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SENATE BILL 176

**48TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2007**

INTRODUCED BY

Dede Feldman

AN ACT

RELATING TO WILDLIFE; PROVIDING FOR AUTHORITY TO EXPEND MONEY FROM THE GAME PROTECTION FUND, THE HABITAT MANAGEMENT FUND AND OTHER SOURCES FOR HABITAT CONSERVATION OF NATIVE ANIMAL SPECIES; 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

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1 collected or received under the state laws for the protection  
2 and propagation of game and fish, which money shall be paid  
3 over to the state treasurer to the credit of the game  
4 protection fund, unless otherwise provided by law, and the  
5 fund, including all earned income, shall not be transferred to  
6 another fund. Prior to depositing money into the game  
7 protection fund, the department of game and fish shall ensure  
8 that an amount adequate to cover the cost of refunds allowed by  
9 the provisions of Chapter 17 NMSA 1978 is held in a liability  
10 suspense account. All refunds shall be made from the liability  
11 suspense account. Money not needed to cover the cost of  
12 refunds shall be deposited in the game protection fund at the  
13 end of each month. Chapter 17 NMSA 1978 shall be guaranty to  
14 the person who pays for hunting and fishing licenses and  
15 permits that the money in that fund shall not be used for any  
16 purpose other than as provided in Chapter 17 NMSA 1978.

17 B. The state game commission shall have authority  
18 to:

19 (1) establish and, through the director of the  
20 department of game and fish, to operate fish hatcheries for the  
21 purpose of stocking public waters of the state and to furnish  
22 fish fry and fingerlings to stock private waters, receipts from  
23 such sources to go into the game protection fund;

24 (2) declare closed seasons in any specified  
25 locality and on any species of game or fish threatened with

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1 undue depletion from any cause;

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

7 (4) purchase lands for game refuges where  
8 suitable public lands do not exist, to purchase lands for fish  
9 hatcheries and to purchase lands to be maintained perpetually  
10 as public hunting grounds, particularly lands suitable for  
11 waterfowl hunting, all such lands to be paid for from the game  
12 protection fund;

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

17 (6) apply for and accept any state, federal or  
18 private funds, grants or donations from any source for game and  
19 fish programs and projects;

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

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

5 (9) propagate, capture, purchase, transport or  
6 sell any species of game or fish needed for restocking any  
7 lands or streams of the state;

8 (10) after reasonable notice and hearing,  
9 suspend or revoke any license or permit issued pursuant to the  
10 provisions of Chapter 17 NMSA 1978 and withhold license  
11 privileges for a definite period not to exceed three years from  
12 any person procuring a license through misrepresentation,  
13 violating any provisions of Chapter 17 NMSA 1978 or hunting  
14 without a proper license;

15 (11) adopt rules establishing procedures that  
16 provide reasonable notice and a hearing before the state game  
17 commission for the suspension, revocation or withholding of  
18 license privileges of a person charged with violating the  
19 provisions of Chapter 17 NMSA 1978, subject to such judicial  
20 review as may be provided by law;

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

23 (13) establish licenses, permits and  
24 certificates not otherwise provided for in Section 17-3-13 NMSA  
25 1978 and charge and collect just and reasonable fees for them;

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1 provided the fees shall not exceed the costs of administration  
2 associated with the licenses, permits or certificates;

3 (14) permit, regulate or prohibit the  
4 commercial taking or capturing of native, free-ranging  
5 amphibians or reptiles not specifically protected by law,  
6 except for rattlesnake roundups, collection of fish bait and  
7 lizard races;

8 (15) adopt rules to control, eradicate or  
9 prevent the spread of a contagious disease, pest or parasite,  
10 including chronic wasting disease, to or among game animals.  
11 The rules shall include provisions for:

12 (a) notification to the department of  
13 game and fish of the diagnosis or suspected presence of a  
14 contagious disease;

15 (b) examination by the state  
16 veterinarian or the state veterinarian's designee of suspected  
17 infected game animals;

18 (c) quarantine, treatment or destruction  
19 of an infected game animal;

20 (d) disinfection and isolation of a  
21 licensed private park where an infected game animal has been;  
22 and

23 (e) indemnification and destruction of a  
24 protected game animal;

25 (16) as necessary, designate areas of the

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1 state in which bear-proof garbage containers are required on  
2 public and private lands to reduce potential human-bear  
3 interactions; and

4 (17) pursuant to appropriation by the  
5 legislature, expend money from the game protection fund, ~~and~~  
6 the habitat management fund or from any other source for the  
7 improvement, maintenance, development and operation of property  
8 for fish and wildlife habitat management; for the development  
9 and distribution of information; and for habitat conservation  
10 for the benefit of any nondomestic animal species native to New  
11 Mexico.

12 C. The director of the department of game and fish  
13 shall exercise all the powers and duties conferred upon the  
14 state game and fish warden by all previous statutes now in  
15 force not in conflict with Chapter 17 NMSA 1978.

16 D. The state game commission shall have authority  
17 to prohibit all hunting in periods of extreme forest fire  
18 danger, at such times and places as may be necessary to reduce  
19 the danger of destructive forest fires.

20 E. The hunting, pursuing, capturing, killing or  
21 wounding of any game animals, birds or fish in or upon any game  
22 refuge, rest ground or closed water or closed area or during  
23 any closed season established or proclaimed by the state game  
24 commission in accordance with the authority conferred in  
25 Chapter 17 NMSA 1978 constitutes a misdemeanor and shall be

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punishable as prescribed in Chapter 17 NMSA 1978."

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