HOUSE BILL 586

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Zachary J. Cook

AN ACT

RELATING TO HUNTING; AMENDING SECTIONS OF CHAPTER 17 NMSA 1978 TO DELETE COUGAR FROM THE LIST OF GAME MAMMALS; REMOVING COUGAR FROM REQUIREMENTS FOR DIFFERENT CLASSES OF HUNTING LICENSES; ADDING COUGAR TO FUR-BEARING ANIMALS PROHIBITED FROM TRAPPING BY NONRESIDENTS.

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

SECTION 1. Section 17-2-3 NMSA 1978 (being Laws 1967, Chapter 8, Section 1, as amended) is amended to read:

"17-2-3. PROTECTED WILDLIFE SPECIES AND GAME FISH DEFINED.--

A. The following mammals are game mammals:

(1) all of the family Tayassuidae (javelina);

(2) within the family Bovidae:

(a) all of the genus Bison (American
bison) except where raised in captivity for domestic or commercial meat production;

(b) all of the genus Capra (ibex) except for the domestic species of goats;

(c) all of the genus Ovis (bighorn sheep) except for the domestic species of sheep;

(d) all of the genus Ammotragus (aoudad);

(e) all of the genus Tragelaphus (kudu);

and

(f) all of the genus Oryx (oryx);

(3) all of the family Antilocapridae (American pronghorn);

(4) all of the family Cervidae (elk and deer);

(5) all of the family Ochotonidae (pikas);

(6) all of the genus Sciurus (squirrels);

(7) all of the genus Tamiasciurus (red squirrels);

(8) all of the genus Marmota (marmots) of the family Sciuridae; and

(9) all of the family Ursidae (bear) [and

(10) all of the species concolor (cougar) of the genus Felis and family Felidae].

B. The following birds are game birds:

(1) all of the family Anatidae (waterfowl);
(2) all of the family Tetraonidae (grouse and ptarmigans);

(3) all of the family Phasianidae (quail, partridges and pheasants);

(4) all of the family Meleagridae (wild turkeys) except for the domestic strains of turkeys;

(5) all of the family Perdicidae (francolins);

(6) all of the family Gruidae (cranes);

(7) all of the family Rallidae (rails, coots and gallinules);

(8) all of the family Charadriidae (plovers, turnstones and surfbirds);

(9) all of the family Scolopacidae (shorebirds, snipe, sandpipers and curlews);

(10) all of the family Recurvirostridae (avocets and stilts);

(11) all of the family Phalaropodidae (phalaropes); and

(12) all of the family Columbidae (wild pigeons and doves) except for the domestic strains of pigeons.

C. The following fish are game fish:

(1) all of the family Salmonidae (trout);

(2) all of the family Esocidae (pike);

(3) all of the family Ictaluridae (catfish);

(4) all introduced species of the family
Serranidae (sea bass and white bass);

(5) all of the family Centrarchidae (sunfish, crappie and bass);
(6) all of the family Percidae (walleye pike and perch);
(7) all introduced species of the family Pomadasyidae (sargo); and
(8) all introduced species of the family Sciaenidae (corvina, bairdiella and redfish).

SECTION 2. Section 17-2-7 NMSA 1978 (being Laws 1931, Chapter 117, Section 8, as amended) is amended to read:

"17-2-7. UNLAWFUL HUNTING OR FISHING.--

A. Except as permitted by regulations adopted by the state game commission or as otherwise allowed by law, it is unlawful to:

(1) hunt, take, capture, kill or attempt to take, capture or kill, at any time or in any manner, any game animal, game bird or game fish in the state; or

(2) possess, offer for sale, sell, offer to purchase or purchase in the state all or any part of any game animal, game bird or game fish.

B. Notwithstanding any other law, the owner of domestic livestock in this state or [his] the owner's regular employee may hunt, take, capture or kill any [cougar or] bear [which] that has killed domestic livestock. The owner of
livestock or [his] the owner's regular employee who takes action under this provision [will] shall report this action to the department of game and fish, [who will] which shall verify the necessity of the action taken.

C. Violation of this section is a misdemeanor and shall be punished as provided in Section 17-2-10 NMSA 1978.

D. The provisions of this section shall not be deemed to prohibit the possession of game animals, birds or fish taken legally in any other jurisdiction."

