

SENATE BILL 758

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

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AN ACT

RELATING TO GAME MANAGEMENT; PROVIDING FOR DEPREDAATION HUNTS  
OF ELK; PROVIDING POWERS AND DUTIES; REQUIRING SPECIAL  
LICENSES; CREATING A FUND; PROVIDING FOR DISPOSITION OF  
DEPREDAATION HUNT FEES; MAKING AN APPROPRIATION.

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

Section 1. Section 17-2-7.2 NMSA 1978 (being Laws 1997,  
Chapter 224, Section 3) is amended to read:

"17-2-7.2. LANDOWNER TAKING-- CONDITIONS-- DEPARTMENT  
RESPONSIBILITIES. --

A. A landowner or lessee, or employee of either,  
may take or kill an animal on private land in which [they  
have] he has an ownership or leasehold interest, including  
game animals and other quadrupeds, game birds and fowl, that  
presents an immediate threat to human life or an immediate

1 threat of damage to property, including crops; provided,  
2 however, that the taking or killing is reported to the  
3 department ~~[of game and fish]~~ within twenty-four hours and  
4 before the removal of the carcass of the animal killed, in  
5 accordance with ~~[regulations]~~ rules adopted by the commission.

6 B. A landowner or lessee, or employee of either,  
7 may take or kill animals on private land in which ~~[they have]~~  
8 he has an ownership or leasehold interest, including game  
9 animals and other quadrupeds, game birds and fowl, that  
10 present a threat to human life or damage to property,  
11 including crops, according to ~~[regulations]~~ rules adopted by  
12 the commission. The ~~[regulations]~~ rules shall:

13 (1) provide ~~[a method]~~ methods for filing a  
14 complaint ~~[to]~~ with the department, including means to verify  
15 a telephonically or electronically filed complaint by the  
16 landowner or lessee, or employee of either of them, of the  
17 existence of a depredation problem;

18 (2) provide for various departmental  
19 interventions, depending upon the type of animal and  
20 depredation, including immediate depredation hunts;

21 (3) require the department to offer at least  
22 three different interventions, if practical; and

23 ~~[(4) require the department to respond to the~~  
24 ~~initial and any subsequent complaints within ten days with an~~  
25 ~~intervention response to the complaint and to carry out the~~

1 ~~intervention, if agreed upon between the department and the~~  
2 ~~landowner, within five days of that agreement;~~

3 ~~(5)]~~ (4) permit the landowner or lessee to  
4 reject for good cause the interventions offered by the  
5 department

6 ~~[(6) require a landowner or lessee to~~  
7 ~~demonstrate that the property depredation is greater in value~~  
8 ~~than the value of any wildlife-related income or fee collected~~  
9 ~~by the landowner or lessee for permission to take or kill an~~  
10 ~~animal of the same species on the private property or portion~~  
11 ~~of the private property identified in the complaint as the~~  
12 ~~location where the depredation occurred; and~~

13 ~~(7) permit the landowner, lessee or employee,~~  
14 ~~when interventions by the department have not been successful~~  
15 ~~and after one year from the date of the filing of the initial~~  
16 ~~complaint, to kill or take an animal believed responsible for~~  
17 ~~property depredation].~~

18 C. If a landowner or lessee, or employee of  
19 either, files an elk depredation complaint with the department  
20 pursuant to this section, the complainant may request  
21 immediate intervention through a depredation hunt. The  
22 department has three days to verify the extent of the  
23 depredation and call a depredation hunt or notify the  
24 complainant of its reasons for not calling a depredation hunt.  
25 The complainant may appeal the decision of the department not

1 to call a depredation hunt to the commission, and the  
2 commission shall meet within ten days to hear the matter. The  
3 commission shall provide by rule for an expedited appeal  
4 process on requests for intervention through an immediate  
5 predation hunt. The decision of the commission shall be  
6 final. The department shall work expeditiously to provide  
7 other interventions satisfactory to the landowner or lessee to  
8 the complainant if a depredation hunt is not approved.

