operates as a hunting guide service

during which at least two days are accompanied with the
client in the area where the license is valid."

SECTION 6. Section 17-3-40 NMSA 1978 (being Laws 1957,
Chapter 194, Section 6) is amended to read:

"17-3-40. REGULAR LICENSES.--Residents or nonresidents
may hunt on private shooting preserves when possessed of the
appropriate bird or hunting license. All hunting on shooting
preserves covered in the Regulated Shooting Preserve Act
shall be done only with the consent of the owner of the
private preserve."

SECTION 7. Section 20-1-8 NMSA 1978 (being Laws 2003,
Chapter 136, Section 1) is amended to read:

"20-1-8. STATE BENEFITS FOR MEMBERS OF ARMED FORCES
CALLED TO ACTIVE DUTY AND DEPLOYED--BENEFITS FOR SURVIVING
CHILDREN OF A MEMBER KILLED IN THE LINE OF DUTY.--

A. A New Mexico resident who is a member of the
New Mexico national guard or of a branch of the federal armed
forces and who is called to active duty and is deployed and
serves during the period beginning on the effective date of
this section and ending on the date the president of the
United States declares that the emergency requiring the
call-up is terminated is entitled to the following benefits,
notwithstanding any provision of law to the contrary:
(1) a free game hunting and fishing license for the year following the year of the member's deactivation and return to the state;

(2) an extension of one year after the return of the member to the state of the date the member is required to file a state personal income tax return if the filing date occurs while the member is on active duty and deployed;

(3) an extension for one month after the member's return to the state of the date to renew a driver's license if the renewal date occurs while the member is on active duty and deployed; and

(4) a refund or credit of tuition paid to a state post-secondary educational institution for attendance during a period when the attendance of the member was interrupted by activation and deployment.

B. The surviving children of a New Mexico resident who was a member of the New Mexico national guard or of a branch of the federal armed forces and who was killed in the line of duty after being called to active duty and deployed during the period beginning on April 3, 2003 and ending on the date the president of the United States declares that the emergency requiring the call-up is terminated are entitled to waivers of tuition for four consecutive years at a state post-secondary educational institution, notwithstanding any
provision of law to the contrary."

SECTION 8. EFFECTIVE DATE.--The effective date of the
provisions of this act is April 1, 2012.