

HOUSE ENERGY AND NATURAL RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 543

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO WILDLIFE; ESTABLISHING PROCEDURES FOR ENTERING INTO
INTERSTATE WILDLIFE MANAGEMENT COMPACTS GOVERNING SHARED
ENDANGERED OR THREATENED SPECIES.

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

SECTION 1. Section 17-2-42 NMSA 1978 (being Laws 1974,
Chapter 83, Section 6) is amended to read:

"17-2-42. MANAGEMENT PROGRAMS.--

A. The director shall establish such programs,
including programs for research and the acquisition of land or
aquatic habitat, as authorized and deemed necessary by the
commission for the management of endangered species.

B. In carrying out programs authorized by the
Wildlife Conservation Act, the director may enter into
agreements with federal agencies, Indian nations, tribes or

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underscoring material = new
[bracketed material] = delete

1 pueblos, other states or political subdivisions of the state or
2 with private persons for administration and management of any
3 program established under this section or utilized for
4 management of endangered species.

5 C. The director may authorize by permit the taking,
6 possession, transportation, exportation or shipment of species
7 or subspecies [~~which~~] that have been deemed by the commission
8 to be in need of management as provided in the Wildlife
9 Conservation Act, so long as such use is for scientific,
10 zoological or educational purposes, for propagation in
11 captivity of such wildlife or to protect private property.

12 D. Endangered species may be removed, captured or
13 destroyed where necessary to alleviate or prevent damage to
14 property or to protect human health. Such removal, capture or
15 destruction may be carried out only by prior authorization by
16 permit from the director, unless otherwise provided by law;
17 provided that endangered species may be removed, captured or
18 destroyed without permit by any person in emergency situations
19 involving an immediate threat to human life or private
20 property. Regulations governing the removal, capture or
21 destruction of endangered species shall be adopted by the
22 commission within one year after the effective date of the
23 Wildlife Conservation Act."

24 SECTION 2. A new section of the Wildlife Conservation Act
25 is enacted to read:

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1 "[NEW MATERIAL] INTERSTATE WILDLIFE MANAGEMENT COMPACT.--

2 A. On recommendation of the commission, the
3 governor may enter, on behalf of the state, into compacts with
4 Indian nations, tribes or pueblos or other states, at least one
5 of which shall share a border with New Mexico, to provide for
6 the cooperative management of endangered and threatened
7 species.

8 B. Any compact entered into under the provisions of
9 this section shall seek to achieve viable populations of
10 endangered or threatened species in locations compatible with
11 human activity.

12 C. A compact for the purposes provided for in this
13 section shall:

14 (1) recognize and accommodate the unique
15 management needs and challenges of the several distinct
16 populations and subspecies of the various species present among
17 the participating states and Indian nations, tribes and
18 pueblos;

19 (2) provide for the administration of its
20 provisions and public participation and comment in formulating
21 the policies, procedures and programs governed by the compact;

22 (3) include provisions for compiling and
23 sharing data and other information, documents and electronic
24 files among the participating states, Indian nations, tribes
25 and pueblos, the state, federal wildlife management agencies

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1 and the public;

2 (4) include measures for addressing issues of
3 human and endangered or threatened species interface, including
4 habitat overlap and depredation; and

5 (5) provide for legislative enactment of
6 uniform civil and criminal penalties for the protection of
7 listed threatened or endangered species.

8 D. Before the governor signs the compact, the
9 commission shall:

10 (1) provide copies of the compact to the New
11 Mexico legislative council;

12 (2) submit the compact to the state
13 legislature for ratification at the next regular session;

14 (3) notify each member of the legislature and
15 the boards of county commissioners likely to be affected by the
16 compact that a copy of the compact will be provided upon
17 request; and

18 (4) post the text of the compact on the
19 commission's and department of game and fish's official web
20 sites."

21 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
22 provisions of this act is July 1, 2011.