SECTION 3. Section 17-3-2 NMSA 1978 (being Laws 1964 (1st S.S.), Chapter 17, Section 2, as amended by Laws 2011, Chapter 25, Section 1 and by Laws 2011, Chapter 186, Section 2) is amended to read:

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

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

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

(2) "game hunting" entitles the licensee to hunt game birds, other than wild turkey, and squirrel during the open seasons for each and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex [cougar] and wild turkey;

(3) "deer" entitles the licensee to hunt deer during the open season;
(4) "antelope" entitles the licensee to hunt antelope during the open season;

(5) "elk" entitles the licensee to hunt elk during the open season;

(6) "bighorn sheep" entitles the licensee to hunt bighorn sheep during the open season;

(7) "Barbary sheep" entitles the licensee to hunt Barbary sheep during the open season;

(8) "javelina" entitles the licensee to hunt javelina during the open season;

(9) "bear" entitles the licensee to hunt bear during the open season;

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

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

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

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

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

(15) "turkey" entitles the licensee to hunt turkey during the open season;
"special season turkey" entitles the licensee to hunt turkey during special seasons designated by the state game commission;

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

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

"temporary game hunting" entitles the licensee to hunt game birds, except wild turkey, and squirrel during a specific period of time indicated on the license;

"second rod" entitles the licensee to fish using two fishing rods to fish for game fish during the open seasons for each species; and

"fishing and game hunting combination" entitles the licensee to hunt squirrel and game birds, other than wild turkey, and to fish for game fish during
the open season for each.

B. A hunting license does not entitle the licensee to hunt, kill or take game animals or birds within or upon a park or enclosure licensed or posted as provided by law or within or upon a privately owned enclosure without consent of the owner or within or upon a game refuge or game management area.

C. A fishing license does not entitle the licensee to fish for or take fish within or upon a park or enclosure licensed or posted as provided by law or within or upon a privately owned enclosure without consent of the owner or in or on closed waters.

D. A junior fishing license may be purchased by a resident who has reached the age of twelve years but has not reached the age of eighteen years. A junior fishing license entitles the licensee to fish for game fish during the open season for each species.

E. A senior fishing license may be purchased by a resident who has reached the age of sixty-five years. A senior fishing license entitles the licensee to fish for game fish during the open season for each species.

F. A nonresident junior fishing license may be purchased by a nonresident who has reached the age of twelve years but has not reached the age of eighteen years. A nonresident junior fishing license entitles the licensee to
fish for game fish during the open season for each species.

G. A senior game hunting license may be purchased by a resident who has reached the age of sixty-five years. A senior game hunting license entitles the licensee to hunt for squirrel and game birds, other than wild turkey, during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex [c] and wild turkey.

H. A junior, resident or nonresident, game hunting license may be purchased by a person who has not reached the age of eighteen years. A junior game hunting license entitles the licensee to hunt for squirrel and game birds, other than wild turkey, during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex [c] and wild turkey.

I. A handicapped fishing license may be purchased by a resident who has a severe physical impairment that substantially limits one or more major life activities and who can furnish adequate proof of this disability to the state game commission. A handicapped fishing license may be purchased by a resident who has a developmental disability as defined in Subsection H of Section 43-1-3 NMSA 1978 and who can furnish adequate proof of this disability to the state game commission. A handicapped fishing license entitles the licensee to fish for
game fish during the open season for each species.

J. A handicapped game hunting license may be purchased by a resident who has a severe physical impairment that substantially limits one or more major life activities and who can furnish adequate proof of this disability to the state game commission. A handicapped game hunting license entitles the licensee to hunt for squirrel and game birds, other than wild turkey, during the open season for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex [cougar] and wild turkey.

K. A fishing license may be obtained at no cost by a resident who has reached the age of seventy years.

L. A second rod validation may be purchased by either a resident or nonresident. A second rod validation entitles the licensee to fish using two rods for game fish during the open season for each species.

M. A junior-senior elk license may be purchased by a resident who has not reached the age of eighteen years or by a resident who has reached the age of sixty-five years. A junior-senior elk license entitles the licensee to hunt for elk during the open season for that species.

