

TITLE 19 NATURAL RESOURCES AND WILDLIFE
CHAPTER 30 WILDLIFE ADMINISTRATION
PART 15 WILDLIFE CONSERVATION VOLUNTEERS

19.30.15.1. ISSUING AGENCY: New Mexico Department of Game and Fish.
[19.30.15.1 NMAC - N, 07-15-2016]

19.30.15.2. SCOPE: Providing for the use of volunteers by the New Mexico Department of Game and Fish.
[19.30.15.2 NMAC - N, 07-15-2016]

19.30.15.3. STATUTORY AUTHORITY: Section 17-1-14B NMSA 1978, provides that the New Mexico state game commission has the authority to establish rules and regulations for volunteer service as it may deem necessary to carry out the department's statutory requirements and other acts pertaining to the department's programs.
[19.30.15.3 NMAC - N, 07-15-2016]

19.30.15.4. DURATION: Permanent.
[19.30.15.4 NMAC - N, 07-15-2016]

19.30.15.5. EFFECTIVE DATE: July 15, 2016, unless a later date is cited at the end of a section.
[19.30.15.5 NMAC - N, 07-15-2016]

19.30.15.6. OBJECTIVE: Establish rule to implement a process for New Mexico department of game and fish to use volunteers to help support and promote its programs.
[19.30.15.6 NMAC - N, 07-15-2016]

19.30.15.7. DEFINITIONS:

- A. "Commission"** means the state game commission.
 - B. "Department"** means the New Mexico department of game and fish.
 - C. "Director"** means the director of the New Mexico department of game and fish.
 - D. "Motorized equipment"** means any machine that uses or is activated by a motor, engine, or other power source. This includes, but is not limited to, chainsaws, power drills, generators, motor boats, off highway vehicles, dirt bikes, snowmobiles, lawn mowers, and leaf blowers.
 - E. "Public employee"** as defined in 1.6.5 NMAC, means individuals as defined in, Section 41-4-3 (F) NMSA 1978 of the Tort Claims Act.
 - F. "Registered volunteer"** means an individual that has been officially placed into one or more of the department's volunteer positions after successfully completing all application, training and certification requirements.
 - G. "Special-use vehicles"** means state vehicles designated as such by the director or designee, including but not limited to buses, tractors, boats, trailers, snow cats, vehicles of special design or construction that effectively limits their use for a particular purpose, and all other vehicles that are not passenger vehicles.
 - H. "State vehicle"** as defined in 1.5.3 NMAC, means an automobile, van, sport-utility truck, pickup truck, or other vehicle with a declared gross vehicle weight of less than 10,000 pounds that is used by a state agency to transport passengers or property.
- [19.30.15.7 NMAC - N, 07-15-2016]

19.30.15.8. WILDLIFE CONSERVATION VOLUNTEERS:

- A. The New Mexico department of game and fish may develop a program to recruit, train, equip and accept the services of the registered volunteers that help support the programs administered by the department.**
- B. Registered volunteers shall comply with all the department's rules, policies and directives as prescribed by the director.**
- C. A registered volunteer shall not be deemed to be a state employee and shall not be subject to the provisions of law relating to state employment, including those relating to hours of work, rates of compensation, leave, unemployment compensation and state employee benefits.**
- D. A registered volunteer traveling under the authorization and direction of the New Mexico department of game and fish may receive per diem and mileage at a rate defined by the Per Diem and Mileage Act,**

10-8-1 through 10-8-8 NMSA 1978 and the Travel and Per Diem Rule, 2.42.2 NMAC and reimbursement of expenses associated with the volunteers service for items such as supplies and equipment for the department's programs. Reimbursement is allowed provided that: the expense is directly related to and facilitates the implementation of the department's program(s), the incurring of the expense has been pre-approved by department staff, and the department does not authorize reimbursements in excess of the value of services rendered to the department by the registered volunteer. Per diem, mileage and reimbursements are subject to the availability of funds, the review and pre-approval by the department, must adhere to all aspects of the Per Diem and Mileage Act, 10-8-1 through 10-8-8 NMSA 1978 and the Travel and Per Diem Rule, 2.42.2 NMAC, and all department rules, policies and procedures governing such expenses and reimbursements.

E. A registered volunteer may be authorized to use state vehicles in the performance of department assigned duties, subject to those rules, policies and directives governing the use of state vehicles by department employees. A registered volunteer that operates a state vehicle under the terms of this section shall be treated for the purposes of insurability and tort claims liability as a public employee of the state as described in the Tort Claims Act, 41-4-1 through 41-4-30 NMSA 1978 and the General Governmental Administration Risk Management Certificate of Coverage Rule, 1.6.5 NMAC.

F. A registered volunteer may be authorized to use state computers and related technology in the performance of department-assigned duties. Registered volunteers are subject to those rules, policies and directives governing the use of state computers and associated technology. Use of department computers and associated technology must be reviewed and pre-approved by the department and registered volunteers must adhere to all aspects of the Information Technology Internet, Intranet, Email, and Digital Network Usage Rule 1.12.10 NMAC, the Information Technology Enterprise Architecture Rule, 1.12.11 NMAC, and the department's information technology use policy, GP-015.

G. A registered volunteer may be authorized to use special-use vehicles and motorized equipment in the performance of department-assigned duties, subject to the department's rules, policies and directives as prescribed by the director.

[19.30.15.8 NMAC - N, 07-15-2016]

19.30.15.9. GENERAL REQUIREMENTS:

A. Background checks: Applicants must consent to and pass a formal background investigation as prescribed by the director to be eligible for consideration for placement into a registered volunteer position with the department.

B. Training and certifications: Applicants must successfully complete all training and certification requirements for each position they have applied for prior to the performance of the positions duties.

[19.30.15.9 NMAC - N, 07-15-2016]

19.30.15.10. REVIEW AND REPORTING:

A. The department shall provide to the commission an annual accounting of the wildlife conservation volunteers program.

B. The wildlife conservation volunteers program shall be included in the annual independent audit of the department and must adhere to the Audit Act, 12-6-12 NMSA 1978.

[19.30.15.10 NMAC - N, 07-15-2016]

HISTORY OF 19.30.15 NMAC:

[RESERVED]