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HOUSE BILL 961

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

INTRODUCED BY

G. X. MCSHERRY

AN ACT

RELATING TO GAME AND FISH; ESTABLISHING A BIG GAME PARTNERSHIP PROGRAM; PROVIDING FOR BIG GAME PARTNERSHIP LICENSES TO BE ISSUED THROUGH AUCTIONS OR RAFFLES; CREATING THE BIG GAME PARTNERSHIP FUND; MAKING AN APPROPRIATION.

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

Section 1. SHORT TITLE. -- This act may be cited as the "Big Game Partnership Act".

Section 2. DEFINITIONS. -- As used in the Big Game Partnership Act:

A. "depredation" means damage to or undesirable use of public or private property by big game;

B. "local depredation committee" means a committee appointed by the state game commission to address local depredation issues; and

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1 C. "big game" means large wild ungulates which may  
2 be hunted under regulations adopted by the state game  
3 commission.

4 Section 3. PURPOSE-- POWERS AND DUTIES-- BIG GAME  
5 PARTNERSHIP LICENSES. --

6 A. The purpose of this section is to establish a big  
7 game partnership program within the department of game and fish  
8 and to authorize the department to enter into cooperative  
9 agreements or contracts with other state agencies, federal  
10 agencies, local depredation committees, or contracts with other  
11 state agencies, federal agencies, local depredation committees,  
12 individuals or corporations for the purpose of minimizing big  
13 game depredation on public or private property.

14 B. Pursuant to regulations adopted by the state game  
15 commission, the department of game and fish shall establish a  
16 big game partnership program to limit big game depredation on  
17 public and private lands. The big game partnership program  
18 shall:

- 19 (1) undertake cooperative projects on private  
20 and public lands to conserve, control and manage big game;  
21 (2) use best management practices for big game  
22 habitat; and  
23 (3) annually conduct a performance evaluation,  
24 including costs and accomplishments, of the big game partnership  
25 program and report the results of this evaluation to the state

1 game commission.

2 C. The department of game and fish shall establish  
3 procedures to approve cooperative projects for matching funds.  
4 The department's share shall not exceed fifty percent of the  
5 cost of any project. The department may accept private or  
6 public grants or gifts and contributions of materials, equipment  
7 or services to meet the matching funds provisions of the big  
8 game partnership program.

9 D. Within one year of the effective date of this  
10 act, the state game commission shall adopt regulations for the  
11 big game partnership program and the issuance of special  
12 licenses for the big game partnership program. The department  
13 of game and fish may issue no more than two big game partnership  
14 licenses per species per year for the purpose of raising funds  
15 for the state's share of the big game partnership program. The  
16 department may also authorize the issuance of one big game  
17 partnership license for each local depredation committee for the  
18 purpose of raising funds for the local committee's share of the  
19 big game partnership program projects.

20 E. The state game commission shall prescribe by  
21 regulation the form, species and number of big game partnership  
22 licenses issued. The department shall issue the licenses by  
23 auction or raffle. The department may designate an incorporated  
24 nonprofit organization dedicated to wildlife conservation or a  
25 local depredation committee to conduct the auction or raffle.

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1           F. Money generated by the auction or raffle shall be  
2 divided between the nonprofit organization or local depredation  
3 committee and the department of game and fish so that the  
4 department receives at least ninety percent of the money  
5 generated. All money collected by the department from the  
6 issuance and sale of big game partnership licenses shall be  
7 deposited in the big game partnership fund. Proceeds generated  
8 by the local depredation committee auction or raffle shall be  
9 designated in the big game partnership fund for approved  
10 projects by that committee.

11           Section 4. BIG GAME PARTNERSHIP FUND CREATED--  
12 APPROPRIATION.--The "big game partnership fund" is created in  
13 the state treasury. Money in the fund is appropriated to the  
14 department of game and fish to minimize big game depredation  
15 according to the provisions of the big game partnership program.  
16 The state game commission shall have general control over the  
17 collection and disbursement of all money collected or received  
18 under state laws for the protection and propagation of game and  
19 fish, which money shall be paid over to the state treasurer to  
20 the credit of the big game partnership fund, and the fund,  
21 including all earned income therefrom, shall not be transferred  
22 to another fund. Any unexpended or unencumbered balance or  
23 earned income from the money in the fund remaining at the end of  
24 the fiscal year shall remain in the fund. Disbursements from  
25 the fund remaining at the end of the fiscal year shall remain in

1 the fund. Disbursements from the fund shall be by warrant drawn  
2 by the secretary of finance and administration pursuant to  
3 vouchers signed by the director of the department of game and  
4 fish.

