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BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO BOATING; PRESCRIBING REQUIREMENTS FOR PRIVATE,
NONCOMMERCIAL BOAT DOCKS AT CERTAIN LAKES AND RESERVOIRS IN THE
STATE; SETTING A MAXIMUM ANNUAL FEE FOR BOAT DOCK PERMITS;
PROVIDING AN EXCEPTION FOR BOAT DOCKS CONSTRUCTED ON OR BEFORE
JANUARY 1, 2015; REQUIRING THE STATE PARKS DIVISION OF THE
ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO PROMULGATE
RULES REQUIRING REASONABLE MAINTENANCE AND REPAIR OF BOAT DOCKS
CONSTRUCTED ON OR BEFORE JANUARY 1, 2015.

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

SECTION 1. [NEW MATERIAL] REQUIREMENTS FOR BOAT DOCKS--
EXCEPTION.--

A. As used in this section:

(1) "commission" means the interstate stream
commission; and

underscoring material = new
~~[bracketed material] = delete~~

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~~[bracketed material] = delete~~

1 (2) "division" means the state parks division
2 of the energy, minerals and natural resources department.

3 B. Private, noncommercial boat docks shall be
4 permitted on all lakes and reservoirs that are owned by the
5 commission and jointly managed by the commission and the
6 division; provided that:

7 (1) each applicant for a boat dock permit
8 shall own real property contiguous to the proposed location of
9 the boat dock; and

10 (2) boat docks shall comply with rules
11 promulgated by the division pertaining to the construction and
12 maintenance of private, noncommercial boat docks.

13 C. The annual fee charged for a boat dock permit
14 shall not exceed five hundred dollars (\$500).

15 D. An owner of a boat dock described in Subsection
16 B of this section shall not be required to alter or remove the
17 boat dock if:

18 (1) construction of the boat dock was
19 completed on or before January 1, 2015;

20 (2) all required permits were obtained prior
21 to construction of the boat dock;

22 (3) the boat dock was constructed in
23 accordance with applicable construction and permit requirements
24 or a variance was granted by the commission or the division;
25 and

.197697.1

1 (4) the owner complies with the maintenance
2 and repair requirements promulgated by the division pursuant to
3 Subsection E of this section.

4 E. The division shall promulgate rules setting
5 forth requirements for boat docks described in Subsection D of
6 this section, provided that the rules shall be limited to
7 reasonable maintenance and repair requirements."