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AN ACT

RELATING TO GAME AND FISH; AMENDING A SECTION OF CHAPTER 17
NMSA 1978 TO PROVIDE FOR THE STATE GAME COMMISSION TO ADOPT
RULES REGARDING OUTDOOR RECREATION AND WILDLIFE VOLUNTEERS.

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 another fund. Prior to depositing money into the game
protection fund, the department of game and fish shall ensure
that an amount adequate to cover the cost of refunds allowed
by the provisions of Chapter 17 NMSA 1978 is held in a
liability suspense account. All refunds shall be made from
the liability suspense account. Money not needed to cover
the cost of refunds shall be deposited in the game protection

1 fund at the end of each month. Chapter 17 NMSA 1978 shall be
2 guaranty to the person who pays for hunting and fishing
3 licenses and permits that the money in that fund shall not be
4 used for any purpose other than as provided in Chapter 17
5 NMSA 1978.

6 B. The state game commission shall have authority
7 to:

8 (1) establish and, through the director of
9 the department of game and fish, to operate fish hatcheries
10 for the purpose of stocking public waters of the state and to
11 furnish fish fry and fingerlings to stock private waters,
12 receipts from such sources to go into the game protection
13 fund;

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

17 (3) establish game refuges for the purpose
18 of providing safe sanctuaries in which game may breed and
19 replenish adjacent hunting ranges, it being the purpose of
20 this provision to establish small refuges rather than large
21 preserves or to close large areas to hunting;

22 (4) purchase lands for game refuges where
23 suitable public lands do not exist, to purchase lands for
24 fish hatcheries and to purchase lands to be maintained
25 perpetually as public hunting grounds, particularly lands

1 suitable for waterfowl hunting, all such lands to be paid for
2 from the game protection fund;

3 (5) receive by gift or bequest, in the name
4 and on behalf of the state, lands suitable for game refuges,
5 hunting grounds, fish hatcheries or for any other purpose
6 necessary to carry out the provisions of Chapter 17 NMSA
7 1978;

8 (6) apply for and accept any state, federal
9 or private funds, grants or donations from any source for
10 game and fish programs and projects;

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

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

21 (9) propagate, capture, purchase, transport
22 or sell any species of game or fish needed for restocking any
23 lands or streams of the state;

24 (10) after reasonable notice and hearing,
25 suspend or revoke any license or permit issued pursuant to

1 the provisions of Chapter 17 NMSA 1978 and withhold license
2 privileges from any person procuring a license through
3 misrepresentation, violating any provisions of Chapter 17
4 NMSA 1978 or hunting without a proper license;

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

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

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

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

25 (15) adopt rules to control, eradicate or

1 prevent the spread of a contagious disease, pest or parasite,
2 including chronic wasting disease, to or among game animals.

3 The rules shall include provisions for:

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

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

10 (c) quarantine, treatment or
11 destruction of an infected game animal;

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

15 (e) indemnification and destruction of
16 a protected game animal;

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

21 (17) pursuant to appropriation by the
22 legislature, expend money from the game protection fund and
23 the habitat management fund for the improvement, maintenance,
24 development and operation of property for fish and wildlife
25 habitat management; and

1 (18) adopt rules to recruit, train and
2 accept the services of volunteers for education and outreach
3 activities, hunter and angler services and wildlife
4 conservation activities administered by the department of
5 game and fish; provided that a volunteer:

6 (a) shall comply with all policies and
7 procedures of the director of the department of game and
8 fish; and

9 (b) shall not be deemed to be a state
10 employee and shall not be subject to the provisions of law
11 relating to state employment, including those relating to
12 hours of work, rates of compensation, leave, unemployment
13 compensation and state employee benefits.

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

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

22 E. The hunting, pursuing, capturing, killing or
23 wounding of any game animals, birds or fish in or upon any
24 game refuge, rest ground or closed water or closed area or
25 during any closed season established or proclaimed by the

1 state game commission in accordance with the authority
2 conferred in Chapter 17 NMSA 1978 constitutes a misdemeanor
3 and shall be punishable as prescribed in Chapter 17
4 NMSA 1978." _____

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