

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR  
SENATE BILL 21

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

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO PRESCRIBED BURNING; PROHIBITING THE USE OF  
PRESCRIBED BURNING SFL1→~~DURING THE SPRING~~←SFL1 SFL1→DURING A  
RED FLAG WARNING←SFL1 Sf12→;DECLARING AN EMERGENCY←Sf12 .

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.--

.224479.1AIC February 7, 2023 (1:57pm)

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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 SJC→**or wind**←SJC conditions; provided that the prescribed burn is conducted with appropriate precautionary measures, including: the use of sufficient personnel and equipment; the prior notification of local fire officials; burn and contingency planning; and the use of appropriate prescribed burn techniques that cause the fire to be confined to a predetermined area.

C. A prescribed burn shall not be conducted SJC→**on any day between March 1 and May 31 of any year**←SJC when the national weather service has issued a red flag warning SJC→**for that day**←SJC for the area where the prescribed burn is planned to take place."

Sf12→**SECTION 2. EMERGENCY.— It is necessary for the public peace, health, and safety that this act take effect immediately.**"←Sf12

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