

The Legislature
of the
State of New Mexico

52nd Legislature, 1st Session

LAWS 2015

CHAPTER 34

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 226, as amended

Introduced by



CHAPTER 34

AN ACT

1
2 RELATING TO PUBLIC WATERS; AMENDING A SECTION OF CHAPTER 17
3 NMSA 1978; DEFINING THE SCOPE OF EASEMENT CREATED BY
4 CONSTITUTIONAL PROVISIONS REGARDING OWNERSHIP OF PUBLIC
5 WATERS, BENEFICIAL USE OF PUBLIC WATERS AND THE RIGHT TO
6 ACQUIRE, OWN AND PROTECT PRIVATE PROPERTY; PROVIDING FOR
7 LAWFUL RECREATIONAL ACCESS TO PUBLIC WATERS.

8
9 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

12 "17-4-6. HUNTING AND FISHING ON PRIVATE PROPERTY--
13 POSTING--PENALTY.--

14 A. Whenever the owner or lessee desires to protect
15 or propagate game birds, animals or fish within the owner's
16 or lessee's enclosure or pasture, the owner or lessee shall
17 publish notices in English and Spanish warning all persons
18 not to hunt or fish within the enclosure or pasture. The
19 notices shall be posted in at least six conspicuous places on
20 the premises and published for three consecutive weeks in a
21 newspaper of general circulation in the county where the
22 premises are situated. In the event a public road enters or
23 crosses the enclosure or pasture, an additional notice shall
24 be posted conspicuously within three hundred yards of the
25 point where each public road enters the posted property.

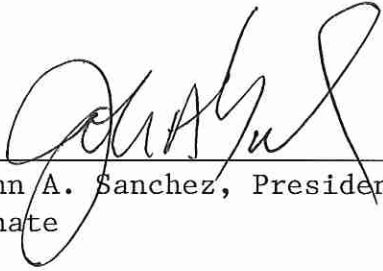
1 B. After the publication and posting, it is a
2 misdemeanor for any person to enter the premises for the
3 purpose of hunting or fishing or to kill or injure any bird,
4 animal or fish within the enclosure or pasture without
5 permission of the owner or lessee.

6 C. No person engaged in hunting, fishing,
7 trapping, camping, hiking, sightseeing, the operation of
8 watercraft or any other recreational use shall walk or wade
9 onto private property through non-navigable public water or
10 access public water via private property unless the private
11 property owner or lessee or person in control of private
12 lands has expressly consented in writing.

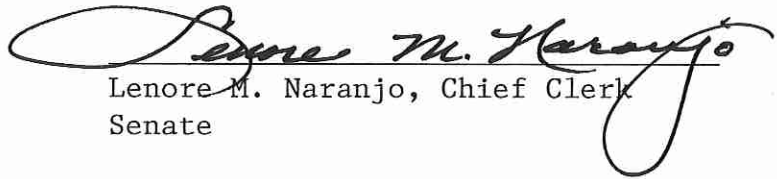
13 D. Nothing in this act shall be interpreted to
14 affect or influence whether a water is a navigable water or a
15 water of the United States for purposes of the federal Clean
16 Water Act of 1977, 33 U.S.C. 1251 et seq."

17 SECTION 2. EFFECTIVE DATE.--The effective date of the
18 provisions of this act is July 1, 2015. _____

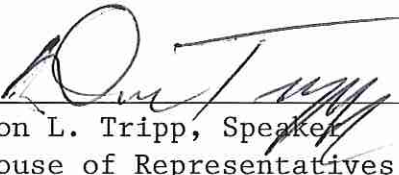
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John A. Sanchez, President
Senate



Lenore M. Naranjo, Chief Clerk
Senate



Don L. Tripp, Speaker
House of Representatives



Denise Ramonas, Chief Clerk
House of Representatives

Approved by me this 3rd day of April, 2015



Governor Susana Martinez
State of New Mexico

ENCLOSURE