

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 21

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

AN ACT

RELATING TO PRESCRIBED BURNING; PROHIBITING THE USE OF
PRESCRIBED BURNING DURING THE SPRING.

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

SECTION 1. Section 68-5-3 NMSA 1978 (being Laws 2021,
Chapter 13, Section 3) is amended to read:

"68-5-3. PRESCRIBED BURN USE.--

A. Prescribed burning is considered in the public
interest and not a public or private nuisance.

B. Except as limited in Subsection C of this
section, a private landowner or a private landowner's agent,
contractor or legally authorized designee shall have a right to
conduct a prescribed burn on the landowner's property, except
when the state forester or a county or municipality issues
restrictions prohibiting a prescribed burn because of drought

.224479.1

underscored material = new
[bracketed material] = delete

1 conditions; provided that the prescribed burn is conducted with
2 appropriate precautionary measures, including: the use of
3 sufficient personnel and equipment; the prior notification of
4 local fire officials; burn and contingency planning; and the
5 use of appropriate prescribed burn techniques that cause the
6 fire to be confined to a predetermined area.

7 C. A prescribed burn shall not be conducted on any
8 day between March 1 and May 31 of any year when the national
9 weather service has issued a red flag warning for that day for
10 the area where the prescribed burn is planned to take place."