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HOUSE BILL 1089

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

INTRODUCED BY

GAIL C. BEAM

AN ACT

RELATING TO WILDLIFE CONSERVATION; AMENDING A SECTION OF THE  
NMSA 1978; DECLARING AN EMERGENCY.

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

Section 1. Section 17-2-41 NMSA 1978 (being Laws 1974,  
Chapter 83, Section 5, as amended) is amended to read:

"17-2-41. ENDANGERED SPECIES. --

A. On the basis of investigations concerning  
wildlife, other available scientific and commercial data and  
after consultation with wildlife agencies in other states,  
appropriate federal agencies, local and tribal governments and  
other interested persons and organizations, the commission shall  
by regulation develop a list of those species of wildlife  
indigenous to the state that are determined to be threatened or  
endangered within the state, giving their common and scientific

Underscored material = new  
[bracketed material] = delete

1 names by species and subspecies.

2 B. The director shall conduct a review of the state  
3 list of threatened or endangered species and shall present  
4 biennially to the commission his recommendations for appropriate  
5 action. The commission shall act on the director's biennial  
6 recommendations at its next regularly scheduled meeting. The  
7 commission shall adopt, no later than January 1, 1996,  
8 regulations providing procedures for commission actions on the  
9 director's recommendations to continue to list or to upgrade or  
10 downgrade a species.

11 C. Except as otherwise provided in the Wildlife  
12 Conservation Act, it is unlawful for any person to take,  
13 possess, transport, export, process, sell or offer for sale or  
14 ship any species of wildlife appearing on any of the following  
15 lists:

16 (1) the list of wildlife indigenous to the  
17 state determined to be threatened or endangered within the state  
18 as set forth by regulations of the commission; provided that  
19 limited take, possession or transport of threatened species may  
20 be authorized by regulation of the commission if the take,  
21 possession or transport is addressed in a recovery or  
22 conservation plan approved by the commission; and

23 (2) the United States lists of endangered  
24 native and foreign fish and wildlife as set forth in Section 4  
25 of the Endangered Species Act of 1973 as endangered or

.116637.1

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[bracketed material] = delete

1 threatened species, but only to the extent that those lists are  
2 adopted for this purpose by regulations of the commission;  
3 provided that limited take, possession or transport of  
4 threatened species may be authorized by regulation of the  
5 commission if the take, possession or transport is addressed in  
6 a recovery or conservation plan approved by the commission; and  
7 provided further that any species of wildlife appearing on any  
8 of the lists set forth in this subsection, transported into the  
9 state from another state or from a point outside the territorial  
10 limits of the United States and ~~which~~ that is destined for a  
11 point beyond the state, may be transported across the state  
12 without restriction in accordance with the terms of any federal  
13 permit or permit issued under the laws or regulations of another  
14 state or otherwise in accordance with the laws of another state.

15 D. The provisions of Subsection C of this section  
16 shall not apply to a taking of wildlife by a Native American for  
17 religious purposes, unless it materially and negatively affects  
18 an endangered species or threatened species. "

19 Section 2. EMERGENCY. --It is necessary for the public  
20 peace, health and safety that this act take effect immediately.

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 24, 1997

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to  
whom has been referred

HOUSE BILL 1089

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

1. On page 2, line 21, delete the second occurrence of the  
word "or" and on line 22, delete the word "conservation".

2. On page 3, line 6, delete the words "or conservation".,

and thence referred to the CONSUMER AND PUBLIC AFFAIRS  
COMMITTEE.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Respectfully submitted,

\_\_\_\_\_  
James Roger Madalena, Chairman

Adopted \_\_\_\_\_

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

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 1 Against

Yes: 10

No: Macko

Excused: Ryan

Absent: None

M \ H1089

# State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

February 24, 1997

Mr. Speaker:

Your ENERGY AND NATURAL RESOURCES COMMITTEE, to  
whom has been referred

HOUSE BILL 1089

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

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word "or" and on line 22, delete the word "conservation".

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and thence referred to the CONSUMER AND PUBLIC AFFAIRS  
COMMITTEE.

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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Respectfully submitted,

\_\_\_\_\_  
James Roger Madalena, Chairman

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

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 10 For 1 Against

Yes: 10

No: Macko

Excused: Ryan

Absent: None

M \ H1089

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

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

**March 6, 1997**

**Mr. Speaker:**

**Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to  
whom has been referred**

**HOUSE BILL 1089, as amended**

**has had it under consideration and reports same with  
recommendation that it DO PASS.**

**Respectfully submitted,**

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**Gary King, Chairman**

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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

(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 7 For 0 Against

Yes: 7

Excused: King, Rios, Vigil

Absent: None

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

Page 10

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 13, 1997

Mr. President:

Your CONSERVATION COMMITTEE, to whom has been referred

HOUSE BILL 1089, as amended

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

Respectfully submitted,

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Michael S. Sanchez, Chairman

**FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997**

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

Date \_\_\_\_\_

The roll call vote was 8 For 1 Against

Yes: 8

No: Davis

Excused: Lyons

Absent: None

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[bracketed material] = delete

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

Page 12

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FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

March 20, 1997

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 1089, as amended

has had it under consideration and reports same with  
recommendation that it DO PASS.

Respectfully submitted,

\_\_\_\_\_  
Fernando R. Macias, Chairman

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

FORTY-THIRD LEGISLATURE  
FIRST SESSION, 1997

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(Chief Clerk)

(Chief Clerk)

Date \_\_\_\_\_

The roll call vote was 6 For 1 Against

Yes: 6

No: Sanchez

Excused: Tsosie

Absent: None

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~~[bracketed material] = delete~~