



State of New Mexico

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Michelle Lujan Grisham
Governor

March 20, 2025

SENATE EXECUTIVE MESSAGE NO. 11

The Honorable Mimi Stewart, President Pro Tempore
and Members of the New Mexico State Senate
State Capitol Building
Santa Fe, New Mexico 87501

President Pro Tempore Stewart and Members of the Senate:

I appreciate the Legislature's efforts on SENATE BILL 5, as amended ("SB 5"), which enacts substantial reforms to the Department of Game and Fish, the State Game Commission, and our wildlife laws. Unfortunately, however, in the Legislature's zeal to further weaken the chief official of a coordinate branch of the government, SB 5 has spawned a serious problem that threatens to cripple the State Game Commission.

Currently, members of the Commission may be promptly removed by the Governor. *See* N.M. Const. art. V, § 5; NMSA 1978, § 17-1-2 (1991). As drafted, it appears SB 5 requires that commissioners may only be removed after the State Ethics Commission files an action in district court, with the possibility of an appeal to the Supreme Court.¹ The same goes for determining whether a vacancy on the Commission exists. This change unnecessarily complicates and lengthens the removal process. Given the many pressing matters addressed by district courts and the Supreme Court, it would take years to remove even the most blatantly incompetent or corrupt individuals—allowing those individuals to continue to hinder or corrupt the Commission in the interim.

Good governance demands accountability and responsiveness. Requiring lengthy judicial proceedings for removal (or determining the existence of a vacancy) could paralyze the Commission's work in situations where prompt action is needed to address gross misconduct or ensure proper functioning. The proposed process is cumbersome and undermines the Executive's ability to uphold the integrity of the Commission in a timely manner.

¹ Both the Attorney General and the State Ethics Commission have pointed out that this provision is poorly drafted and creates quite a bit of ambiguity—which will inevitably lead to costly litigation when a member of the Commission is removed. *See Fiscal Impact Report*, Legislative Fin. Comm. (Mar. 8, 2025), <https://www.nmlegis.gov/Sessions/25%20Regular/firs/SB0005.PDF>. This is another issue with SB 5.

As our Supreme Court observed long ago:

[T]he Constitution makers thought that a person who could be trusted to fill the office of Governor could be trusted to deal fairly with office holders whom he [or she] was empowered to appoint, and that cases might arise where prompt action was necessary for the public good, and that it was not wise to tie the hands of the Governor when such action might well work to the detriment of the state.

State ex rel. Ulrick v. Sanchez, 1926-NMSC-060, ¶ 41, 32 N.M. 265, 255 P. 1077. I agree. Rather than tie our hands with a lengthy and complex legal process, we should continue to allow the person that New Mexican voters entrusted to “take care that the laws be faithfully executed,” N.M. Const. art. V, § 4, to promptly hold members of the State Game Commission accountable.

To be clear, this concern has nothing to do with me, as I am nearing the end of my second consecutive term in Office, and I doubt this issue will arise before I depart. My concern is for the public good. And the public is best served without the confusing, lengthy, and costly removal process contained in SB 5.

Thankfully, it is unnecessary to veto SB 5 in toto. As SB 5 appropriates money, it is subject to line-item veto pursuant to Article IV, Section 22 of the New Mexico Constitution. *See* Letter from Elizabeth A. Glenn, Deputy Attorney General, to Raul E. Burciaga, Director of the Legislative Council Service (Mar. 16, 2011), 2011 WL 1587745.

Accordingly, I this day SIGN and RETURN:

SENATE BILL 5, as amended, enacted by the Fifty-Seventh Legislature, First Session, 2025, except the following item or items, part or parts, which I hereby veto pursuant to the authority granted me in Article IV, Section 22 of the New Mexico Constitution:

On page 5, I have vetoed the semi-colon and the language following the semi-colon on line 4, all of lines 5-17, and the word “appealed” through the word “court” on line 18. This is necessary to remove the offending provision discussed above. With this language stricken, I am pleased to sign SB 5 into law. My signature on SB 5 is contingent upon the effectiveness of this line-item veto. If this line-item veto is determined to be invalid or void by a court of law, then my signature shall be null and void and this veto shall be interpreted to apply to SB 5 as a whole.

