

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

SENATE BILL 463

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Rod Adair

AN ACT

RELATING TO PUBLIC SAFETY; CLARIFYING FIRE AS A PUBLIC
NUISANCE AND PROVIDING FOR ABATEMENT AND RECOVERY OF DAMAGES.

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

Section 1. Section 30-32-1 NMSA 1978 (being Laws 1921,
Chapter 33, Section 4, as amended) is amended to read:

"30-32-1. FIRES EXTINGUISHED BY OFFICERS-- RESPONSIBILITY
FOR COSTS. --

A. As used in this section, "forest fire" means a
fire burning uncontrolled on lands covered wholly or in part
by timber, brush, grass, grain or other inflammable
vegetation.

B. Any forest fire or threat of catastrophic
forest fire in New Mexico without proper precaution being
taken to prevent its ignition or its spread is ~~hereby~~

underscored material = new
[bracketed material] = delete

1 ~~declared to be~~] a public nuisance by reason of its menace to
2 life or property.

3 C. Any person, firm or corporation responsible for
4 either the created threat, the starting or the existence of
5 [~~such~~] a forest fire is [~~hereby~~] required to commence efforts
6 with reasonably available equipment and personnel to reduce
7 the threat, to control or to extinguish it immediately, and if
8 the responsible person, firm or corporation refuses, neglects
9 or fails to commence and to continue reasonable efforts to do
10 so, the state forester or his agents or peace officers of the
11 state upon investigation and finding of fact that life and
12 property are endangered may declare the fire or threat of
13 catastrophic fire a public nuisance and may summarily abate
14 the nuisance thus constituted by reducing the threat,
15 controlling or extinguishing the fire [~~and~~]. The cost
16 [~~thereof~~] of abatement may be recovered from the responsible
17 person, firm or corporation by action for debt. "

18 Section 2. Section 30-32-4 NMSA 1978 (being Laws 1882,
19 Chapter 61, Section 7, as amended) is amended to read:

20 "30-32-4. DAMAGES TO PERSON INJURED. -- [~~SEC. 69~~] If any
21 person [~~shall set~~] sets on fire any woods, marshes or
22 prairies, or causes such areas through management to become
23 prone to wildfire, whether his own or not, so as thereby to
24 occasion any damage to any other person, such person shall
25 make satisfaction in double damages to the party injured to be

. 135641. 1

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

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

recovered by civil action. "

- 3 -