N. A junior-senior deer license may be purchased by a resident who is younger than eighteen years or older than sixty-five years. A junior-senior deer license entitles the
licensee to hunt for deer during the open season for that species.

O. A junior or senior fishing and game hunting combination license may be purchased by a resident who is younger than eighteen years or older than sixty-five years. A junior or senior fishing and game hunting combination license entitles the licensee to fish for game fish or hunt for squirrel and game birds, other than wild turkey, during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex [o;ouer] and wild turkey.

P. A disabled veteran fishing and game hunting combination license may be purchased by a resident who has been granted a disability by the federal department of veterans affairs as a result of having served in the armed forces of the United States if the resident submits to the state game commission satisfactory proof that the resident was disabled as a result of having served in the armed forces of the United States. A disabled veteran fishing and game hunting combination license entitles the licensee to fish for game fish or hunt for squirrel and game birds, other than wild turkey, during the open season for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex [o;ouer] and wild turkey.
Q. A military game hunting and fishing license may be purchased by a member of the armed forces of the United States who, for a period of not less than ninety days immediately preceding the date of application for the license, has been domiciled in New Mexico and has not claimed residency elsewhere for any purpose. A military game hunting and fishing license entitles the licensee to hunt squirrel and game birds, other than wild turkey, and to fish for game fish during the open seasons for each species and to apply for or purchase a license to hunt for deer, antelope, elk, bighorn sheep, Barbary sheep, javelina, bear, oryx, ibex \[\text{[e.g.]}\] and wild turkey."

SECTION 4. Section 17-3-13 NMSA 1978 (being Laws 1964 (1st S.S.), Chapter 17, Section 5, as amended by Laws 2011, Chapter 25, Section 2 and by Laws 2011, Chapter 186, Section 4) is amended to read:

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

A. The director of the department of game and fish shall keep a record of all money received and licenses and permits issued by the department, numbering each class separately. Upon satisfactory proof that a license or permit has been lost before its expiration, the director may issue a duplicate and collect a just and reasonable fee for it as determined by regulation of the state game commission.

B. The director of the department of game and fish shall collect the following fees for each license of the class .198439.3
indicated:

- Resident, fishing ............... $25.00
- Resident, game hunting ............ 15.00
- Resident, deer .................. 31.00
- Resident, junior-senior, deer ........ 19.00
- Resident, senior, handicapped, military, game hunting and fishing ............... 20.00
- Resident, fishing and game hunting combination .................... 30.00
- Resident, junior, fishing and game hunting combination .................... 15.00
- Resident, disabled veteran, fishing and game hunting combination .................... 10.00
- Resident, antelope .................. 50.00
- Resident, elk cow .................. 50.00
- Resident, elk bull or either sex ............... 80.00
- Resident, junior-senior, elk .................. 48.00
- Resident, bighorn sheep, ram .................. 150.00
- Resident, bighorn sheep, ewe .................. 75.00
- Resident, Barbary sheep .................. 100.00
- Resident, bear .................. 44.00
- Resident, turkey .................. 25.00
- [Resident, cougar .................. 40.00]
- Resident, oryx .................. 150.00
- Resident, ibex .................. 100.00
<table>
<thead>
<tr>
<th>Item</th>
<th>Fee</th>
</tr>
</thead>
<tbody>
<tr>
<td>Resident, javelina</td>
<td>55.00</td>
</tr>
<tr>
<td>Resident, fur dealer</td>
<td>15.00</td>
</tr>
<tr>
<td>Resident, trapper</td>
<td>20.00</td>
</tr>
<tr>
<td>Resident, junior trapper</td>
<td>9.00</td>
</tr>
<tr>
<td>Nonresident, fishing</td>
<td>56.00</td>
</tr>
<tr>
<td>Nonresident, junior fishing</td>
<td>15.00</td>
</tr>
<tr>
<td>Nonresident, junior, game hunting</td>
<td>15.00</td>
</tr>
<tr>
<td>Nonresident, game hunting</td>
<td>65.00</td>
</tr>
<tr>
<td>Nonresident, deer</td>
<td>260.00</td>
</tr>
<tr>
<td>Nonresident, quality deer</td>
<td>345.00</td>
</tr>
<tr>
<td>Nonresident, bear</td>
<td>250.00</td>
</tr>
<tr>
<td>Nonresident, cougar</td>
<td>280.00</td>
</tr>
<tr>
<td>Nonresident, turkey</td>
<td>100.00</td>
</tr>
<tr>
<td>Nonresident, antelope</td>
<td>260.00</td>
</tr>
<tr>
<td>Nonresident, elk cow</td>
<td>315.00</td>
</tr>
<tr>
<td>Nonresident, elk bull or either sex</td>
<td>525.00</td>
</tr>
<tr>
<td>Nonresident, quality elk</td>
<td>750.00</td>
</tr>
<tr>
<td>Nonresident, bighorn sheep</td>
<td>3,150.00</td>
</tr>
<tr>
<td>Nonresident, Barbary sheep</td>
<td>350.00</td>
</tr>
<tr>
<td>Nonresident, oryx</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Nonresident, ibex</td>
<td>1,600.00</td>
</tr>
<tr>
<td>Nonresident, javelina</td>
<td>155.00</td>
</tr>
<tr>
<td>Nonresident, fur dealer</td>
<td>125.00</td>
</tr>
<tr>
<td>Nonresident, trapper</td>
<td>345.00</td>
</tr>
<tr>
<td>Nonresident, nongame</td>
<td>65.00</td>
</tr>
<tr>
<td>Description</td>
<td>Fee</td>
</tr>
<tr>
<td>-----------------------------------------------------------------</td>
<td>------</td>
</tr>
<tr>
<td>Resident, senior, handicapped, fishing</td>
<td>8.00</td>
</tr>
<tr>
<td>Resident, junior fishing</td>
<td>5.00</td>
</tr>
<tr>
<td>Temporary active-duty fishing, five days</td>
<td>12.00</td>
</tr>
<tr>
<td>Temporary fishing, one day</td>
<td>12.00</td>
</tr>
<tr>
<td>Temporary fishing, five days</td>
<td>24.00</td>
</tr>
<tr>
<td>Resident, senior, handicapped, game hunting</td>
<td>15.00</td>
</tr>
<tr>
<td>Resident, junior, game hunting</td>
<td>10.00</td>
</tr>
<tr>
<td>Temporary active-duty small game, four days</td>
<td>16.00</td>
</tr>
<tr>
<td>Temporary game hunting, four days</td>
<td>33.00</td>
</tr>
<tr>
<td>Second rod validation</td>
<td>4.00</td>
</tr>
</tbody>
</table>

SECTION 5. Section 17-5-5 NMSA 1978 (being Laws 1939, Chapter 178, Section 5, as amended) is amended to read:

"17-5-5. TRAPPER'S LICENSES.—

A. No resident who has reached [his twelfth birthday] the age of twelve shall capture, trap or possess any fur-bearing animal or attempt to do so without first procuring a resident trapper's license; or, in the case of a resident who has reached [his twelfth birthday] the age of twelve but not [his eighteenth birthday] the age of eighteen, a resident junior trapper's license.

B. No nonresident shall capture, trap or possess any fur-bearing animal, [or] including cougar, skunk or coyote, or attempt to do so without first procuring a nonresident.
trapper's license.

C. No nonresident who resides in a state that does not permit New Mexico residents to procure nonresident trapper's licenses may purchase a New Mexico nonresident trapper's license.

D. Trappers shall release all fur-bearing animals trapped during closed seasons, and resident trappers who release all fur-bearing animals during open seasons need not procure a trapper's license.

E. Trappers on official business, paid from state and federal funds and under supervision of the department of game and fish, the New Mexico department of agriculture or the United States fish and wildlife service need not purchase a trapper's license.

F. Trapping of animals, both fur-bearing and nongame, by a resident in order to protect [his] livestock or domesticated animals or fowl shall not be subject to rules and regulations on trapping made pursuant to Section 17-5-4 NMSA 1978 or to licensing requirements provided in this section.

G. The state game commission may by regulation require holders of trapper's licenses to use bobcat pelt tags and may specify the conditions for use of the tags."