Respectfully yours,


Michelle Lujan Grisham
Governor

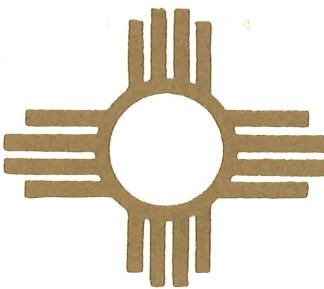
RECEIVED FROM THE OFFICE OF THE GOVERNOR

Time: 8:00 a.m. p.m.
Date: March 20, 2025


By Henry B. Padilla
Secretary of State

Time: _____ a.m. p.m.
Date: _____ 2025

By _____
Chief Clerk of the Senate



The Legislature
of the
State of New Mexico

57th Legislature, 1st Session

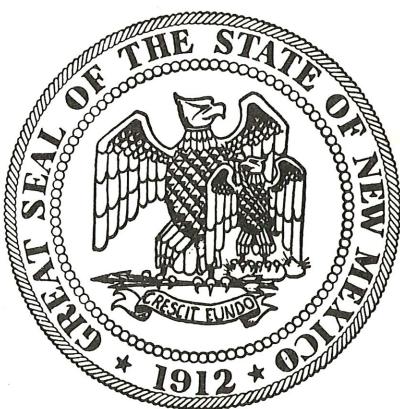
LAWS 2025

CHAPTER 9

SENATE BILL 5, as amended

Introduced by

SENATOR PETER CAMPOS AND SENATOR PETER WIRTH AND
SENATOR CRYSTAL BRANTLEY AND
REPRESENTATIVE MATTHEW MCQUEEN AND
REPRESENTATIVE NATHAN P. SMALL



PARTIAL
VETO

CHAPTER 9

1 AN ACT

2 RELATING TO THE STATE GAME COMMISSION; REFORMING THE STATE
3 GAME COMMISSION APPOINTMENT PROCESS; SETTING TERM LIMITS FOR
4 COMMISSIONERS; ADDING REQUIREMENTS FOR APPOINTMENT AND
5 REMOVAL OF COMMISSIONERS; CREATING THE STATE WILDLIFE
6 COMMISSION NOMINATING COMMITTEE; RENAMING THE DEPARTMENT OF
7 GAME AND FISH AS THE DEPARTMENT OF WILDLIFE; RENAMING THE
8 STATE GAME COMMISSION AS THE STATE WILDLIFE COMMISSION;
9 AMENDING STATUTORY POLICY; EXPANDING THE MANAGEMENT OF
10 WILDLIFE; ADDING DEFINITIONS; PROVIDING REPORTING
11 REQUIREMENTS; AMENDING LICENSING FEES; PROVIDING FOR FEE
12 ADJUSTMENTS TO ACCOUNT FOR INFLATION; ADDING LICENSE FEES AND
13 TYPES; PROVIDING DISCOUNTS FOR RESIDENTS WHO RECEIVE
14 SUPPLEMENTAL NUTRITION ASSISTANCE PROGRAM BENEFITS; PROVIDING
15 TRANSFERS; REPEALING SECTIONS 17-1-1 AND 17-2-2 NMSA 1978
16 (BEING LAWS 1921, CHAPTER 35, SECTION 1 AND LAWS 1937,
17 CHAPTER 23, SECTION 1, AS AMENDED).

18
19 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

20 SECTION 1. Section 17-2A-1 NMSA 1978 (being Laws 1996,
21 Chapter 89, Section 3) is recompiled as Section 17-1-1.1
22 NMSA 1978 and is amended to read:

23 "17-1-1.1. DEFINITIONS.--For the purposes of Chapter 17
24 NMSA 1978:

25 A. "commission" or "state game commission" means

1 the state wildlife commission;

2 B. "department" or "department of game and fish"
3 means the department of wildlife;

4 C. "director", "warden", "state warden", "state
5 game warden" or "state game and fish warden" means the
6 director of the department of wildlife;

7 D. "hunt code" means a description used to
8 identify and define the species, weapon type and time frame
9 authorized for a specific hunt;

10 E. "outfitter" or "guide" means a person who
11 advertises or holds themself out to the public for hire or is
12 employed or accepts compensation for providing, within the
13 unit where a hunt occurs, facilities, equipment or services
14 for hunting activities; provided, however, that "outfitter"
15 or "guide" does not include a person who only cooks, cuts
16 wood or performs other comparable or incidental duties not
17 directly related to hunting activities; and

18 F. "unit" means a geographically bound area in the
19 state that is used to manage game species."

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

22 "17-1-2. STATE WILDLIFE COMMISSION--APPOINTMENT--
23 TERM.--

24 A. There is created a "state wildlife commission"
25 of seven voting members, all of whom shall possess knowledge

1 of wildlife, hunting and fishing and be New Mexico residents.
2 The governor shall appoint the members of the commission with
3 the advice and consent of the senate from a list of qualified
4 nominees submitted to the governor by the state wildlife
5 commission nominating committee. The commission shall select
6 one commissioner to be chair and one commissioner to be vice
7 chair. The department shall provide administrative support
8 to the commission.

