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SENATE BILL 229

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO WILDLIFE; AMENDING SECTIONS OF THE WILDLIFE
CONSERVATION ACT TO PROVIDE FOR CONSERVATION OF THREATENED
SPECIES.

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

Section 1. Section 17-2-41 NMSA 1978 (being Laws 1974,
Chapter 83, Section 5, as amended) is amended to read:

"17-2-41. ENDANGERED SPECIES. --

A. On the basis of investigations concerning
wildlife, other available scientific and commercial data and
after consultation with wildlife agencies in other states,
appropriate federal agencies, local and tribal governments and
other interested persons and organizations, the commission
shall by regulation develop a list of those species of
wildlife indigenous to the state that are determined to be

underscored material = new
[bracketed material] = delete

1 threatened or endangered within the state, giving their common
2 and scientific names by species and subspecies.

3 B. The director shall conduct a review of the
4 state list of threatened or endangered species and shall
5 present biennially to the commission his recommendations for
6 appropriate action. The commission shall act on the
7 director's biennial recommendations at its next regularly
8 scheduled meeting. The commission shall adopt, no later than
9 January 1, 1996, regulations providing procedures for
10 commission actions on the director's recommendations to
11 continue to list or to upgrade or downgrade a species.

12 C. Except as otherwise provided in the Wildlife
13 Conservation Act, it is unlawful for any person to take,
14 possess, transport, export, process, sell or offer for sale or
15 ship any species of wildlife appearing on any of the following
16 lists:

17 (1) the list of wildlife indigenous to the
18 state determined to be threatened or endangered within the
19 state as set forth by regulations of the commission; provided
20 that limited taking, possession or transport of threatened
21 species may be authorized by regulation of the commission if
22 the taking, possession or transport is related to a recovery,
23 management or conservation plan approved by the commission;
24 and

25 (2) the United States lists of endangered

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1 native and foreign fish and wildlife as set forth in Section 4
2 of the Endangered Species Act of 1973 as endangered or
3 threatened species, but only to the extent that those lists
4 are adopted for this purpose by regulations of the commission;
5 provided that limited taking, possession or transport of
6 threatened species may be authorized by regulation of the
7 commission if the taking, possession or transport is related
8 to a recovery, management or conservation plan approved by the
9 commission; and provided that any species of wildlife
10 appearing on any of the lists set forth in this subsection,
11 transported into the state from another state or from a point
12 outside the territorial limits of the United States and
13 [~~which~~] that is destined for a point beyond the state, may be
14 transported across the state without restriction in accordance
15 with the terms of any federal permit or permit issued under
16 the laws or regulations of another state or otherwise in
17 accordance with the laws of another state.

18 D. The provisions of Subsection C of this section
19 shall not apply to a taking of wildlife by a Native American
20 for religious purposes, unless it materially and negatively
21 affects an endangered species or threatened species. "

22 Section 2. Section 17-2-42 NMSA 1978 (being Laws 1974,
23 Chapter 83, Section 6) is amended to read:

24 "17-2-42. MANAGEMENT PROGRAMS. --

25 A. The director shall establish such programs,

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1 including programs for research and the acquisition of land or
2 aquatic habitat, as authorized and deemed necessary by the
3 commission for the management of threatened and endangered
4 species.

5 B. In carrying out programs authorized by the
6 Wildlife Conservation Act, the director may enter into
7 agreements with federal agencies, political subdivisions of
8 the state or with private persons for administration and
9 management of any program established under this section or
10 utilized for management of threatened or endangered species.

11 C. The director may authorize by permit the
12 taking, possession, transportation, exportation or shipment of
13 species or subspecies which have been deemed by the commission
14 to be in need of management as provided in the Wildlife
15 Conservation Act, so long as such use is for scientific,
16 zoological or educational purposes, for propagation in
17 captivity of such wildlife or to protect private property.

18 D. Threatened or endangered species may be
19 removed, captured or destroyed where necessary to alleviate or
20 prevent damage to property or to protect human health. Such
21 removal, capture or destruction may be carried out only by
22 prior authorization by permit from the director, unless
23 otherwise provided by law; provided that threatened or
24 endangered species may be removed, captured or destroyed
25 without permit by any person in emergency situations involving

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1 an immediate threat to human life or private property.
2 Regulations governing the removal, capture or destruction of
3 threatened and endangered species shall be adopted by the
4 commission within one year after the effective date of the
5 Wildlife Conservation Act. "

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FORTY- FOURTH LEGISLATURE

FIRST SESSION, 1999

SB 229/a

February 11, 1999

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

SENATE BILL 229

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 2, line 21, after "species" insert "that are
game animal or game fish".

2. On page 2, line 22, strike the second comma and insert
in lieu thereof "or".

3. On page 2, line 23, strike "or conservation".

4. On page 3, line 6, after "species" insert "that are

FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

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SCONC/SB 229

Page 7

game animal or game fish".

5. On page 3, line 8, strike the comma and insert in lieu thereof "or" and strike "or conservation".

Respectfully submitted,

Fernando R. Macias, Chairman

Adopted _____ Not

Adopted _____

(Chief Clerk)

(Chief Clerk)

FORTY- FOURTH LEGISLATURE
FIRST SESSION, 1999

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SCONC/SB 229

Page 8

Date _____

The roll call vote was 6 For 1 Against

Yes: 6

No: Lyons

Excused: Payne, Vernon, Rodarte

Absent: None

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