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HOUSE BILL 265

**55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

INTRODUCED BY

Kristina Ortez

AN ACT

RELATING TO NATURAL RESOURCES; AMENDING THE NATURAL LANDS  
PROTECTION ACT AND THE NATURAL HERITAGE CONSERVATION ACT;  
ALLOWING THE STATE TO ACQUIRE LAND FOR CONSERVATION AND  
PROTECTION PURPOSES WITHOUT A CORPORATE PARTNER; PROVIDING  
ADDITIONAL FACTORS FOR THE PRIORITIZATION OF PROJECTS UNDER THE  
NATURAL LANDS PROTECTION ACT; ADDING ADDITIONAL STATE AGENCY  
MEMBERS TO THE NATURAL LANDS PROTECTION COMMITTEE; RENAMING A  
FUND; AUTHORIZING THE NATURAL LANDS AND HERITAGE CONSERVATION  
FUND TO BE USED FOR PURPOSES OF THE NATURAL LANDS PROTECTION  
ACT; REVISING POWERS AND DUTIES; MAKING AN APPROPRIATION.

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

**SECTION 1.** Section 75-5-2 NMSA 1978 (being Laws 1987,  
Chapter 192, Section 2) is amended to read:

"75-5-2. PURPOSE.--The purpose of the Natural Lands  
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1 Protection Act is the ~~[joint]~~ acquisition and protection of  
2 unique and ecologically significant lands in New Mexico by the  
3 state of New Mexico ~~[and New Mexico corporations]~~."

4 SECTION 2. Section 75-5-3 NMSA 1978 (being Laws 1987,  
5 Chapter 192, Section 3, as amended) is amended to read:

6 "75-5-3. DEFINITIONS.--As used in the Natural Lands  
7 Protection Act:

8 A. "committee" means the natural lands protection  
9 committee;

10 B. "unique and ecologically significant lands" are  
11 lands ~~[which]~~ that:

12 (1) afford habitat for species listed as rare,  
13 threatened or endangered by the state or federal government;  
14 and

15 (2) are identified by the energy, minerals and  
16 natural resources department as constituting the best remaining  
17 examples of native ecological communities that are otherwise  
18 unprotected; and

19 C. "corporation" means a New Mexico not-for-profit  
20 corporation whose primary purpose is the preservation and  
21 conservation of lands."

22 SECTION 3. Section 75-5-4 NMSA 1978 (being Laws 1987,  
23 Chapter 192, Section 4, as amended) is amended to read:

24 "75-5-4. ADMINISTRATION OF THE ACT.--

25 A. The Natural Lands Protection Act shall be

1 administered by the secretary of energy, minerals and natural  
2 resources in consultation with [a] the natural lands protection  
3 committee. [~~consisting~~]

4 B. The "natural lands protection committee" is  
5 created and consists of the secretary of energy, minerals and  
6 natural resources or the secretary's designee, who shall serve  
7 as [~~chairman~~] the chair of the committee, the director of the  
8 department of game and fish or the director's designee, the  
9 commissioner of public lands or the commissioner's designee,  
10 the director of the New Mexico department of agriculture or the  
11 director's designee, the director of the New Mexico outdoor  
12 recreation division of the economic development department or  
13 the director's designee, the secretary of Indian affairs or the  
14 secretary's designee and three public members appointed by the  
15 governor, one of whom shall represent the ranching or farming  
16 industry.

17 C. The public members of the committee shall  
18 receive per diem and mileage as provided in the Per Diem and  
19 Mileage Act and shall receive no other compensation, perquisite  
20 or allowance.

21 [~~B.~~] D. The secretary of energy, minerals and  
22 natural resources shall present a list of projects to the  
23 committee based on priorities generated by the energy, minerals  
24 and natural resources department and in consideration of the  
25 factors enumerated in Subsection F of this section.