9 D. If the department or the commission agrees with  
10 the complainant, it shall call a depredation hunt as provided  
11 in Section 4 of this act. The department or the commission  
12 shall specify how many permits it will issue for the hunt. A  
13 predation hunt shall be held only in the unit hunt area in  
14 which the land subject to the intervention is located. The  
15 landowner or lessee shall receive one depredation hunt permit  
16 for each one allocated to the public for the specific hunt;  
17 provided that if the department issues only one permit, it  
18 shall be given to the landowner or lessee.

19 [E.] E. For purposes of this section:

- 20 (1) "commission" means the state game  
21 commission;  
22 (2) "department" means the department of game  
23 and fish; and  
24 (3) "intervention" means a solution proposed  
25 by the department to eliminate the depredation."

1           Section 2.   Section 17-3-2 NMSA 1978 (being Laws 1964  
2   (1st S.S.), Chapter 17, Section 2, as amended) is amended to  
3   read:

4           "17-3-2.   CLASSES OF LICENSES. --

5                 A.   As used with reference to licenses in Chapter  
6   17 NMSA 1978:

7                         (1)   "fishing" entitles the licensee to fish  
8   for game fish during the open seasons for each species;

9                         (2)   "small game" entitles the licensee to  
10   hunt game birds, other than wild turkey, and squirrel during  
11   the open seasons for each;

12                        (3)   "deer" entitles the licensee to hunt deer  
13   during the open season;

14                        (4)   "general hunting" entitles the licensee  
15   to hunt deer, squirrel and game birds during the open seasons  
16   for each;

17                        (5)   "general hunting and fishing" entitles  
18   the licensee to hunt deer, squirrel and game birds and to fish  
19   for game fish during the open seasons for each;

20                        (6)   "antelope" entitles the licensee to hunt  
21   antelope during the open season;

22                        (7)   "elk" entitles the licensee to hunt elk  
23   during the open season;

24                        (8)   "bighorn sheep" entitles the licensee to  
25   hunt bighorn sheep during the open season;

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1 (9) "Barbary sheep" entitles the licensee to  
2 hunt Barbary sheep during the open season;

3 (10) "javelina" entitles the licensee to hunt  
4 javelina during the open season;

5 (11) "bear" entitles the licensee to hunt  
6 bear during the open season;

7 (12) "nongame" entitles the licensee to hunt  
8 or take any animal or bird not protected by law;

9 (13) "temporary fishing" entitles the  
10 licensee to fish for game fish during a specific period of  
11 time indicated on the license;

12 (14) "bison" entitles the licensee to hunt  
13 bison during the open season;

14 (15) "oryx" entitles the licensee to hunt  
15 oryx during the open season;

16 (16) "ibex" entitles the licensee to hunt  
17 ibex during the open season;

18 (17) "cougar" entitles the licensee to hunt  
19 cougar during the open season;

20 (18) "turkey" entitles the licensee to hunt  
21 turkey during the open season;

22 (19) "special season turkey" entitles the  
23 licensee to hunt turkey during special seasons designated by  
24 the state game commission;

25 (20) "quality elk" entitles the licensee to

1 hunt elk during a special quality elk season, to be  
2 established by the state game commission, when the timing of  
3 the season and hunter density is specially regulated and the  
4 elk population is managed with an intent to provide the  
5 licensee an increased opportunity to take a mature elk;

6 (21) "quality deer" entitles the licensee to  
7 hunt deer during a special quality deer season, to be  
8 established by the state game commission, when the timing of  
9 the season and hunter density is specially regulated and the  
10 deer population is managed with an intent to provide the  
11 licensee an increased opportunity to take a mature deer;

12 (22) "gazelle" entitles the licensee to hunt  
13 gazelle during the open season; ~~and~~

14 (23) "temporary small game" entitles the  
15 licensee to hunt game birds, except wild turkey, and squirrel  
16 during a specific period of time indicated on the license; and

17 (24) "elk depredation" entitles the licensee  
18 to hunt elk in an area and for a time established by the state  
19 game commission as provided in Section 4 of this act.

