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SENATE BILL 73

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

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO GAME AND FISH; CLARIFYING CONDITIONS FOR LANDOWNER
TAKING OR KILLING ANIMALS ON PRIVATE LAND.

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

SECTION 1. Section 17-2-7.2 NMSA 1978 (being Laws 1997,
Chapter 224, Section 3) is amended to read:

"17-2-7.2. LANDOWNER TAKING--CONDITIONS--DEPARTMENT
RESPONSIBILITIES.--

A. A landowner or lessee, or employee of either,
may take or kill an animal on the private land in which [~~they~~
~~have~~] the landowner or lessee has an ownership or leasehold
interest, including game animals and other quadrupeds, game
birds and fowl, that presents an immediate threat to human life
or an immediate threat of damage to property, not including
damage to crops or pastures by grazing; provided, however, that

.197821.1

underscored material = new
~~[bracketed material] = delete~~

underscored material = new
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1 the taking or killing is reported to the department [~~of game~~
2 ~~and fish~~] within twenty-four hours and before the removal of
3 the carcass of the animal killed, in accordance with
4 regulations adopted by the commission.

5 B. A landowner or lessee, or employee of either,
6 [~~may take or kill animals, on~~] of private land in which [~~they~~
7 ~~have~~] the landowner or lessee has an ownership or leasehold
8 interest shall notify the department regarding animals,
9 including game animals and other quadrupeds, game birds and
10 fowl, that present a threat [~~to human life or~~] of damage to
11 [~~property, including~~] crops [~~according to~~] or pastures in
12 accordance with regulations adopted by the commission.

13 C. The regulations promulgated by the commission
14 pursuant to Subsections A and B of this section shall:

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

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

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

23 (4) require the department to respond to the
24 initial and any subsequent complaints within ten days with an
25 intervention response to the complaint and to carry out the

.197821.1

underscored material = new
[bracketed material] = delete

1 intervention, if agreed upon between the department and the
2 landowner, within five days of that agreement;

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

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

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

17 [~~G.~~] D. For purposes of this section:

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

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

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