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SENATE BILL 171

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO GAME AND FISH; PROVIDING FOR A WILDLIFE
PARTNERSHIP PROGRAM; REPEALING AUTHORITY FOR LANDOWNER
TAKINGS; MAKING AN APPROPRIATION.

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. --

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]. The money shall be
paid over to the state treasurer to the credit of the game
protection fund, and the fund, including all earned income

underscored material = new
[bracketed material] = delete

1 therefrom, shall not be transferred to another fund. Chapter
2 17 NMSA 1978 shall be guaranty to the person who pays for
3 hunting and fishing licenses and permits that the money in
4 [~~that~~] the game protection fund shall not be used for any
5 purpose other than as provided in Chapter 17 NMSA 1978. The
6 state game commission shall have authority:

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

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

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

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

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1 protection fund;

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

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

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

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

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

25 (10) after reasonable notice and hearing, to

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1 suspend or revoke any license or permit issued pursuant to the
2 provisions of Chapter 17 NMSA 1978 and withhold license
3 privileges for a definite period not to exceed three years
4 from any person procuring a license through misrepresentation,
5 violating any provisions of Chapter 17 NMSA 1978 or hunting
6 without a proper license;

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

13 (12) to conduct studies of programs for the
14 management of endangered and nongame species of wildlife;
15 [~~and~~]

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

22 (14) to adopt rules for a wildlife
23 partnership program to include:

24 (a) chartering public involvement
25 committees composed of representative stakeholders to address

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1 local wildlife conflict issues; and

2 (b) leasing habitat components on
3 private land necessary for management of game animals.

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

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

12 D. The hunting, pursuing, capturing, killing or
13 wounding of any game animals, birds or fish in or upon any
14 game refuge, rest ground or closed water or closed area or
15 during any closed season established or proclaimed by the
16 state game commission in accordance with the authority
17 conferred in Chapter 17 NMSA 1978 constitutes a misdemeanor
18 and shall be punishable as prescribed in Chapter 17 NMSA
19 1978. "

20 Section 2. APPROPRIATION. --Five hundred thousand dollars
21 (\$500,000) is appropriated from the game protection fund to
22 the department of game and fish for expenditure in fiscal year
23 2002 for four full-time employee positions to minimize
24 wildlife conflicts pursuant to rules adopted by the state game
25 commission for a wildlife partnership program. Any unexpended

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1 or unencumbered balance remaining at the end of fiscal year
2 2002 shall revert to the general fund.

3 Section 3. REPEAL. -- Section 17-2-7.2 NMSA 1978 (being
4 Laws 1997, Chapter 224, Section 3) is repealed.