

1 HOUSE BILL 586

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Zachary J. Cook

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10 AN ACT

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

16
17 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "17-2-3. PROTECTED WILDLIFE SPECIES AND GAME FISH
21 DEFINED.--

22 A. The following mammals are game mammals:

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

24 (2) within the family Bovidae:

25 (a) all of the genus Bison (American

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1 bison) except where raised in captivity for domestic or
2 commercial meat production;

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

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

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

9 (e) all of the genus Tragelaphus (kudu);
10 and

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

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

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

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

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

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

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

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

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

24 B. The following birds are game birds:

25 (1) all of the family Anatidae (waterfowl);

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

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

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

7 (5) all of the family Perdidae (francolins);

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

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

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

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

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

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

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

21 C. The following fish are game fish:

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

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

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

25 (4) all introduced species of the family

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- 1 Serranidae (sea bass and white bass);
- 2 (5) all of the family Centrarchidae (sunfish,
- 3 crappie and bass);
- 4 (6) all of the family Percidae (walleye pike
- 5 and perch);
- 6 (7) all introduced species of the family
- 7 Pomadasyidae (sargo); and
- 8 (8) all introduced species of the family
- 9 Sciaenidae (corvina, bairdiella and redfish)."

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

12 "17-2-7. UNLAWFUL HUNTING OR FISHING.--

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

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

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

22 B. Notwithstanding any other law, the owner of
23 domestic livestock in this state or [~~his~~] the owner's regular
24 employee may hunt, take, capture or kill any [~~cougar or~~] bear
25 [~~which~~] that has killed domestic livestock. The owner of

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1 livestock or [~~his~~] the owner's regular employee who takes
2 action under this provision [~~will~~] shall report this action to
3 the department of game and fish, [~~who will~~] which shall verify
4 the necessity of the action taken.

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

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

10 SECTION 3. Section 17-3-2 NMSA 1978 (being Laws 1964 (1st
11 S.S.), Chapter 17, Section 2, as amended by Laws 2011, Chapter
12 25, Section 1 and by Laws 2011, Chapter 186, Section 2) is
13 amended to read:

14 "17-3-2. CLASSES OF LICENSES.--

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

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

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

24 (3) "deer" entitles the licensee to hunt deer
25 during the open season;

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1 (4) "antelope" entitles the licensee to hunt
2 antelope during the open season;

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

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

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

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

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

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

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

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

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

22 [~~(14) "cougar" entitles the licensee to hunt~~
23 ~~cougar during the open season;~~

24 ~~(15)]~~ (14) "turkey" entitles the licensee to
25 hunt turkey during the open season;

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1 [~~(16)~~] (15) "special season turkey" entitles
2 the licensee to hunt turkey during special seasons designated
3 by the state game commission;

4 [~~(17)~~] (16) "quality elk" entitles the
5 licensee to hunt elk during a special quality elk season, to be
6 established by the state game commission, when the timing of
7 the season and hunter density is specially regulated and the
8 elk population is managed with an intent to provide the
9 licensee an increased opportunity to take a mature elk;

10 [~~(18)~~] (17) "quality deer" entitles the
11 licensee to hunt deer during a special quality deer season, to
12 be established by the state game commission, when the timing of
13 the season and hunter density is specially regulated and the
14 deer population is managed with an intent to provide the
15 licensee an increased opportunity to take a mature deer;

16 [~~(19)~~] (18) "temporary game hunting" entitles
17 the licensee to hunt game birds, except wild turkey, and
18 squirrel during a specific period of time indicated on the
19 license;

20 [~~(20)~~] (19) "second rod" entitles the licensee
21 to fish using two fishing rods to fish for game fish during the
22 open seasons for each species; and

23 [~~(21)~~] (20) "fishing and game hunting
24 combination" entitles the licensee to hunt squirrel and game
25 birds, other than wild turkey, and to fish for game fish during

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1 the open season for each.

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

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

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

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

22 F. A nonresident junior fishing license may be
23 purchased by a nonresident who has reached the age of twelve
24 years but has not reached the age of eighteen years. A
25 nonresident junior fishing license entitles the licensee to

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1 fish for game fish during the open season for each species.

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

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

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

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1 game fish during the open season for each species.

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

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

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

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

23 N. A junior-senior deer license may be purchased by
24 a resident who is younger than eighteen years or older than
25 sixty-five years. A junior-senior deer license entitles the

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1 licensee to hunt for deer during the open season for that
2 species.