20 B. No hunting license entitles the licensee to  
21 hunt, kill or take game animals or birds within or upon any  
22 park or enclosure licensed or posted as provided by law or  
23 within or upon any privately owned enclosure without consent  
24 of the owner or within or upon any game refuge or game  
25 management area.

1 C. No fishing license entitles the licensee to  
2 fish for or take fish within or upon any park or enclosure  
3 licensed or posted as provided by law or within or upon any  
4 privately owned enclosure without consent of the owner or in  
5 or on any closed waters.

6 D. A junior-senior fishing license may be  
7 purchased by any resident who has reached his twelfth birthday  
8 but has not reached his fifteenth birthday or by any resident  
9 who has reached his sixty-fifth birthday. A junior-senior  
10 fishing license entitles the licensee to fish for game fish  
11 during the open season for each species.

12 E. A nonresident junior fishing license may be  
13 purchased by any nonresident who has reached his twelfth  
14 birthday but has not reached his fifteenth birthday. A  
15 nonresident junior fishing license entitles the licensee to  
16 fish for game fish during the open season for each species.

17 F. A senior general hunting license may be  
18 purchased by any resident who has reached his sixty-fifth  
19 birthday. A senior general hunting license entitles the  
20 licensee to hunt for deer, squirrel and game birds during the  
21 open seasons for each species.

22 G. A handicapped fishing license may be purchased  
23 by any resident who has a severe physical impairment that  
24 substantially limits one or more major life activities and who  
25 can furnish adequate proof of this disability to the state



1 game commission. A handicapped fishing license may be  
2 purchased by any resident who has a developmental disability  
3 as defined in Subsection H of Section 43-1-3 NMSA 1978 and who  
4 can furnish adequate proof of this disability to the state  
5 game commission. A handicapped fishing license entitles the  
6 licensee to fish for game fish during the open season for each  
7 species.

8 H. A handicapped general hunting license may be  
9 purchased by any resident who has a severe physical impairment  
10 that substantially limits one or more major life activities  
11 and who can furnish adequate proof of this disability to the  
12 state game commission. A handicapped general hunting license  
13 entitles the licensee to hunt for deer, squirrel and game  
14 birds during the open season for each species.

15 I. A fishing license may be obtained at no cost by  
16 any resident who has reached his seventieth birthday. "

17 Section 3. Section 17-3-13 NMSA 1978 (being Laws 1964  
18 (1st S.S.), Chapter 17, Section 5, as amended) is amended to  
19 read:

20 "17-3-13. LICENSE FEES. --

21 A. The director of the department of game and fish  
22 shall keep a record of all money received and licenses and  
23 permits issued by him, numbering each class separately. Upon  
24 satisfactory proof that any license or permit has been lost  
25 before its expiration, he may issue a duplicate and collect a

1 just and reasonable fee for it as determined by regulation of  
2 the state game commission.

3 B. The director of the department of game and fish  
4 shall collect the following fees for each license or permit of  
5 the class indicated:

6	Resident, fishing . . . . .	\$17. 50
7	Resident, small game . . . . .	12. 00
8	Resident, deer . . . . .	23. 00
9	Resident, general hunting . . . . .	25. 00
10	Resident, general hunting and fishing . . . . .	37. 50
11	Resident, junior-senior handicapped,	
12	general hunting and fishing . . . . .	20. 00
13	Resident, antelope . . . . .	30. 00
14	Resident, elk cow . . . . .	37. 00
15	Resident, elk bull or either sex . . . . .	60. 00
16	<u>Resident, elk depredation . . . . .</u>	<u>150. 00</u>
17	Resident, bighorn sheep . . . . .	90. 00
18	Resident, Barbary sheep . . . . .	80. 00
19	Resident, bear . . . . .	30. 00
20	Resident, turkey . . . . .	15. 00
21	Resident, cougar . . . . .	30. 00
22	Resident, bison . . . . .	100. 00
23	Resident, oryx . . . . .	100. 00
24	Resident, ibex . . . . .	60. 00
25	Resident, gazelle . . . . .	25. 00

