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SENATE BILL 635

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

Mimi Stewart

AN ACT

RELATING TO OUTDOOR RECREATION; ALLOWING A PERSON OPERATING A WATERCRAFT IN PUBLIC WATER TO PORTAGE ON PRIVATE PROPERTY TO AVOID HAZARDS IN THE PUBLIC WATER.

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

SECTION 1. Section 17-4-6 NMSA 1978 (being Laws 1912, Chapter 85, Section 10, as amended) is amended to read:

"17-4-6. HUNTING AND FISHING ON PRIVATE PROPERTY--
POSTING--PENALTY.--

A. Whenever the owner or lessee desires to protect or propagate game birds, animals or fish within the owner's or lessee's enclosure or pasture, the owner or lessee shall publish notices in English and Spanish warning all persons not to hunt or fish within the enclosure or pasture. The notices shall be posted in at least six conspicuous places on the

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1 premises and published for three consecutive weeks in a
2 newspaper of general circulation in the county where the
3 premises are situated. In the event a public road enters or
4 crosses the enclosure or pasture, an additional notice shall be
5 posted conspicuously within three hundred yards of the point
6 where each public road enters the posted property.

7 B. After the publication and posting, it is a
8 misdemeanor for any person to enter the premises for the
9 purpose of hunting or fishing or to kill or injure any bird,
10 animal or fish within the enclosure or pasture without
11 permission of the owner or lessee.

12 C. No person engaged in hunting, fishing, trapping,
13 camping, hiking, sightseeing, the operation of watercraft or
14 any other recreational use shall walk or wade onto private
15 property through non-navigable public water or access public
16 water via private property unless the private property owner or
17 lessee or person in control of private lands has expressly
18 consented in writing; provided that a person operating
19 watercraft in public water may walk or wade onto private
20 property to scout or portage to avoid hazardous human-caused or
21 natural conditions encountered in the public water.

22 D. Nothing in this act shall be interpreted to
23 affect or influence whether a water is a navigable water or a
24 water of the United States for purposes of the federal Clean
25 Water Act of 1977, 33 U.S.C. 1251 et seq."