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

12 P. A disabled veteran fishing and game hunting
13 combination license may be purchased by a resident who has been
14 granted a disability by the federal department of veterans
15 affairs as a result of having served in the armed forces of the
16 United States if the resident submits to the state game
17 commission satisfactory proof that the resident was disabled as
18 a result of having served in the armed forces of the United
19 States. A disabled veteran fishing and game hunting
20 combination license entitles the licensee to fish for game fish
21 or hunt for squirrel and game birds, other than wild turkey,
22 during the open season for each species and to apply for or
23 purchase a license to hunt for deer, antelope, elk, bighorn
24 sheep, Barbary sheep, javelina, bear, oryx, ibex [~~cougar~~] and
25 wild turkey.

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1 Q. A military game hunting and fishing license may
2 be purchased by a member of the armed forces of the United
3 States who, for a period of not less than ninety days
4 immediately preceding the date of application for the license,
5 has been domiciled in New Mexico and has not claimed residency
6 elsewhere for any purpose. A military game hunting and fishing
7 license entitles the licensee to hunt squirrel and game birds,
8 other than wild turkey, and to fish for game fish during the
9 open seasons for each species and to apply for or purchase a
10 license to hunt for deer, antelope, elk, bighorn sheep, Barbary
11 sheep, javelina, bear, oryx, ibex [~~cougar~~] and wild turkey."

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

16 "17-3-13. LICENSE FEES.--

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

24 B. The director of the department of game and fish
25 shall collect the following fees for each license of the class

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1 indicated:

2	Resident, fishing	\$25.00
3	Resident, game hunting	15.00
4	Resident, deer	31.00
5	Resident, junior-senior, deer	19.00
6	Resident, senior, handicapped, military,	
7	game hunting and fishing	20.00
8	Resident, fishing and game hunting	
9	combination	30.00
10	Resident, junior, fishing and game	
11	hunting combination	15.00
12	Resident, disabled veteran, fishing and game hunting	
13	combination	10.00
14	Resident, antelope	50.00
15	Resident, elk cow	50.00
16	Resident, elk bull or either sex	80.00
17	Resident, junior-senior, elk	48.00
18	Resident, bighorn sheep, ram	150.00
19	Resident, bighorn sheep, ewe	75.00
20	Resident, Barbary sheep	100.00
21	Resident, bear	44.00
22	Resident, turkey	25.00
23	[Resident, cougar	40.00]
24	Resident, oryx	150.00
25	Resident, ibex	100.00

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1	Resident, javelina	55.00
2	Resident, fur dealer	15.00
3	Resident, trapper	20.00
4	Resident, junior trapper	9.00
5	Nonresident, fishing	56.00
6	Nonresident, junior fishing	15.00
7	Nonresident, junior, game hunting	15.00
8	Nonresident, game hunting	65.00
9	Nonresident, deer	260.00
10	Nonresident, quality deer	345.00
11	Nonresident, bear	250.00
12	[Nonresident, cougar	280.00]
13	Nonresident, turkey	100.00
14	Nonresident, antelope	260.00
15	Nonresident, elk cow	315.00
16	Nonresident, elk bull or either sex	525.00
17	Nonresident, quality elk	750.00
18	Nonresident, bighorn sheep	3,150.00
19	Nonresident, Barbary sheep	350.00
20	Nonresident, oryx	1,600.00
21	Nonresident, ibex	1,600.00
22	Nonresident, javelina	155.00
23	Nonresident, fur dealer	125.00
24	Nonresident, trapper	345.00
25	Nonresident, nongame	65.00

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1	Resident, senior, handicapped,	
2	fishing	8.00
3	Resident, junior fishing	5.00
4	Temporary active-duty fishing, five days	12.00
5	Temporary fishing, one day	12.00
6	Temporary fishing, five days	24.00
7	Resident, senior, handicapped,	
8	game hunting	15.00
9	Resident, junior, game hunting	10.00
10	Temporary active-duty small game, four days	16.00
11	Temporary game hunting, four days	33.00
12	Second rod validation	4.00."

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

15 "17-5-5. TRAPPER'S LICENSES.--

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

23 B. No nonresident shall capture, trap or possess
24 any fur-bearing animal, [~~or~~] including cougar, skunk or coyote,
25 or attempt to do so without first procuring a nonresident

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1 trapper's license.

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

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

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

15 F. Trapping of animals, both fur-bearing and
16 nongame, by a resident in order to protect [~~his~~] livestock or
17 domesticated animals or fowl shall not be subject to rules and
18 regulations on trapping made pursuant to Section 17-5-4 NMSA
19 1978 or to licensing requirements provided in this section.

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