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AN ACT

RELATING TO GAME AND FISH; AMENDING A SECTION OF CHAPTER 17,
ARTICLE 1 NMSA 1978 TO PROVIDE FOR A DEFINITE PERIOD OF
REVOCATION OF LICENSE PRIVILEGES; RECONCILING MULTIPLE
AMENDMENTS TO THE SAME SECTION OF LAW IN LAWS 2005.

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 by Laws 2005, Chapter 38,
Section 1 and by Laws 2005, Chapter 177, Section 1) is
amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME
COMMISSION--GAME PROTECTION FUND--LIABILITY SUSPENSE
ACCOUNT.--

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, unless otherwise provided by law, and the
fund, including all earned income, shall not be transferred
to another fund. Prior to depositing money into the game
protection fund, the department of game and fish shall ensure
that an amount adequate to cover the cost of refunds allowed
by the provisions of Chapter 17 NMSA 1978 is held in a

1 liability suspense account. All refunds shall be made from
2 the liability suspense account. Money not needed to cover
3 the cost of refunds shall be deposited in the game protection
4 fund at the end of each month. Chapter 17 NMSA 1978 shall be
5 guaranty to the person who pays for hunting and fishing
6 licenses and permits that the money in that fund shall not be
7 used for any purpose other than as provided in Chapter 17
8 NMSA 1978.

9 B. The state game commission shall have authority
10 to:

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

17 (2) declare closed seasons in any specified
18 locality and on any species of game or fish threatened with
19 undue depletion from any cause;

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

25 (4) purchase lands for game refuges where

1 suitable public lands do not exist, to purchase lands for
2 fish hatcheries and to purchase lands to be maintained
3 perpetually as public hunting grounds, particularly lands
4 suitable for waterfowl hunting, all such lands to be paid for
5 from the game protection fund;

6 (5) receive by gift or bequest, in the name
7 and on behalf of the state, lands suitable for game refuges,
8 hunting grounds, fish hatcheries or for any other purpose
9 necessary to carry out the provisions of Chapter 17 NMSA
10 1978;

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

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

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

24 (9) propagate, capture, purchase, transport
25 or sell any species of game or fish needed for restocking any

1 lands or streams of the state;

2 (10) after reasonable notice and hearing,
3 suspend or revoke any license or permit issued pursuant to
4 the provisions of Chapter 17 NMSA 1978 and withhold license
5 privileges from any person procuring a license through
6 misrepresentation, violating any provisions of Chapter 17
7 NMSA 1978 or hunting without a proper license;

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

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

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

23 (14) permit, regulate or prohibit the
24 commercial taking or capturing of native, free-ranging
25 amphibians or reptiles not specifically protected by law,

1 except for rattlesnake roundups, collection of fish bait and
2 lizard races;

3 (15) adopt rules to control, eradicate or
4 prevent the spread of a contagious disease, pest or parasite,
5 including chronic wasting disease, to or among game animals.

6 The rules shall include provisions for:

7 (a) notification to the department of
8 game and fish of the diagnosis or suspected presence of a
9 contagious disease;

10 (b) examination by the state
11 veterinarian or the state veterinarian's designee of
12 suspected infected game animals;

13 (c) quarantine, treatment or
14 destruction of an infected game animal;

15 (d) disinfection and isolation of a
16 licensed private park where an infected game animal has been;
17 and

18 (e) indemnification and destruction of
19 a protected game animal;

20 (16) as necessary, designate areas of the
21 state in which bear-proof garbage containers are required on
22 public and private lands to reduce potential human-bear
23 interactions; and

24 (17) pursuant to appropriation by the
25 legislature, expend money from the game protection fund and

1 the habitat management fund for the improvement, maintenance,
2 development and operation of property for fish and wildlife
3 habitat management.

4 C. 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 D. 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
11 reduce the danger of destructive forest fires.

12 E. 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."
