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HOUSE BILL 98

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Jimmie C. Hall

AN ACT

RELATING TO THE DEPARTMENT OF GAME AND FISH; REQUIRING AN ANNUAL REPORT.

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

SECTION 1. Section 17-1-14 NMSA 1978 (being Laws 1921, Chapter 35, Section 7, as amended) is amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME COMMISSION--GAME PROTECTION FUND--LIABILITY SUSPENSE ACCOUNT.--

A. The state game commission shall have general control over the collection and disbursement of all money collected or received under the state laws for the protection and propagation of game and fish, which money shall be paid over to the state treasurer to the credit of the game protection fund, unless otherwise provided by law, and the fund, including all earned income, shall not be transferred to

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1 another fund. Prior to depositing money into the game
2 protection fund, the department of game and fish shall ensure
3 that an amount adequate to cover the cost of refunds allowed by
4 the provisions of Chapter 17 NMSA 1978 is held in a liability
5 suspense account. All refunds shall be made from the liability
6 suspense account. Money not needed to cover the cost of
7 refunds shall be deposited in the game protection fund at the
8 end of each month. Chapter 17 NMSA 1978 shall be guaranty to
9 the person who pays for hunting and fishing licenses and
10 permits that the money in that fund shall not be used for any
11 purpose other than as provided in Chapter 17 NMSA 1978.

12 B. The state game commission shall have authority
13 to:

14 (1) establish and, through the director of the
15 department of game and fish, to operate fish hatcheries for the
16 purpose of stocking public waters of the state and to furnish
17 fish fry and fingerlings to stock private waters, receipts from
18 such sources to go into the game protection fund;

19 (2) declare closed seasons in any specified
20 locality and on any species of game or fish threatened with
21 undue depletion from any cause;

22 (3) establish game refuges for the purpose of
23 providing safe sanctuaries in which game may breed and
24 replenish adjacent hunting ranges, it being the purpose of this
25 provision to establish small refuges rather than large

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1 preserves or to close large areas to hunting;

2 (4) purchase lands for game refuges where
3 suitable public lands do not exist, to purchase lands for fish
4 hatcheries and to purchase lands to be maintained perpetually
5 as public hunting grounds, particularly lands suitable for
6 waterfowl hunting, all such lands to be paid for from the game
7 protection fund;

8 (5) receive by gift or bequest, in the name
9 and on behalf of the state, lands suitable for game refuges,
10 hunting grounds, fish hatcheries or for any other purpose
11 necessary to carry out the provisions of Chapter 17 NMSA 1978;

12 (6) apply for and accept any state, federal or
13 private funds, grants or donations from any source for game and
14 fish programs and projects;

15 (7) designate certain areas as rest grounds
16 for migratory birds, in which hunting shall be forbidden at all
17 times or at such times as the state game commission shall
18 provide, it being the purpose of this provision not to
19 interfere unduly with the hunting of waterfowl but to provide
20 havens in which they can rest and feed without molestation;

21 (8) close any public stream or lake or portion
22 thereof to fishing when such action is necessary to protect a
23 recently stocked water, to protect spawning waters or to
24 prevent undue depletion of the fish;

25 (9) propagate, capture, purchase, transport or

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1 sell any species of game or fish needed for restocking any
2 lands or streams of the state;

3 (10) after reasonable notice and hearing,
4 suspend or revoke any license or permit issued pursuant to the
5 provisions of Chapter 17 NMSA 1978 and withhold license
6 privileges from any person procuring a license through
7 misrepresentation, violating any provisions of Chapter 17 NMSA
8 1978 or hunting without a proper license;

9 (11) adopt rules establishing procedures that
10 provide reasonable notice and a hearing before the state game
11 commission for the suspension, revocation or withholding of
12 license privileges for a definite period of time for a person
13 charged with violating the provisions of Chapter 17 NMSA 1978,
14 subject to such judicial review as may be provided by law;

15 (12) conduct studies of programs for the
16 management of endangered and nongame species of wildlife;

17 (13) establish licenses, permits and
18 certificates not otherwise provided for in Section 17-3-13 NMSA
19 1978 and charge and collect just and reasonable fees for them;
20 provided the fees shall not exceed the costs of administration
21 associated with the licenses, permits or certificates;

22 (14) permit, regulate or prohibit the
23 commercial taking or capturing of native, free-ranging
24 amphibians or reptiles not specifically protected by law,
25 except for rattlesnake roundups, collection of fish bait and

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1 lizard races;

2 (15) adopt rules to control, eradicate or
3 prevent the spread of a contagious disease, pest or parasite,
4 including chronic wasting disease, to or among game animals.

5 The rules shall include provisions for:

6 (a) notification to the department of
7 game and fish of the diagnosis or suspected presence of a
8 contagious disease;

9 (b) examination by the state
10 veterinarian or the state veterinarian's designee of suspected
11 infected game animals;

12 (c) quarantine, treatment or destruction
13 of an infected game animal;

14 (d) disinfection and isolation of a
15 licensed private park where an infected game animal has been;
16 and

17 (e) indemnification and destruction of a
18 protected game animal;

19 (16) as necessary, designate areas of the
20 state in which bear-proof garbage containers are required on
21 public and private lands to reduce potential human-bear
22 interactions; and

23 (17) pursuant to appropriation by the
24 legislature, expend money from the game protection fund and the
25 habitat management fund for the improvement, maintenance,

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1 development and operation of property for fish and wildlife
2 habitat management.

3 C. The director of the department of game and fish
4 shall exercise all the powers and duties conferred upon the
5 state game and fish warden by all previous statutes now in
6 force not in conflict with Chapter 17 NMSA 1978.

7 D. The state game commission shall have authority
8 to prohibit all hunting in periods of extreme forest fire
9 danger, at such times and places as may be necessary to reduce
10 the danger of destructive forest fires.

11 E. The hunting, pursuing, capturing, killing or
12 wounding of any game animals, birds or fish in or upon any
13 game refuge, rest ground or closed water or closed area or
14 during any closed season established or proclaimed by the
15 state game commission in accordance with the authority
16 conferred in Chapter 17 NMSA 1978 constitutes a misdemeanor
17 and shall be punishable as prescribed in Chapter 17 NMSA
18 1978.

19 F. On or before November 15 of each year, the
20 chair of the state game commission and the director of the
21 department of game and fish shall report to the legislative
22 finance committee on:

23 (1) the viability of New Mexico's game
24 animal, bird and fish populations, including the numbers and
25 types of hunting and fishing licenses that each population is

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1 anticipated to support in the ensuing five-year period;

2 (2) the types and numbers of hunting and
3 fishing licenses issued for the previous year and the
4 aggregate revenue generated from the issuance of each type of
5 license;

6 (3) the numbers of animals, birds and fish
7 harvested the previous year pursuant to issued licenses;

8 (4) the various units of land managed by the
9 department of game and fish, including the uses that have
10 been designated for various units, the condition of the
11 various units of land and whether any unit will need to be
12 closed for rehabilitation; and

13 (5) recommendations for any unit of land
14 that is identified either as a unit needing additional land
15 acquisition to enhance its ability to fulfill its designated
16 use or as a unit that is of limited use and that should be
17 considered for exchange or for sale."

18 SECTION 2. EFFECTIVE DATE.--The effective date of the
19 provisions of this act is July 1, 2015.

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