

1 SENATE BILL 439

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

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10 AN ACT

11 RELATING TO OUTDOOR RECREATION; REQUIRING THE LEGISLATURE'S
12 APPROVAL FOR THE STATE GAME COMMISSION TO ACQUIRE OR PURCHASE
13 LAND WITH AN APPRAISED VALUE OF ONE MILLION DOLLARS
14 (\$1,000,000) OR MORE.

15
16 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

19 "17-1-14. GENERAL POWERS AND DUTIES OF STATE GAME
20 COMMISSION--GAME PROTECTION FUND--LIABILITY SUSPENSE ACCOUNT.--

21 A. The state game commission shall have general
22 control over the collection and disbursement of all money
23 collected or received under the state laws for the protection
24 and propagation of game and fish, which money shall be paid
25 over to the state treasurer to the credit of the game

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1 protection fund, unless otherwise provided by law, and the
2 fund, including all earned income, shall not be transferred to
3 another fund. Prior to depositing money into the game
4 protection fund, the department of game and fish shall ensure
5 that an amount adequate to cover the cost of refunds allowed by
6 the provisions of Chapter 17 NMSA 1978 is held in a liability
7 suspense account. All refunds shall be made from the liability
8 suspense account. Money not needed to cover the cost of
9 refunds shall be deposited in the game protection fund at the
10 end of each month. Chapter 17 NMSA 1978 shall be guaranty to
11 the person who pays for hunting and fishing licenses and
12 permits that the money in that fund shall not be used for any
13 purpose other than as provided in Chapter 17 NMSA 1978.

14 B. The state game commission shall have authority
15 to:

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

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

24 (3) establish game refuges for the purpose of
25 providing safe sanctuaries in which game may breed and

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1 replenish adjacent hunting ranges, it being the purpose of this
2 provision to establish small refuges rather than large
3 preserves or to close large areas to hunting;

4 (4) purchase lands for game refuges where
5 suitable public lands do not exist, to purchase lands for fish
6 hatcheries and to purchase lands to be maintained perpetually
7 as public hunting grounds, particularly lands suitable for
8 waterfowl hunting, all such lands to be paid for from the game
9 protection fund; provided that any purchase of land with an
10 appraised value of one million dollars (\$1,000,000) or more
11 shall not be made without the approval of the legislature;

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

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

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

25 (8) close any public stream or lake or portion

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1 thereof to fishing when such action is necessary to protect a
2 recently stocked water, to protect spawning waters or to
3 prevent undue depletion of the fish;

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

7 (10) after reasonable notice and hearing,
8 suspend or revoke any license or permit issued pursuant to the
9 provisions of Chapter 17 NMSA 1978 and withhold license
10 privileges from any person procuring a license through
11 misrepresentation, violating any provisions of Chapter 17 NMSA
12 1978 or hunting without a proper license;

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

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

21 (13) establish licenses, permits and
22 certificates not otherwise provided for in Section 17-3-13 NMSA
23 1978 and charge and collect just and reasonable fees for them;
24 provided that the fees shall not exceed the costs of
25 administration associated with the licenses, permits or

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1 certificates;

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

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

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

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

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

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

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

24 (16) as necessary, designate areas of the
25 state in which bear-proof garbage containers are required on

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1 public and private lands to reduce potential human-bear
2 interactions;

3 (17) pursuant to appropriation by the
4 legislature, expend money from the game protection fund and the
5 habitat management fund for the improvement, maintenance,
6 development and operation of property for fish and wildlife
7 habitat management; and

8 (18) adopt rules to recruit, train and accept
9 the services of volunteers for education and outreach
10 activities, hunter and angler services and wildlife
11 conservation activities administered by the department of game
12 and fish; provided that a volunteer:

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

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

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

25 D. The state game commission shall have authority

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1 to prohibit all hunting in periods of extreme forest fire
2 danger, at such times and places as may be necessary to reduce
3 the danger of destructive forest fires.

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

11 SECTION 2. Section 17-4-1 NMSA 1978 (being Laws 1939,
12 Chapter 223, Section 1, as amended) is amended to read:

13 "17-4-1. POWER TO ACQUIRE LAND.--The state game
14 commission [~~of the state of New Mexico is hereby authorized and~~
15 ~~empowered to~~] may acquire by purchase, gift, bequest or lease,
16 and [~~to~~] hold, develop and improve, lands for fish hatcheries,
17 game farms, game refuges, bird refuges, resting and nesting
18 grounds, field stations, dams, lakes, ditches, flumes,
19 waterways, pipelines, canals, rights of way, trails and roads
20 and for all purposes incidental to the propagation,
21 preservation, protection and management of the game, birds,
22 fish and wildlife of the state; [~~of New Mexico~~] provided that
23 any acquisition of land with an appraised value of one million
24 dollars (\$1,000,000) or more shall not be made without the
25 approval of the legislature."

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