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HOUSE BILL 209

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO CRIMES; AMENDING SECTION 16-2-32 NMSA 1978 (BEING LAWS 1935, CHAPTER 57, SECTION 19, AS AMENDED) TO MAKE CHANGES IN THE EXISTING LAWS CREATING CRIMES AND ESTABLISHING PENALTIES FOR ACTS COMMITTED IN STATE PARK AND RECREATION AREAS.

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

Section 1. Section 16-2-32 NMSA 1978 (being Laws 1935, Chapter 57, Section 19, as amended) is amended to read:

"16-2-32. CRIMINAL OFFENSES--PENALTY.-- ~~[Each]~~ A person who ~~[shall]~~ commits any of the following acts is guilty of a misdemeanor and shall be sentenced in accordance with the provisions of Section 31-19-1 NMSA 1978:

A. cut, break, injure, destroy, take or remove ~~[any]~~ a tree, shrub, timber, plant or natural object in any state park or recreation area, except in areas designated by the secretary

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1 and permitted by regulations adopted by the secretary;

2 B. kill, cause to be killed or pursue with intent to
3 kill ~~[any]~~ a bird or animal in ~~[any]~~ a state park or recreation
4 area, except in areas designated by the secretary and except in
5 conformity with the provisions of general law and the
6 regulations of the state game commission;

7 C. take ~~[any]~~ a fish from the waters of ~~[any]~~ a
8 state park or recreation area, except in conformity with the
9 provisions of general law and the regulations of the state game
10 commission;

11 D. willfully mutilate, injure, deface or destroy any
12 guidepost, notice, tablet, fence, enclosure or work ~~[which]~~ that
13 is for the protection or ornamentation of ~~[any]~~ a state park or
14 recreation area;

15 E. light ~~[any]~~ a fire ~~[upon any]~~ in a state park or
16 recreation area, except in ~~[such]~~ those places ~~[as the secretary~~
17 ~~has]~~ authorized ~~[or]~~ for fires by the secretary, willfully or
18 carelessly permit any fire ~~[which]~~ that he has lighted or caused
19 to be lighted or ~~[which is]~~ under his charge to spread or extend
20 to or burn ~~[any of]~~ the shrubbery, trees, timber, ornaments or
21 improvements ~~[upon any]~~ in a state park or recreation area or
22 leave ~~[any]~~ a campfire ~~[which]~~ that he has lighted or ~~[which]~~
23 that has been left in his charge unattended by a competent
24 person without extinguishing ~~[the same]~~ it;

25 F. place ~~[within any]~~ in a state park or recreation

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1 area or affix to [any] an object [~~therein contained, without a~~
2 ~~written license from the secretary, any~~] in a state park or
3 recreation area a word, character or device designed to
4 advertise [any] a business, profession, article, thing,
5 exhibition, matter or event without a written license from the
6 secretary permitting him to do it; or

7 G. violate [any] a rule or regulation adopted
8 [~~promulgated or issued~~] by the secretary pursuant to the
9 provisions of Chapter 16, Article 2 NMSA 1978 [~~shall be guilty~~
10 ~~of a misdemeanor and upon conviction thereof before a court of~~
11 ~~competent jurisdiction shall be fined not less than five dollars~~
12 ~~(\$5.00) nor more than one hundred dollars (\$100) or punished by~~
13 ~~imprisonment in the county jail for any term not more than~~
14 ~~thirty days or both such fine and imprisonment in the discretion~~
15 ~~of the court~~]. "

State of New Mexico
House of Representatives

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 3, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 209

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 20, after "a" insert "petty".
2. On page 2, line 17, strike the comma, and insert in lieu thereof "or".
3. On page 2, line 18, after "any fire" insert "which is authorized and".

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FIRST SESSION, 1997

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and thence referred to the TAXATION AND REVENUE
COMMI TTEE.

Respectfully submitted,

Thomas P. Foy, Chair man

Adopted _____ Not Adopted _____

(Chi ef Clerk)

(Chi ef Clerk)

Date _____

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FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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The roll call vote was 11 For 0 Against

Yes: 11

Excused: King, Sanchez

Absent: None

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 19, 1997

Mr. Speaker:

Your TAXATION AND REVENUE COMMITTEE, to whom has
been referred

HOUSE BILL 209, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 3, between lines 15 and 16, insert the following
new sections:

"Section 2. Section 9-5A-3 NMSA 1978 (being Laws 1987,
Chapter
234, Section 3) is amended to read:

"9-5A-3. DEPARTMENT ESTABLISHED. - -

A. There is created in the executive branch the "energy,
minerals and natural resources department". The department shall
be

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FIRST SESSION, 1997

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a cabinet department and shall include, but not be limited to, the following organizational units:

- (1) the administrative services division;
- (2) the state ~~[park and recreation]~~ parks division;
- (3) the forestry division which shall include a

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- (4) the energy conservation and management division;
- (5) the mining and minerals division; and
- (6) the oil conservation division.

B. The state game commission is administratively attached to the department.”.

A new section of the ~~Foreign Minerals and Natural Resources Department Act~~ is enacted to read:

“[NEW MATERIAL] STATE PARKS DIVISION DESIGNATION. --As used in the NMSA 1978, “state park and recreation division” means the state parks division of the energy, minerals and natural resources department.”.

and thence referred to the APPROPRIATIONS AND FINANCE COMMITTEE.

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Respectfully submitted,

Jerry W. Sandel, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 2 Against

Yes: 9

No: Lovejoy, Sandel

Excused: Gubbels, Sandoval

Absent: None

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Underscored material = new
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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to
whom has been referred

HOUSE BILL 209, as amended

has had it under consideration and reports same with
recommendation that it DO PASS, amended as follows:

1. On page 1, line 25, strike "or" and insert in lieu thereof
"and".

2. On page 2, line 1, before the semicolon insert ", such
regulations shall only permit the removal of a tree, shrub,
timber, plant or natural object for scientific study or for non-
commercial use by an individual as a souvenir, the quantity of
material authorized for removal from any area shall be strictly
regulated by park personnel in order to minimize resource damage".

3. On page 2, line 3, strike "or" and insert in lieu thereof
"and".

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4. On page 2, line 8, strike "or" and insert in lieu thereof
"and".

5. On page 2, line 13, strike "park or" and insert in lieu
thereof "park and".

6. On page 2, line 15, strike "or" and insert in lieu thereof
"and".

7. On page 2, line 21, strike "park or" and insert in lieu
thereof "park and".

8. On page 2, line 25, strike "or" and insert in lieu thereof
"and".

9. On page 3, line 2, strike "or" and insert in lieu thereof
"and".

Underscored material = new
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Respectfully submitted,

Max Coll, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 9 For 0 Against

Yes: 9

Excused: Coll, Heaton, Knowles, Marquardt, Picraux, Taylor, JP,

Varela, Watchman

Absent: None

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