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SENATE BILL 151

45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002

INTRODUCED BY

Patrick H. Lyons

AN ACT

RELATING TO GAME ANIMALS; PROVIDING FOR THE STATE GAME
COMMISSION TO ADOPT RULES TO PREVENT CONTAGIOUS DISEASES IN
GAME ANIMALS.

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

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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 fund shall not be used for any purpose other than as
5 provided in Chapter 17 NMSA 1978. The state game commission
6 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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protection fund;

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

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

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

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

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

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

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

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

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

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

20 (14) to 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; and

25 (15) to adopt rules to control, eradicate or

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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 a veterinarian of
8 suspected infected game animals;

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

11 (d) disinfection and isolation of
12 premises where an infected game animal has been; and

13 (e) purchase and destruction of a
14 protected game animal.

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

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

23 D. The hunting, pursuing, capturing, killing or
24 wounding of any game animals, birds or fish in or upon any
25 game refuge, rest ground or closed water or closed area or

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1 during any closed season established or proclaimed by the
2 state game commission in accordance with the authority
3 conferred in Chapter 17 NMSA 1978 constitutes a misdemeanor
4 and shall be punishable as prescribed in Chapter 17 NMSA
5 1978. "

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