

1 SENATE BILL 21

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

3 INTRODUCED BY

4 Ron Griggs

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9  
10 AN ACT

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

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

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

17 "68-5-3. PRESCRIBED BURN USE.--

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

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

.222935.1

underscored material = new  
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underscoring 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 person or a federal, state, local or tribal  
8 governmental entity shall not conduct a prescribed burn between  
9 March 1 and May 31 of any year."