1           [~~G.~~] E. The committee shall recommend lands to be  
2       acquired under the provisions of the Natural Lands Protection  
3       Act and, subject to [~~appropriation for such purpose by the~~  
4       ~~legislature~~] the availability of funds in the natural lands and  
5       heritage conservation fund, the secretary of energy, minerals  
6       and natural resources shall pay [~~the state's share of~~] for  
7       acquisitions from money in the natural lands and heritage  
8       conservation fund. [~~No land shall be acquired unless a~~  
9       ~~corporation jointly acquires the land with the state.~~] A  
10      corporation [~~must~~] may participate in acquiring a minimum of at  
11      least ten percent undivided interest in the land [~~or the state~~  
12      ~~cannot participate in the acquisition~~]. Title to acquired  
13      lands shall be held in the name of the state; provided that  
14      lands acquired with the participation of a corporation shall be  
15      held as cotenants having undivided interests in proportion to  
16      the state's and the corporation's share of the acquisition and  
17      shall be held in the name of the state [~~of New Mexico~~] and the  
18      corporation.

19           [~~D.~~] F. Priority among projects qualified under the  
20      Natural Lands Protection Act shall be determined in [~~descending~~  
21      ~~order as follows~~] consideration of the following factors:

22                   (1) the degree to which the lands in question  
23      are subject to the threat of immediate alteration or  
24      destruction;

25                   (2) the degree to which ecosystems in question

1 are unduplicated elsewhere; ~~[and]~~

2 (3) the usefulness of the lands in question  
3 for teaching and research;

4 (4) the degree to which the lands in question  
5 support wildlife habitat and migrating species;

6 (5) the degree to which an acquisition  
7 improves river corridors, wetlands and riparian habitat;

8 (6) the degree to which an acquisition  
9 improves recreational access for all New Mexicans and community  
10 health;

11 (7) the degree to which an acquisition  
12 protects lands of cultural significance; and

13 (8) the degree to which the lands in question  
14 are able to sequester carbon and reduce impacts of climate  
15 change."

16 SECTION 4. Section 75-5-5 NMSA 1978 (being Laws 1987,  
17 Chapter 192, Section 5) is amended to read:

18 "75-5-5. MANAGEMENT.--

19 A. The purposes of management shall be for  
20 education, research and preservation, and, to the extent  
21 compatible with the protection of unique and ecologically  
22 significant lands in New Mexico, recreation; provided that no  
23 use of the lands acquired under the Natural Lands Protection  
24 Act shall compromise or endanger the natural attributes for  
25 which they were acquired.

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1           B. The secretary of energy, minerals and natural  
2 resources may assign responsibility for management of lands  
3 acquired under the Natural Lands Protection Act to ~~[the]~~ a  
4 division of the energy, minerals and natural resources  
5 department or another state agency, including the department of  
6 game and fish or the cultural affairs department, or to a  
7 corporation ~~[which]~~ that jointly owns the land.

8           C. ~~[The]~~ A corporation that jointly owns land  
9 pursuant to the Natural Lands Protection Act shall be required  
10 to develop and submit to the secretary of energy, minerals and  
11 natural resources for review a plan for the management of lands  
12 for which ~~[they are]~~ the corporation is responsible. The  
13 secretary ~~[of natural resources]~~, in consultation with the  
14 committee, ~~[will]~~ shall review these plans to ~~[insure]~~ ensure  
15 compliance with the purposes of the Natural Lands Protection  
16 Act.

17           D. Lands adjacent to the land acquired under the  
18 Natural Lands Protection Act shall not be subjected to any  
19 regulation or restriction as a result of ~~[such acquisiton]~~ the  
20 acquisition.

21           ~~[E. Access to the land by the general public may be~~  
22 ~~restricted to visits conducted under the direct supervision of~~  
23 ~~an employee or designated representative of the managing~~  
24 ~~corporation.~~

25           ~~F. The corporation shall annually pay to the state~~

1 and its political subdivisions a sum equal to an amount which  
2 would have been paid in taxes, levies and assessments. This  
3 payment shall be in lieu of such taxes, levies and  
4 assessments.]"

