The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 35

SENATE BILL 231

Introduced by

SENATOR BENNY SHENDO, JR.
CHAPTER 35

AN ACT

RELATING TO GAME AND FISH; AMENDING A SECTION OF CHAPTER 17 NMSA 1978 TO PROVIDE FOR THE STATE GAME COMMISSION TO ADOPT RULES REGARDING OUTDOOR RECREATION AND WILDLIFE VOLUNTEERS.

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

SECTION 1. Section 17-1-14 NMSA 1978 (being Laws 1921, Chapter 35, Section 7, as amended) is amended to read:

"17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME COMMISSION--GAME PROTECTION FUND--LIABILITY SUSPENSE ACCOUNT.--

A. The state game commission shall have general control over the collection and disbursement of all money collected or received under the state laws for the protection and propagation of game and fish, which money shall be paid over to the state treasurer to the credit of the game protection fund, unless otherwise provided by law, and the fund, including all earned income, shall not be transferred to another fund. Prior to depositing money into the game protection fund, the department of game and fish shall ensure that an amount adequate to cover the cost of refunds allowed by the provisions of Chapter 17 NMSA 1978 is held in a liability suspense account. All refunds shall be made from the liability suspense account. Money not needed to cover the cost of refunds shall be deposited in the game protection fund.
fund at the end of each month. Chapter 17 NMSA 1978 shall be
guaranty to the person who pays for hunting and fishing
licenses and permits that the money in that fund shall not be
used for any purpose other than as provided in Chapter 17
NMSA 1978.

B. The state game commission shall have authority
to:

(1) establish and, through the director of
the department of game and fish, to operate fish hatcheries
for the purpose of stocking public waters of the state and to
furnish fish fry and fingerlings to stock private waters,
receipts from such sources to go into the game protection
fund;

(2) declare closed seasons in any specified
locality and on any species of game or fish threatened with
undue depletion from any cause;

(3) establish game refuges for the purpose
of providing safe sanctuaries in which game may breed and
replenish adjacent hunting ranges, it being the purpose of
this provision to establish small refuges rather than large
preserves or to close large areas to hunting;

(4) purchase lands for game refuges where
suitable public lands do not exist, to purchase lands for
fish hatcheries and to purchase lands to be maintained
perpetually as public hunting grounds, particularly lands
suitable for waterfowl hunting, all such lands to be paid for
from the game protection fund;

(5) receive by gift or bequest, in the name
and on behalf of the state, lands suitable for game refuges,
hunting grounds, fish hatcheries or for any other purpose
necessary to carry out the provisions of Chapter 17 NMSA
1978;

(6) apply for and accept any state, federal
or private funds, grants or donations from any source for
game and fish programs and projects;

(7) designate certain areas as rest grounds
for migratory birds, in which hunting shall be forbidden at
all times or at such times as the state game commission shall
provide, it being the purpose of this provision not to
interfere unduly with the hunting of waterfowl but to provide
havens in which they can rest and feed without molestation;

(8) close any public stream or lake or
portion thereof to fishing when such action is necessary to
protect a recently stocked water, to protect spawning waters
or to prevent undue depletion of the fish;

(9) propagate, capture, purchase, transport
or sell any species of game or fish needed for restocking any
lands or streams of the state;

(10) after reasonable notice and hearing,
suspend or revoke any license or permit issued pursuant to
the provisions of Chapter 17 NMSA 1978 and withhold license
privileges from any person procuring a license through
misrepresentation, violating any provisions of Chapter 17
NMSA 1978 or hunting without a proper license;

(11) adopt rules establishing procedures
that provide reasonable notice and a hearing before the state
game commission for the suspension, revocation or withholding
of license privileges for a definite period of time for a
person charged with violating the provisions of Chapter 17
NMSA 1978, subject to such judicial review as may be provided
by law;

(12) conduct studies of programs for the
management of endangered and nongame species of wildlife;

(13) establish licenses, permits and
certificates not otherwise provided for in Section 17-3-13
NMSA 1978 and charge and collect just and reasonable fees for
them; provided the fees shall not exceed the costs of
administration associated with the licenses, permits or
certificates;

(14) permit, regulate or prohibit the
commercial taking or capturing of native, tree-ranging
amphibians or reptiles not specifically protected by law,
except for rattlesnake roundups, collection of fish bait and
lizard races;

(15) adopt rules to control, eradicate or
prevent the spread of a contagious disease, pest or parasite, including chronic wasting disease, to or among game animals. The rules shall include provisions for:

(a) notification to the department of game and fish of the diagnosis or suspected presence of a contagious disease;

(b) examination by the state veterinarian or the state veterinarian's designee of suspected infected game animals;

(c) quarantine, treatment or destruction of an infected game animal;

(d) disinfection and isolation of a licensed private park where an infected game animal has been;

and

(e) indemnification and destruction of a protected game animal;

(16) as necessary, designate areas of the state in which bear-proof garbage containers are required on public and private lands to reduce potential human-bear interactions;

(17) pursuant to appropriation by the legislature, expend money from the game protection fund and the habitat management fund for the improvement, maintenance, development and operation of property for fish and wildlife habitat management; and
(18) adopt rules to recruit, train and
accept the services of volunteers for education and outreach
activities, hunter and angler services and wildlife
conservation activities administered by the department of
game and fish; provided that a volunteer:

(a) shall comply with all policies and
procedures of the director of the department of game and
fish; and

(b) shall not be deemed to be a state
employee and shall not be subject to the provisions of law
relating to state employment, including those relating to
hours of work, rates of compensation, leave, unemployment
compensation and state employee benefits.

C. The director of the department of game and fish
shall exercise all the powers and duties conferred upon the
state game and fish warden by all previous statutes now in
force not in conflict with Chapter 17 NMSA 1978.

D. The state game commission shall have authority
to prohibit all hunting in periods of extreme forest fire
danger, at such times and places as may be necessary to
reduce the danger of destructive forest fires.

E. The hunting, pursuing, capturing, killing or
wounding of any game animals, birds or fish in or upon any
game refuge, rest ground or closed water or closed area or
during any closed season established or proclaimed by the
state game commission in accordance with the authority
conferred in Chapter 17 NMSA 1978 constitutes a misdemeanor
and shall be punishable as prescribed in Chapter 17
NMSA 1978."
John A. Sanchez, President
Senate

Lenore M. Naranjo, Chief Clerk
Senate

Don L. Tripp, Speaker
House of Representatives

Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 3rd day of April, 2015

Susana Martinez
Governor Susana Martinez
State of New Mexico