9 B. Three at-large members of the commission shall
10 hold positions one, two and three, with no more than one
11 member residing in any one county and with no more than two
12 members affiliated with the same political party; provided
13 that at least one member shall be a member of a federally
14 recognized Indian nation, tribe or pueblo in New Mexico.

15 C. Four members of the commission shall hold
16 positions four, five, six and seven, with no more than one
17 member residing in any one county and with no more than two
18 members affiliated with the same political party, as follows:

19 (1) position four, a rancher or farmer who
20 actively works at growing and selling livestock or crops from
21 a ranch or farm where at least two big game species, as
22 defined by and for which hunting is licensed by the
23 department, are frequently present;

24 (2) position five, a conservationist who for
25 the previous four years has been an employee, a member of the

1 board or a member of an established advisory committee of a
2 nonprofit wildlife or habitat conservation organization, the
3 primary focus of which is not game species;

4 (3) position six, an individual who is both
5 a hunter and an angler having held both a New Mexico hunting
6 license and fishing license each of the previous four years;
7 and

8 (4) position seven, a scientist who holds at
9 least a master's degree in wildlife biology, conservation
10 biology, fisheries science or management, wildlife science or
11 management or a comparable wildlife field.

12 D. Except for the initial appointments as provided
13 in Section 12 of this 2025 act, the term of office for each
14 member of the commission shall be six years.

15 E. A commissioner shall serve for no more than two
16 terms after January 1, 2027. A partial term shall be counted
17 as one full term, unless the partial term is less than one
18 full year.

19 F. When a commissioner dies, resigns or no longer
20 meets the qualifications required for the commissioner's
21 original appointment, or misses three consecutive meetings,
22 that position on the commission becomes vacant. The governor
23 shall appoint a successor for the remainder of the term from
24 a list of qualified nominees submitted to the governor by the
25 state wildlife commission nominating committee.

1 G. Except when the position of commissioner
2 becomes vacant pursuant to Subsection F of this section, a
3 commissioner shall not be removed except for incompetence,
4 neglect of duty or malfeasance in office; ^{MLY} provided that no
5 removal shall be made without notice of hearing and an
6 opportunity to be heard having first been given to the
7 commissioner. The state ethics commission may bring an
8 action in district court for the removal of a commissioner
9 upon the state ethics commission's information or upon the
10 complaint of a person with knowledge of a commissioner's
11 alleged incompetence, neglect of duty or malfeasance in
12 office. The state ethics commission may also bring an action
13 in district court to enforce the provisions of Subsection F
14 of this section or determine whether a position of the
15 commission has become vacant pursuant to Subsection F of this
16 section. A final decision by a district court in an action
17 brought pursuant to Subsections G or F of this section may be
18 appealed directly to the supreme court. ^{MLY}

19 H. A person shall not be eligible to be appointed
20 as a commissioner if the person changed party affiliation
21 during the previous four years; provided that a person who
22 changed party affiliation for the purpose of voting in a
23 primary election pursuant to Section 1-4-5.7 NMSA 1978 and
24 then changed party affiliation back to the status of that
25 person's party affiliation immediately prior to the change

1 within ninety days shall not be considered to have changed
2 party affiliation for the purposes of this subsection.

3 I. The following persons shall serve as advisory,
4 nonvoting members of the commission:

5 (1) the director of the New Mexico outdoor
6 recreation division of the economic development department or
7 the director's designee;

8 (2) the director of the New Mexico
9 department of agriculture or the director's designee;

10 (3) the commissioner of public lands or the
11 commissioner's designee; and

12 (4) the secretary of Indian affairs or the
13 secretary's designee."

