

1 SENATE BILL 470

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

3 INTRODUCED BY

4 Joshua A. Sanchez

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10 AN ACT

11 RELATING TO FIRES; SUSPENDING THE APPLICATION OF RESTRICTIONS  
12 ON WATER USE PURSUANT TO THE FEDERAL ENDANGERED SPECIES ACT OF  
13 1973 UPON A DETERMINATION BY A FIRE RESPONSE OFFICIAL OF  
14 IMMINENT RISK TO HUMAN HEALTH OR PROPERTY; LIMITING THE USE OF  
15 WATER USED IN CONTRADICTION TO FEDERAL ENDANGERED SPECIES ACT  
16 OF 1973 RESTRICTIONS; REQUIRING NOTICE; PROVIDING A DEFINITION.

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

19 SECTION 1. A new section of Chapter 72 NMSA 1978 is  
20 enacted to read:

21 "[NEW MATERIAL] FIRE SUPPRESSION--INSTANCES OF RISK TO  
22 HUMAN LIFE OR PROPERTY--USE OF WATER SOURCES AUTHORIZED.--

23 A. Upon a determination by a fire response official  
24 that a fire poses an imminent risk to human health or to  
25 property, the application of restrictions on water use within

.225157.1

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

1 fifteen miles of the fire pursuant to the federal Endangered  
2 Species Act of 1973 shall be suspended for the duration of the  
3 fire; provided that any water used in contradiction of the  
4 restrictions shall be used to suppress the fire.

5 B. A fire response official shall immediately  
6 notify the secretary of environment and the state engineer upon  
7 making a determination of imminent risk pursuant to Subsection  
8 A of this section and shall transmit written documentation of  
9 the determination to the secretary of environment and the state  
10 engineer within ten days.

11 C. For purposes of this section, "fire response  
12 official" means the state fire marshal, the fire chief of a  
13 county fire department, the fire chief of a municipal fire  
14 department or the fire chief of a volunteer fire department."

15 SECTION 2. EFFECTIVE DATE.--The effective date of the  
16 provisions of this act is July 1, 2023.