5 SECTION 5. Section 75-10-1 NMSA 1978 (being Laws 2010,  
6 Chapter 83, Section 1) is amended to read:

7 "75-10-1. SHORT TITLE.--[This act] Chapter 75, Article 10  
8 NMSA 1978 may be cited as the "Natural Heritage Conservation  
9 Act".

10 SECTION 6. Section 75-10-3 NMSA 1978 (being Laws 2010,  
11 Chapter 83, Section 3) is amended to read:

12 "75-10-3. DEFINITIONS.--As used in the Natural Heritage  
13 Conservation Act:

14 A. "committee" means the natural lands protection  
15 committee;

16 B. "conservation entity" means a private nonprofit  
17 charitable corporation or trust authorized to do business in  
18 New Mexico that has tax-exempt status as a public charity  
19 pursuant to the federal Internal Revenue Code of 1986 and that  
20 has the power to acquire, hold or maintain land or interests in  
21 land;

22 C. "conservation project" means the acquisition of  
23 conservation or agricultural easements from a willing seller or  
24 a land restoration project;

25 D. "department" means the energy, minerals and

1 natural resources department;

2 E. "fund" means the natural lands and heritage  
3 conservation fund; and

4 F. "qualified entity" means a state agency, a state  
5 educational institution named in Article 12, Section 11 of the  
6 constitution of New Mexico, a political subdivision of the  
7 state or, for conservation projects wholly within New Mexico,  
8 an Indian nation, tribe or pueblo."

9 SECTION 7. Section 75-10-4 NMSA 1978 (being Laws 2010,  
10 Chapter 83, Section 4) is amended to read:

11 "75-10-4. DEPARTMENT--COMMITTEE--POWERS AND DUTIES.--

12 A. In consultation with the committee, the  
13 department may:

14 (1) after consultation with landowners,  
15 conservationists and other interested persons, adopt and  
16 promulgate rules to carry out the provisions of the Natural  
17 Heritage Conservation Act;

18 (2) enter into contracts;

19 (3) enter into joint powers agreements  
20 pursuant to the Joint Powers Agreements Act to carry out the  
21 provisions of the Natural Heritage Conservation Act;

22 (4) make grants to qualified entities for  
23 conservation projects;

24 (5) apply for and receive in the name of the  
25 department, any public or private funds available to the

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1 department to carry out the purposes of the Natural Heritage  
2 Conservation Act;

3 (6) acquire conservation or agricultural  
4 easements by itself or with a conservation entity or qualified  
5 entity; and

6 (7) do all other things necessary or  
7 appropriate to carry out the provisions of the Natural Heritage  
8 Conservation Act.

9 B. The ~~[department]~~ committee shall:

10 (1) establish a competitive application  
11 process for grants from the fund; and

12 (2) establish criteria and priorities for  
13 funding conservation projects."

14 SECTION 8. Section 75-10-5 NMSA 1978 (being Laws 2010,  
15 Chapter 83, Section 5) is amended to read:

16 "75-10-5. FUND CREATED--PURPOSE--EXPENDITURES.--The  
17 "natural lands and heritage conservation fund" is created as a  
18 nonreverting fund in the state treasury. The fund consists of  
19 appropriations, gifts, grants, donations, bequests, income from  
20 investment of the fund and any other money credited to the  
21 fund. The fund shall be administered by the department, and  
22 money in the fund is appropriated to the department to fund  
23 conservation projects pursuant to the Natural Heritage  
24 Conservation Act and to acquire unique and ecologically  
25 significant lands pursuant to the Natural Lands Protection Act.

1 Expenditures from the fund shall be by warrants of the  
2 secretary of finance and administration upon vouchers signed by  
3 the secretary of energy, minerals and natural resources or the  
4 secretary's authorized representative."

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