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SENATE BILL 231

**52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

INTRODUCED BY

Benny Shendo, Jr.

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

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

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

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

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

23 (3) establish game refuges for the purpose of  
24 providing safe sanctuaries in which game may breed and  
25 replenish adjacent hunting ranges, it being the purpose of this

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1 provision to establish small refuges rather than large  
2 preserves or to close large areas to hunting;

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

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

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

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

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

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

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

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

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

18 (13) establish licenses, permits and  
19 certificates not otherwise provided for in Section 17-3-13 NMSA  
20 1978 and charge and collect just and reasonable fees for them;  
21 provided the fees shall not exceed the costs of administration  
22 associated with the licenses, permits or certificates;

23 (14) permit, regulate or prohibit the  
24 commercial taking or capturing of native, free-ranging  
25 amphibians or reptiles not specifically protected by law,

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1 except for rattlesnake roundups, collection of fish bait and  
2 lizard races;

3 (15) adopt rules to control, eradicate or  
4 prevent the spread of a contagious disease, pest or parasite,  
5 including chronic wasting disease, to or among game animals.

6 The rules shall include provisions for:

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

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

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

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

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

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

24 (17) pursuant to appropriation by the  
25 legislature, expend money from the game protection fund and the

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1 habitat management fund for the improvement, maintenance,  
2 development and operation of property for fish and wildlife  
3 habitat management; and

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

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

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

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

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

25 E. The hunting, pursuing, capturing, killing or

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

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