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HOUSE BILL 1211

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

WILLIAM E. PORTER

AN ACT

RELATING TO IRRIGATION DISTRICT LIABILITY; AMENDING THE TORT CLAIMS ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR IRRIGATION DISTRICTS THAT ALLOW USE OF THEIR LAND FOR RECREATIONAL PURPOSES.

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

Section 1. A new section of the Tort Claims Act is enacted to read:

" [NEW MATERIAL] LIABILITY--USE OF IRRIGATION DISTRICT LAND FOR RECREATIONAL PURPOSES.--Nothing in the Tort Claims Act shall be construed as waiving the immunity from liability of an irrigation district established pursuant to the provisions of Chapter 73, Article 9 NMSA 1978, when that irrigation district grants permission, without charge or other consideration, to any person or group to use its land for the purpose of hunting,

Underscored material = new
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1 fishing, trapping, camping, hiking, sightseeing or any other
2 recreational use."

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State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE

FIRST SESSION, 1997

March 11, 1997

Mr. Speaker:

Your AGRICULTURE AND WATER RESOURCES COMMITTEE,
to whom has been referred

HOUSE BILL 1211

has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that

HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE
SUBSTITUTE FOR HOUSE BILL 1211

DO PASS, amended as follows:

1. On page 1, line 20, after the dash strike the
remainder of the line and insert in lieu thereof "Irrigation
districts shall be granted immunity from suit".

2. On page 1, line 21, strike "be construed as
granting waiver of immunity".,

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/CS/HB1211

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and thence referred to the JUDICIARY COMMITTEE.

The roll call vote on Amendment #1 was 8 For 1 Against

Yes: 8

No: Abeyta

Excused: None

Absent: None

Respectfully submitted,

G. X. McSherry, Chairman

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

HAGC/CS/HB1211

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The roll call vote was 8 For 1 Against

Yes: 8

No: Abeyta

Excused: None

Absent: None

M:\H1211

Underscored material = new
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HOUSE AGRICULTURE AND WATER RESOURCES COMMITTEE SUBSTITUTE FOR
HOUSE BILL 1211

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

AN ACT

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CLAIMS ACT TO PROVIDE IMMUNITY FROM LIABILITY FOR IRRIGATION
DISTRICTS THAT ALLOW USE OF THEIR LAND FOR RECREATIONAL
PURPOSES.

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

Section 1. A new section of the Tort Claims Act is enacted
to read:

" [NEW MATERIAL] LIABILITY--USE OF IRRIGATION DISTRICT LAND
FOR RECREATIONAL PURPOSES.--Nothing in the Tort Claims Act shall
be construed as granting waiver of immunity for any damages
arising out of the use of property owned or controlled by any
irrigation district established pursuant to the provisions of
Chapter 73, Article 9, 10 or 11 NMSA 1978, for hunting, fishing,
trapping, camping, hiking, sightseeing or any other recreational
use, where the irrigation district allows such use without
charge or other consideration other than a consideration paid by

the state, the federal government or any other governmental agency. "

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