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HOUSE BILL 560

46TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2003

INTRODUCED BY

Ron Godbey

AN ACT

RELATING TO WILDLIFE; ALLOWING FOR THE DESIGNATION OF AREAS IN WHICH BEAR-PROOF GARBAGE CONTAINERS ARE REQUIRED.

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 therefrom, shall not be transferred to another fund.

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

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

7 (1) [~~to~~] establish and, through the director  
8 of 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 fund;

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

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

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

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

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

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

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

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

23 (10) after reasonable notice and hearing,  
24 [~~to~~] suspend or revoke any license or permit issued pursuant  
25 to the provisions of Chapter 17 NMSA 1978 and withhold license

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

5 (11) [~~to~~] 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 of a person charged with violating the  
9 provisions of Chapter 17 NMSA 1978, subject to such judicial  
10 review as may be provided by law;

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

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

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

24 (15) [~~to~~] adopt rules to control, eradicate or  
25 prevent the spread of a contagious disease, pest or parasite,

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1 including chronic wasting disease, to or among game animals.

2 The rules shall include provisions for:

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

6 (b) examination by the state  
7 veterinarian or his designee of suspected infected game  
8 animals;

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

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

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

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

20 [~~B.~~] C. The director of the department of game and  
21 fish shall exercise all the powers and duties conferred upon  
22 the state game and fish warden by all previous statutes now in  
23 force not in conflict with Chapter 17 NMSA 1978.

24 [~~C.~~] D. The state game commission shall have  
25 authority to prohibit all hunting in periods of extreme forest

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1 fire danger, at such times and places as may be necessary to  
2 reduce the danger of destructive forest fires.

3 [D-] E. The hunting, pursuing, capturing, killing  
4 or wounding of any game animals, birds or fish in or upon any  
5 game refuge, rest ground or closed water or closed area or  
6 during any closed season established or proclaimed by the state  
7 game commission in accordance with the authority conferred in  
8 Chapter 17 NMSA 1978 constitutes a misdemeanor and shall be  
9 punishable as prescribed in Chapter 17 NMSA 1978. "

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