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SENATE BILL

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

INTRODUCED BY

Ron Griggs

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

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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."