

1 SENATE BILL 124

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Pat Woods

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9  
10 AN ACT

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

19  
20 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

21 SECTION 1. [NEW MATERIAL] FINDINGS AND PURPOSE.--The  
22 legislature finds that the lakes and reservoirs of New Mexico  
23 provide significant economic, recreational, scenic and cultural  
24 benefits. The purpose of this act is to promote management of  
25 the lakes and reservoirs of New Mexico in a manner that is

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1 compatible with the multiple and diverse uses of these shared  
2 natural resources.

3 SECTION 2. [NEW MATERIAL] REQUIREMENTS FOR BOAT DOCKS--  
4 EXCEPTION.--

5 A. As used in this section:

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

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

10 B. Private, noncommercial boat docks shall be  
11 permitted on all lakes and reservoirs that are owned by the  
12 commission and jointly managed by the commission and the  
13 division; provided that:

14 (1) each applicant for a boat dock permit  
15 shall own real property contiguous to the proposed location of  
16 the boat dock; and

17 (2) boat docks shall comply with rules  
18 promulgated by the division pertaining to the construction and  
19 maintenance of private, noncommercial boat docks.

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

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

25 (1) construction of the boat dock was

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1 completed on or before January 1, 2015;

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

4 (3) the boat dock was constructed in  
5 accordance with applicable construction and permit requirements  
6 or a variance was granted by the commission or the division;  
7 and

8 (4) the owner complies with the maintenance  
9 and repair requirements promulgated by the division pursuant to  
10 Subsection E of this section.

11 E. The division shall promulgate rules setting  
12 forth requirements for boat docks described in Subsection D of  
13 this section; provided that the rules shall be limited to  
14 reasonable maintenance and repair requirements.