

1 SENATE BILL 267

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Jeff Steinborn

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10 AN ACT

11 RELATING TO GAME AND FISH; AMENDING SECTIONS OF CHAPTER 17,
12 ARTICLE 5 NMSA 1978 TO PROTECT ADDITIONAL ANIMALS AS FUR-
13 BEARERS; PROVIDING FOR SPECIES MANAGEMENT BASED ON BEST
14 AVAILABLE SCIENCE; PREVENTING THE TAKING OF COYOTES WITHOUT A
15 PERMIT.

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

18 SECTION 1. Section 17-5-1 NMSA 1978 (being Laws 1939,
19 Chapter 178, Section 1, as amended) is amended to read:

20 "17-5-1. DECLARATION OF POLICY.--It is the purpose of
21 Sections 17-5-1 through 17-5-9 NMSA 1978 and the policy of New
22 Mexico to provide an adequate and flexible system for the
23 protection of fur-bearing animals [~~to the end that valuable fur~~
24 ~~resources shall not be wasted or depleted~~]."

25 SECTION 2. Section 17-5-2 NMSA 1978 (being Laws 1939,

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1 Chapter 178, Section 2, as amended) is amended to read:
2 "17-5-2. FUR-BEARING AND NONGAME ANIMALS DEFINED--
3 PROPERTY OF STATE.--The following quadrupeds are hereby defined
4 as fur-bearing animals [~~to wit~~]: muskrat, mink, weasel,
5 beaver, otter, nutria, masked or blackfooted ferret, ringtail
6 cat, raccoon, pine marten, coatimundi, [~~badgers~~] badger,
7 bobcat, coyote, all species of skunk, and all species of foxes.
8 These animals and their pelts are hereby declared to be the
9 property of the state until they [~~shall~~] have been lawfully
10 taken, killed or captured as provided by Sections 17-5-1
11 through 17-5-9 NMSA 1978, except as to beaver and beaver pelts,
12 the taking of which shall be [~~subjected~~] subject to the
13 application of Section 17-3-31 NMSA 1978."

14 SECTION 3. Section 17-5-4 NMSA 1978 (being Laws 1939,
15 Chapter 178, Section 4, as amended) is amended to read:

16 "17-5-4. STATE GAME COMMISSION TO ADMINISTER ACT--RULES
17 AND REGULATIONS.--The state game commission is authorized and
18 directed to administer the provisions of Sections 17-5-1
19 through 17-5-9 NMSA 1978 and to make such rules and regulations
20 and establish such [~~service~~] services as it may deem necessary
21 to carry out all the provisions and purposes of those sections.
22 In making [~~such~~] rules and regulations and providing when,
23 where, in what numbers and by what means fur-bearing animals
24 may be hunted, taken, captured, possessed or killed, the state
25 game commission shall give due regard to the [~~zones of~~

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1 ~~temperatures and to the distribution, abundance, economic value~~
2 ~~and breeding habits of such animals]~~ best available science,
3 including range of habitats, their status, potential threats or
4 constraints, migration and hibernation, reproductive rates,
5 susceptibility to disease, response to changing climate
6 conditions, habitat loss, wildfire, overexploitation for
7 anthropogenic purposes and potential conservation actions to
8 keep species secure. Provided, nothing in Sections 17-5-1
9 through 17-5-9 NMSA 1978 shall interfere with the authority
10 granted to the president of New Mexico state university under
11 Sections 77-15-1 through 77-15-5 NMSA 1978 or ~~shall~~ prevent
12 livestock producers without a permit from the taking of bobcats
13 and coyotes that are doing damage to livestock."

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