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SENATE BILL 736

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

INTRODUCED BY

Manny M Aragon

AN ACT

RELATING TO WILDLIFE MANAGEMENT; REQUIRING THE STATE GAME COMMISSION AND THE DEPARTMENT OF GAME AND FISH TO CONDUCT ECONOMIC, SOCIAL AND CULTURAL IMPACT STUDIES OF WILDLIFE MANAGEMENT.

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

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

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

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

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

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

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1 waterfowl hunting, all such lands to be paid for from the game
2 protection fund;

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

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

11 (7) to designate certain areas as rest
12 grounds for migratory birds, in which 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; and

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

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

25 C. The state game commission shall have authority

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1 to prohibit all hunting in periods of extreme forest fire
2 danger, at such times and places as may be necessary to reduce
3 the danger of destructive forest fires.

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

11 E. The state game commission shall direct the
12 department of game and fish to conduct studies on economic,
13 social and cultural impacts of wildlife management decisions.
14 The department shall conduct hearings within any communities
15 that may be affected by wildlife decisions of the department
16 or the commission. "