5 Section 5. DELAYED REPEAL. -- Sections 1 through 4 of this  
6 act are repealed effective June 30, 2003.

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# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 4, 1997

Mr. Speaker:

Your AGRICULTURE AND WATER RESOURCES COMMITTEE,  
to whom has been referred

HOUSE BILL 961

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

1. On page 2, line 10, after "committees," strike the  
remainder of the line and all of line 11.

2. On page 4, line 5, strike "form" and insert in lieu  
thereof "from".

3. On page 4, line 24, after "fund." strike the remainder  
of the line and all of line 25.

4. On page 5, line 1, strike "the fund.".,

and thence referred to the APPROPRIATIONS AND FINANCE  
COMMI TTEE.

Respectfully submitted,

\_\_\_\_\_  
G. X. McSherry, Chair man

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chi ef Clerk)

(Chi ef Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: Abeyta, Porter

Absent: None

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FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997

HACC/HB 961

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**State of New Mexico**  
**House of Representatives**

FORTY- THIRD LEGISLATURE  
FIRST SESSION, 1997

March 10, 1997

Mr. Speaker:

Your APPROPRIATIONS AND FINANCE COMMITTEE, to  
whom has been referred

HOUSE BILL 961, as amended

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

1. On page 4, line 13, strike "is appropriated" and insert  
in lieu thereof "shall be subject to appropriation by the  
legislature".

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Respectfully submitted,

\_\_\_\_\_  
Max Coll, Chairman

Adopted \_\_\_\_\_

Not Adopted \_\_\_\_\_

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 13 For 0 Against

Yes: 13

Excused: Coll, Marquardt, Salazar, Watchman

Absent: None

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FIRST SESSION, 1997

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 15, 1997

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE BILL 961, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS, and thence referred to the  
FINANCE COMMITTEE.

Respectfully submitted,

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Michael S. Sanchez, Chairman

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

1 HACC/HB 961

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3 Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_

4 (Chief Clerk)

(Chief Clerk)

5

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Date \_\_\_\_\_

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9 The roll call vote was 8 For 1 Against

10 Yes: 8

11 No: Griego

12 Excused: Kysar

13 Absent: None

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FORTY-THIRD LEGISLATURE

FIRST SESSION

March 19, 1997

SENATE FLOOR AMENDMENT number \_\_\_\_\_ to HOUSE BILL 961, as amended

Amendment sponsored by Senator Timothy Z. Jennings

1. On page 5, between lines 4 and 5, insert the following new section:

"Section 5. A new section of Chapter 17, Article 2 NMSA 1978 is enacted to read:

" [NEW MATERIAL] LANDOWNER TAKING- - CONDITIONS- - DEPARTMENT RESPONSIBILITIES. - -

A. A landowner or lessee, or employee of either, may take or kill animals on private land, in which they have an ownership or leasehold interest, including game animals and other quadrupeds, game birds and fowl, that present an immediate threat to human life or an immediate threat of damage to property,

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FORTY-THIRD LEGISLATURE  
FIRST SESSION

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including crops; provided, however, that the taking or killing is reported to the department of game and fish within twenty-four hours and before the removal of the carcass of the animal killed, in accordance with regulations adopted by the commission.

B. A landowner or lessee, or employee of either, may take or kill animals on private land, in which they have an ownership or leasehold interest, including game animals and other quadrupeds, game birds and fowl, that present a threat to human life or damage to property, including crops, according to regulations adopted by the commission. The regulations shall:

(1) provide a method for filing a complaint to the department by the landowner or lessee, or employee of either of them, of the existence of a depredation problem;

(2) provide for various departmental interventions, depending upon the type of animal and depredation;

(3) require the department to offer at least three different interventions, if practical;

(4) require the department to respond to the initial and any subsequent complaints within ten days with an

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FORTY-THIRD LEGISLATURE  
FIRST SESSION

SFI/HB 961, aa

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intervention response to the complaint, and to carry out the intervention, if agreed upon between the department and the landowner, within five days of that agreement;

(5) permit the landowner or lessee to reject for good cause the interventions offered by the department;

(6) require a landowner or lessee to demonstrate that the property depredation is greater in value than the value of any wildlife-related income or fee collected by the landowner or lessee for permission to take or kill an animal of the same species, on the private property or portion of the private property identified in the complaint as the location where the depredation occurred; and

(7) permit the landowner, lessee or employee, when interventions by the department have not been successful and after one year from the date of the filing of the initial complaint, to kill or take an animal believed responsible for property depredation.

C. For purposes of this section:

(1) "commission" means the state game commission;

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FIRST SESSION

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(2) "department" means the department of game and  
fish; and

(3) "intervention" means a solution proposed by the  
department to eliminate the depredation.

D. Regulations to implement this section shall be adopted by  
the commission and become effective by July 1, 1997."

2. Renumber the succeeding section accordingly.

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Timothy Z. Jennings

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Adopted \_\_\_\_\_ Not Adopted \_\_\_\_\_  
(Chief Clerk) (Chief Clerk)

Date \_\_\_\_\_

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