14 SECTION 3. A new Section 17-1-2.1 NMSA 1978 is enacted
15 to read:

16 "17-1-2.1. STATE WILDLIFE COMMISSION NOMINATING
17 COMMITTEE.--

18 A. The "state wildlife commission nominating
19 committee" is created and consists of nine members, all of
20 whom shall be New Mexico residents, as follows:

21 (1) four members appointed as follows: one
22 by the speaker of the house of representatives, one by the
23 minority floor leader of the house of representatives, one by
24 the president pro tempore of the senate and one by the
25 minority floor leader of the senate;

(2) two members as follows: the chair of the university of New Mexico's department of biology or the chair's designee and the chair of New Mexico state university's department of fish, wildlife and conservation ecology or the chair's designee;

(3) two members appointed by the governor who shall not be registered as members of the same political party; and

(4) one member appointed by the governor who shall represent an Indian nation, tribe or pueblo.

B. A committee member shall serve without compensation but shall be reimbursed for expenses incurred in pursuit of the member's duties on the committee pursuant to the Per Diem and Mileage Act.

C. The committee and individual members shall be subject to the Governmental Conduct Act, the Gift Act, the Inspection of Public Records Act, the Financial Disclosure Act and the Open Meetings Act.

D. The committee shall select one member to be chair and one member to be secretary. Administrative support shall be provided to the committee by the staff of the department.

E. An appointed committee member may be removed by the person who holds the office that appointed that committee member. A committee member shall serve until the committee

1 member's resignation or removal by the appointing authority.

2 F. The committee shall meet at least ninety days
3 prior to the date on which the term of a state wildlife
4 commissioner ends and as often as necessary thereafter in
5 order to submit a list to the governor, at least thirty days
6 prior to the beginning of the new term, of a minimum of three
7 qualified nominees for each position of the commission. The
8 list shall be developed to provide geographical and political
9 party diversity as appropriate to conform the makeup of the
10 commission to the geographical and political party
11 requirements of Section 17-1-2 NMSA 1978.

12 G. Upon the occurrence of a vacancy in a state
13 wildlife commissioner position, the committee shall meet
14 within thirty days of the date of the beginning of the
15 vacancy and as often as necessary thereafter in order to
16 submit a list to the governor, within sixty days of the first
17 meeting after the vacancy occurs, of no fewer than three
18 qualified nominees for appointment to the commission to fill
19 the remainder of the term of each commissioner position that
20 is vacant. The list shall be developed to provide
21 geographical and political party diversity as appropriate to
22 conform the makeup of the commission to the geographical and
23 political party requirements pursuant to Section 17-1-2
24 NMSA 1978.

25 H. The committee shall actively solicit, accept

1 and evaluate applications from qualified individuals for a
2 position on the commission and may require an applicant to
3 submit any information that the committee deems relevant to
4 the consideration of the individual's application.

5 I. The committee shall select nominees for
6 submission to the governor who, in the committee's judgment,
7 are best qualified to serve as a member of the commission. A
8 person shall not be eligible for nomination to the commission
9 while serving on the committee.

10 J. A majority vote of committee members at a
11 meeting at which a quorum is present in favor of a person is
12 required for that person to be included on the list of
13 qualified nominees submitted to the governor.

14 K. The committee shall allow for public comment at
15 a committee meeting during which the committee is considering
16 a list of qualified nominees for appointment to the
17 commission before the committee votes on the nominees."

18 SECTION 4. Section 17-1-26 NMSA 1978 (being Laws 1931,
19 Chapter 117, Section 2, as amended) is amended to read:

20 "17-1-26. RULEMAKING POWER.--

21 A. The commission is authorized and directed to
22 make rules as it may deem necessary to carry out the
23 provisions and purposes of Chapter 17 NMSA 1978.

24 B. The rules may include, as applicable, when,
25 where, by what means and to what extent, if at all, wildlife

1 may be hunted, taken, captured, killed, possessed, released,
2 bartered, sold, purchased, shipped and imported into or
3 exported from the state.

4 C. In making rules, the commission may consider a
5 species' population size and trends, migration patterns,
6 availability of suitable habitat, response to changes in
7 climate conditions, conservation actions necessary to sustain
8 healthy populations and ecosystems, sustainable food supply
9 and any other factors, natural or human-driven, that are
10 judged to affect the health of a species or a species'
11 ecosystem."

12 SECTION 5. A new section of the Wildlife Conservation
13 Act is enacted to read:

14 "WILDLIFE TO BE PROTECTED--MANAGEMENT.--

15 A. In addition to species defined as protected in
16 Chapter 17 NMSA 1978, the commission is authorized to extend
17 management and protection by rule to any species of wildlife.

18 B. When determining whether and how to protect a
19 species of wildlife, the commission shall consider:

20 (1) whether the species qualifies as a
21 species of greatest conservation need;

22 (2) the science-based reasons for protection
23 of a species; and

24 (3) the rules and management programs that
25 would potentially accompany protected status.

1 C. The department is not required to respond to
2 wildlife nuisance incidents as prescribed by Section 17-2-7.2
3 NMSA 1978 unless:

4 (1) the department was required to do so for
5 species listed as protected in statute prior to July 1, 2026;
6 or

7 (2) in its own discretion, the commission
8 adopts a rule directing the department to do so.

9 D. As used in this section, "wildlife" means a
10 nondomestic mammal, bird, reptile, amphibian, fish or
11 invertebrate species, including a living animal, or any part,
12 egg, spawn, offspring or the dead body or parts thereof."

13 SECTION 6. A new section of the Wildlife Conservation
14 Act is enacted to read:

15 "SPECIES OF GREATEST CONSERVATION NEED--DEFINITION--DATA
16 COLLECTION.--

17 A. For the purposes of Chapter 17 NMSA 1978,
18 "species of greatest conservation need" means species as
19 identified and updated by the department in an assessment of
20 the state's wildlife and habitat.

21 B. The department shall annually publish on the
22 department's website data collected on species of greatest
23 conservation need and the use of state and federal funds for
24 the support and recovery of species of greatest conservation
25 need."

1 SECTION 7. Section 17-2-38 NMSA 1978 (being Laws 1974,
2 Chapter 83, Section 2, as amended) is amended to read:

3 "17-2-38. DEFINITIONS.--As used in the Wildlife
4 Conservation Act:

5 A. "commission" means the state wildlife
6 commission;

7 B. "director" means the director of the department
8 of wildlife;

9 C. "ecosystem" means a system of living organisms
10 and their environment;

11 D. "endangered species" means any species of fish
12 or wildlife whose prospects of survival or recruitment within
13 the state are in jeopardy due to any of the following
14 factors:

15 (1) the present or threatened destruction,
16 modification or curtailment of its habitat;

17 (2) overutilization for scientific,
18 commercial or sporting purposes;

19 (3) the effect of disease or predation;

20 (4) other natural or man-made factors
21 affecting its prospects of survival or recruitment within the
22 state; or

23 (5) any combination of the foregoing
24 factors.

25 The term may also include any species of fish or

1 wildlife appearing on the United States list of endangered
2 native and foreign fish and wildlife as set forth in
3 Section 4 of the federal Endangered Species Act of 1973 as
4 endangered species; provided that the commission adopts those
5 lists in whole or in part. The term does not include any
6 species covered by the provisions of 16 U.S.C. 1331 through
7 1340 (1971) or any species of the class insecta determined by
8 the director to constitute a pest whose protection under the
9 Wildlife Conservation Act would present an overwhelming and
10 overriding risk to humans;

11 E. "investigation" means a process pursuant to
12 Subsections B through L of Section 17-2-40 NMSA 1978
13 undertaken whenever the director believes that a species may
14 be threatened or endangered and that consists of a formal
15 review of existing data and studies and may include
16 additional field research to determine whether a species is
17 threatened or endangered;

18 F. "land or aquatic habitat interests" means
19 interests in real property or water rights consisting of fee
20 simple title, easements in perpetuity, time certain
21 easements, long-term leases and short-term leases;

22 G. "management" means the collection and
23 application of biological information for the purposes of
24 establishing and maintaining a congruous relationship between
25 individuals within species and populations of wildlife and

1 the carrying capacity of their habitat. The term includes
2 the entire range of activities that constitutes a full
3 scientific resource program, including research, census, law
4 enforcement, propagation, acquisition or maintenance of land
5 or aquatic habitat interests appropriate for recovery of the
6 species; improvement and maintenance, education and related
7 activities; and protection and regulated taking;

8 H. "recovery plan" means a designated program or
9 methodology reasonably expected to lead to restoration and
10 maintenance of a species and its habitat;

11 I. "peer review panel" means an advisory panel of
12 scientists, each of whom possesses expertise relevant to the
13 proposed investigation and at least one of whom is a wildlife
14 biologist, convened to review the scientific methodology for
15 collection and analysis of data by a researcher based on
16 commonly accepted scientific peer review;

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

18 K. "substantial public interest" means a
19 nonfrivolous claim indicated by a broad-based expression of
20 public concern;

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

23 M. "threatened species" means any species that is
24 likely to become an endangered species within the foreseeable
25 future throughout all or a significant portion of its range

1 in New Mexico; the term may also include any species of fish
2 or wildlife appearing on the United States list of endangered
3 native and foreign fish and wildlife as set forth in
4 Section 4 of the federal Endangered Species Act of 1973 as
5 threatened species; provided that the commission adopts the
6 list in whole or in part; and

7 N. "wildlife" means a nondomestic mammal, bird,
8 reptile, amphibian, fish or invertebrate species, including a
9 living animal, or any part, egg, spawn, offspring or the dead
10 body or parts thereof."

11 SECTION 8. Section 17-3-2 NMSA 1978 (being Laws 1964
12 (1st S.S.), Chapter 17, Section 2, as amended) is amended to
13 read:

14 "17-3-2. CLASSES OF LICENSES.--

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

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

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

25 (3) "deer" entitles the licensee to hunt

1 deer during the open season;

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

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

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

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

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

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

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

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

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

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

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

25 (15) "turkey" entitles the licensee to hunt

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1 turkey during the open season;

2 (16) "special season turkey" entitles the
3 licensee to hunt turkey during special seasons designated by
4 the state wildlife commission;

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

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

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

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

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

1 season for each; and

2 (22) "shed hunter license" entitles the
3 licensee to shed hunting; provided that a shed hunter license
4 shall not be required for shed hunting by a resident.

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

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

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

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

25 F. A nonresident junior fishing license may be

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

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

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

21 I. A disabled fishing license may be purchased by
22 a resident who has a severe physical impairment that
23 substantially limits one or more major life activities and
24 who can furnish adequate proof of this disability to the
25 state wildlife commission. A disabled 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 commission. A disabled fishing license entitles the licensee to fish for game fish during the open season for each species.

J. A disabled 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 wildlife commission. A disabled 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

1 junior-senior elk license entitles the licensee to hunt for
2 elk during the open season for that species.

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

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

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

25 SECTION 9. Section 17-3-7 NMSA 1978 (being Laws 1912,

1 Chapter 85, Section 48, as amended) is amended to read:

2 "17-3-7. BLANK FORMS--LICENSE ISSUED ONLY ON
3 APPLICATION--FALSE STATEMENT VOIDS LICENSE--RECORDS--
4 REPORTS--ACCOUNTING FOR FEES COLLECTED--REFUND OF FEES--
5 TRANSFER OF HUNTING LICENSE.--

6 A. The director of the department of wildlife
7 shall prescribe and procure the printing of all forms and
8 blanks that may be required to carry out the intent of
9 Chapter 17 NMSA 1978. All necessary blanks shall be
10 furnished by the director to the license collectors. No
11 license shall be issued except as provided in Section 17-3-5
12 NMSA 1978. Any false statement in any application shall
13 render the license issued void.

14 B. A license collector shall keep a correct and
15 complete record of licenses issued, which record shall remain
16 in the license collector's office and be open to inspection
17 by the public at all times.

18 C. A license collector may collect and retain a
19 vendor fee for each license or permit issued; provided that
20 the fee shall be just and reasonable, as determined by
21 regulation of the state wildlife commission, and shall not
22 exceed vendor costs for each license or permit issued; and
23 provided further that no such fee shall be collected by the
24 department of wildlife from the purchaser of a special
25 license. "Special license" includes those licenses for the

1 following species: antelope, elk, Barbary sheep, bighorn
2 sheep, bison, oryx, ibex and javelina.

3 D. A license collector shall remit to the director
4 of the department of wildlife the statutory fee of all
5 licenses and permits sold on or before the tenth day of the
6 month following and shall by the same time report the number
7 and kind of licenses issued.

23 (b) the licensee has been deployed by
24 the military and the deployment prevents the licensee from
25 traveling to the hunt during the period that the license is

1 valid;

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

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

8 G. The director of the department of wildlife, in
9 the director's sole discretion, may authorize a transfer of a
10 hunting license:

11 (1) to the licensee's designee if, upon
12 written application by the licensee, prior to the time of the
13 hunt for which the license has been issued, the director
14 finds that:

15 (a) the licensee has a disability, due
16 to a verified injury or life-threatening illness, that
17 prohibits the licensee from hunting during the period that
18 the license is valid; or

19 (b) the licensee has been deployed by
20 the military and the deployment prevents the licensee from
21 traveling to the hunt during the period that the license is
22 valid;

23 (2) to the designee of the licensee's estate
24 if, upon written application by the personal representative
25 of the licensee's estate, the director finds that the

1 licensee died prior to the time of the hunt for which the
2 license was issued; or

3 (3) upon written application by a licensee,
4 to a nonprofit organization approved by the state wildlife
5 commission.

6 H. The state wildlife commission may prescribe, by
7 rule, the documentation necessary for a finding pursuant to
8 Subsection F or G of this section."

9 SECTION 10. Section 17-3-13 NMSA 1978 (being Laws 1964
10 (1st S.S.), Chapter 17, Section 5, as amended) is amended to
11 read:

12 "17-3-13. LICENSE FEES--FEE ADJUSTMENTS.--

13 A. The director of the department of wildlife
14 shall keep a record of all money received and licenses and
15 permits issued by the department, numbering each class
16 separately. Upon satisfactory proof that a license or permit
17 has been lost before its expiration, the director may issue a
18 duplicate and collect a just and reasonable fee as determined
19 by state wildlife commission rule.

20 B. Beginning April 1, 2027 and on April 1 of each
21 successive year, the state wildlife commission may adjust the
22 fees provided by this section for inflation as provided in
23 Subsection C of this section. The director of the department
24 of wildlife shall collect the following fees for each license
25 of the class indicated:

1	Resident, fishing	\$35.00
2	Resident, game hunting	25.00
3	Resident, deer	50.00
4	Resident, junior-senior, deer	25.00
5	Resident, senior, disabled, game hunting and fishing	20.00
6	Resident, fishing and game combination	42.00
7	Resident, junior, fishing and game hunting combination	15.00
8	Resident, disabled veteran, fishing and game hunting combination	10.00
9	Resident, antelope	60.00
10	Resident, elk cow	60.00
11	Resident, elk bull or either sex	90.00
12	Resident, junior-senior, elk	60.00
13	Resident, bighorn sheep, ram	150.00
14	Resident, bighorn sheep, ewe	75.00
15	Resident, Barbary sheep	120.00
16	Resident, bear	55.00
17	Resident, turkey	35.00
18	Resident, cougar	55.00
19	Resident, oryx	175.00
20	Resident, ibex	110.00
21	Resident, javelina	55.00
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1	Resident, fur dealer	50.00
2	Resident, trapper	50.00
3	Resident, junior trapper	20.00
4	Nonresident, fishing	90.00
5	Nonresident, junior fishing	20.00
6	Nonresident, junior, game hunting	20.00
7	Nonresident, game hunting	90.00
8	Nonresident, deer	375.00
9	Nonresident, quality deer	600.00
10	Nonresident, bear	350.00
11	Nonresident, cougar	350.00
12	Nonresident, turkey	125.00
13	Nonresident, antelope	400.00
14	Nonresident, elk cow	550.00
15	Nonresident, elk bull or either sex	750.00
16	Nonresident, quality elk	975.00
17	Nonresident, bighorn sheep	3,500.00
18	Nonresident, Barbary sheep	350.00
19	Nonresident, oryx	1,600.00
20	Nonresident, ibex	1,600.00
21	Nonresident, javelina	155.00
22	Nonresident, fur dealer	200.00
23	Nonresident, trapper	500.00
24	Nonresident, nongame	65.00
25	Nonresident, shed hunter license	200.00
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1	Resident, senior, disabled,	
2	fishing	8.00
3	Resident, junior fishing	5.00
4	Temporary fishing, one day	12.00
5	Temporary fishing, five days	30.00
6	Resident, senior, disabled,	
7	game hunting	15.00
8	Resident, junior, game hunting	10.00
9	Temporary game hunting, four days	40.00
10	Second rod validation	10.00.

11 C. On April 1, 2027 and on April 1 of each
12 successive year, the state wildlife commission may adjust the
13 fees provided by Subsection B of this section by an amount up
14 to the total amount reflected by the annual percentage change
15 in the consumer price index; provided that the fees shall not
16 be adjusted below the minimum amounts of the previous year as
17 a result of a decrease in the consumer price index, and the
18 fees shall be adjusted on April 1, 2032 and every five years
19 thereafter. The amount of the adjustment shall be rounded to
20 the nearest dollar. By November 1, 2026 and by November 1 of
21 each successive year, the department of wildlife shall post
22 on its website the fees provided in Subsection B of this
23 section for the next year.

