

*17-3-16. Funds; special drawings for licenses. (Effective April 1, 2012.)*

*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.*