

HOUSE JOINT MEMORIAL 59

47TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2006

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE NEW MEXICO LEGISLATIVE COUNCIL TO CREATE A TASK FORCE TO STUDY THE ECONOMIC AND PRIVATE PROPERTY RIGHTS OF AND IMPACTS TO LANDOWNERS CAUSED BY THE DEPARTMENT OF GAME AND FISH ADOPTING RULE 19.30.5 NMAC FOR PRIVATE LAND ELK LICENSE ALLOCATION.

WHEREAS, on October 17, 2005, the department of game and fish placed into effect Rule 19.30.5 NMAC for private land elk license allocation; and

WHEREAS, the department rule implementation will have negative economic impacts to small property landowners in economically depressed rural areas of the state; and

WHEREAS, the department of game and fish has segregated small property landowners and identified and defined them as "small contributing property"; and

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1 WHEREAS, the department rule disqualifies small landowners
2 from receiving elk authorizations, which violates their private
3 property rights; and

4 WHEREAS, the department rule disqualifies all landowners
5 who choose to protect self or private property under Section
6 17-2-7.2 NMSA 1978 from participating in the elk authorization
7 program violating their private property rights; and

8 WHEREAS, a task force is needed to review the entire
9 department rule provisions and report on all or any negative
10 economic or private property rights to landowners; and

11 WHEREAS, the department of game and fish ignored and
12 dismissed comments from landowners during the hearing process
13 for the adopted department rule;

14 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
15 STATE OF NEW MEXICO that the New Mexico legislative council be
16 requested to create a task force to study the economic and
17 private property rights and impacts to landowners caused by the
18 department of game and fish's adoption of Rule 19.30.5 NMAC for
19 private land elk license allocation; and

20 BE IT FURTHER RESOLVED that all or any negative impacts to
21 landowners caused by the recent department rule be described
22 and reported in the final task force report; and

23 BE IT FURTHER RESOLVED that the task force include a
24 member of the New Mexico state university range improvement
25 task force from the economics department and at least one

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1 affected private property landowner; and

2 BE IT FURTHER RESOLVED that the task force report its
3 findings to the legislature and the governor by December 2007;
4 and

5 BE IT FURTHER RESOLVED that copies of this memorial be
6 transmitted to the co-chairs of the New Mexico legislative
7 council and to the governor.