24 D. Residents who participate in the supplemental
25 nutrition assistance program are eligible to receive a

1 twenty-five percent discount on all license fees after
2 qualifying with the department of wildlife.

3 E. As used in this section, "consumer price index"
4 means the consumer price index, not seasonally adjusted, for
5 all urban consumers, United States city average for all
6 items, or its successor index, as published by the United
7 States department of labor for a twelve-month period ending
8 September 30."

9 SECTION 11. TEMPORARY PROVISION--NAME CHANGE--TRANSFER
10 OF FUNCTIONS, PERSONNEL, MONEY, APPROPRIATIONS, PROPERTY,
11 CONTRACTUAL OBLIGATIONS AND STATUTORY REFERENCES--UPDATE NAME
12 AND LOGO.--

13 A. The department of game and fish is renamed as
14 the "department of wildlife".

15 B. The state game commission is renamed as the
16 "state wildlife commission".

17 C. On July 1, 2026, all:

18 (1) functions, personnel, money,
19 appropriations, records, furniture, equipment, supplies and
20 other personal and real property of the department of game
21 and fish are transferred to the department of wildlife;

22 (2) agreements and contractual obligations
23 of the department of game and fish are binding on the
24 department of wildlife;

25 (3) references in law to the department of

1 game and fish shall be deemed to be references to the
2 department of wildlife;

3 (4) functions, personnel, money,
4 appropriations, records, furniture, equipment, supplies and
5 other personal and real property of the state game commission
6 are transferred to the state wildlife commission;

7 (5) agreements and contractual obligations
8 of the state game commission are binding on the state
9 wildlife commission; and

10 (6) references in law to the state game
11 commission shall be deemed to be references to the state
12 wildlife commission.

13 D. On July 1, 2026, statutory references in
14 Chapter 17 NMSA 1978 to:

15 (1) the "department of game and fish" or
16 "department" shall be construed to be references to the
17 department of wildlife;

18 (2) the "state game commission" or
19 "commission" shall be construed to be references to the state
20 wildlife commission; and

21 (3) the "director", "warden", "state
22 warden", "state game warden" or "state game and fish warden"
23 shall be construed to be references to the director of the
24 department of wildlife.

25 E. Rules of the department of game and fish shall SB 5
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1 be rules of the department of wildlife until amended or
2 repealed.

3 F. Rules of the state game commission shall be
4 rules of the state wildlife commission until amended or
5 repealed.

6 G. On July 1, 2026, or as soon thereafter as
7 practicably possible, the department of wildlife shall update
8 the department's name and logo; provided that existing
9 supplies, forms, insignias, signs and logos may continue to
10 be used until exhausted or unserviceable.

11 SECTION 12. TEMPORARY PROVISION--INITIAL
12 APPOINTMENTS.--The initial appointments made to the state
13 wildlife commission by the governor pursuant to the
14 provisions of Sections 2 and 3 of this act shall replace the
15 members of the state wildlife commission, whose terms shall
16 end on January 1, 2027. Terms for the initial appointments
17 to the commission beginning January 1, 2027 shall be as
18 follows:

- 19 A. for position one, a one-year term;
- 20 B. for position two, a three-year term;
- 21 C. for position three, a five-year term;
- 22 D. for position four, a one-year term;
- 23 E. for position five, a three-year term;
- 24 F. for position six, a five-year term; and
- 25 G. for position seven, a five-year term.

SECTION 13. REPEAL.--Sections 17-1-1 and 17-2-2
NMSA 1978 (being Laws 1921, Chapter 35, Section 1 and
Laws 1937, Chapter 23, Section 1, as amended) are repealed.

SECTION 14. EFFECTIVE DATE.--

A. The effective date of the provisions of Sections 1, 4 through 7, 11 and 13 of this act is July 1, 2026.

B. The effective date of the provisions of Sections 2, 3 and 12 of this act is January 1, 2027.

C. The effective date of the provisions of Sections 8 through 10 of this act is April 1, 2026.

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Howie C. Morales
Howie C. Morales, President
Senate

Cheri D. Lujan
Cheri D. Lujan, Chief Clerk
Senate

Javier Martinez
Javier Martinez, Speaker
House of Representatives

Lisa M. Ortiz McCutcheon
Lisa M. Ortiz McCutcheon, Chief Clerk
House of Representatives

Approved by me this 20th day of March, 2025

Michelle Lujan Grisham
Governor Michelle Lujan Grisham
State of New Mexico