1	Resident, javelina . . . . .	40.00
2	Resident, fur dealer . . . . .	10.00
3	Resident, furbearer . . . . .	12.00
4	Resident, junior furbearer . . . . .	5.00
5	Nonresident, fishing . . . . .	39.00
6	Nonresident, junior fishing . . . . .	18.50
7	Nonresident, small game . . . . .	75.00
8	Nonresident, deer . . . . .	180.00
9	Nonresident, quality deer . . . . .	300.00
10	Nonresident, bear . . . . .	150.00
11	Nonresident, cougar . . . . .	200.00
12	Nonresident, turkey . . . . .	75.00
13	Nonresident, antelope . . . . .	186.00
14	Nonresident, elk cow . . . . .	275.00
15	Nonresident, elk bull or either sex . . . . .	465.00
16	Nonresident, quality elk . . . . .	750.00
17	<u>Nonresident, elk depredation . . . . .</u>	<u>150.00</u>
18	Nonresident, bighorn sheep . . . . .	3,000.00
19	Nonresident, Barbary sheep . . . . .	300.00
20	Nonresident, bison . . . . .	1,000.00
21	Nonresident, oryx . . . . .	1,500.00
22	Nonresident, ibex . . . . .	1,500.00
23	Nonresident, gazelle . . . . .	3,000.00
24	Nonresident, javelina . . . . .	140.00
25	Nonresident, fur dealer . . . . .	100.00

1	Nonresident, furbearer . . . . .	300.00
2	Nonresident, nongame . . . . .	50.00
3	Resident, junior-senior handicapped,	
4	fishing . . . . .	5.00
5	Temporary fishing, one day . . . . .	8.00
6	Temporary fishing, five days . . . . .	16.00
7	Resident, junior-senior handicapped,	
8	general hunting . . . . .	15.00
9	Temporary small game, four days . . . . .	35.00."

10 Section 4. A new section of the Chapter 17 NMSA 1978 is  
11 enacted to read:

12 "[NEW MATERIAL] ELK DEPREDAATION PERMITS--LIMITATIONS. --

13 A. Anyone otherwise qualified for a general hunting  
14 license may apply for a depredation hunt permit by February 5  
15 of the year in which a depredation hunt may be called.  
16 Special envelopes and application forms shall be provided by  
17 the department of game and fish, and money shall be held in  
18 accordance with the provisions of Section 17-3-16 NMSA 1978.  
19 An applicant may include telephone or facsimile numbers or  
20 email address with the application if he chooses to be notified  
21 by those forms; otherwise, notification for a depredation hunt  
22 shall be by regular mail.

23 B. Elk depredation permits are for antlerless hunts  
24 only, and bag limits are in addition to other bag limits of  
25 other licenses or permits held by an applicant.

1 C. Names of applicants shall be placed by random  
2 drawing on a depredation hunt list. The department of game and  
3 fish shall notify the applicant when he is selected for a  
4 depredation hunt and the hunt areas, dates, bag limits and  
5 special restrictions of the depredation hunt. An applicant  
6 shall notify the department within three days whether he is  
7 available to participate in the hunt. If an applicant is  
8 unable to participate, his name shall be moved to the bottom of  
9 the list, and the next hunter on the list shall be contacted."

10 Section 5. A new section of Chapter 17 NMSA 1978 is  
11 enacted to read:

12 "[NEW MATERIAL] GAME DEPREDAION FUND. -- The "game  
13 depredation fund" is created in the state treasury. The fund  
14 consists of a portion of depredation hunt permit fees, gifts,  
15 grants, donations, earnings from investment of the fund and any  
16 other money credited to the fund. The fund shall be  
17 administered by the department of game and fish, and money in  
18 the fund is appropriated to the department to pay for fencing  
19 and other measures to mitigate property damage by game.  
20 Payments from the fund shall be by warrant of the secretary of  
21 finance and administration upon vouchers signed by the director  
22 of the department of game and fish or his authorized  
23 representative."

24 Section 6. A new section of Chapter 17 NMSA 1978 is  
25 enacted to read:

