SENATE BILL 9

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

INTRODUCED BY

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AN ACT

RELATING TO CONSERVATION; CREATING THE CONSERVATION LEGACY
PERMANENT FUND; CREATING THE LAND OF ENCHANTMENT LEGACY FUND;
MAKING APPROPRIATIONS.

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

**SECTION 1.** A new section of Chapter 75 NMSA 1978 is
enacted to read:

"[NEW MATERIAL] CONSERVATION LEGACY PERMANENT FUND--
CREATED--INVESTMENT--DISTRIBUTION.--

A. The "conservation legacy permanent fund" is
created as a nonreverting fund in the state treasury. The fund
consists of distributions, appropriations, gifts, grants,
donations and income from investment of the fund. Money in the
fund shall be invested by the state investment officer as land
grant permanent funds are invested pursuant to Chapter 6,

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1 Article 8 NMSA 1978. Earnings from investment of the fund

2 shall be credited to the fund. Money in the fund shall be

3 expended only as provided by this section.

4 B. If, on July 1 of each year, the conservation

5 legacy permanent fund exceeds twenty-five million dollars

6 ($25,000,000) and the income to the fund for the previous

7 fiscal year exceeded eight hundred thirty-three thousand

8 dollars ($833,000), any income to the fund in excess of eight

9 hundred thirty-three thousand dollars ($833,000) shall be

10 distributed to the land of enchantment legacy fund."

11 SECTION 2. A new section of Chapter 75 NMSA 1978 is

12 enacted to read:

13 "[NEW MATERIAL] LAND OF ENCHANTMENT LEGACY FUND--CREATED--

14 DISTRIBUTION.--

15 A. The "land of enchantment legacy fund" is created

16 as a nonreverting fund in the state treasury. The fund

17 consists of distributions, appropriations, gifts, grants,

18 donations and bequests made to the fund. The department of

19 finance and administration shall administer the fund. Money in

20 the fund shall be distributed and expended only as provided in

21 this section.

22 B. On July 1, 2024 and on July 1 of each year

23 thereafter, the department of finance and administration shall

24 make an annual distribution from the land of enchantment legacy

25 fund in an amount that is the greater of twelve million five

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1    hundred thousand dollars ($12,500,000) or twenty-five percent

2    of the total balance of the land of enchantment legacy fund;

3    provided that, if the total balance in the fund is less than

4    twelve million five hundred thousand dollars ($12,500,000), the

5    annual distribution shall be the total fund balance.  The

6    annual distribution shall be distributed as follows:

7            (1)   twenty-two and one-half percent shall be

8    distributed to the energy, minerals and natural resources

9    department, of which:

10            (a)   fifty percent shall be allocated to

11    the forestry division of the energy, minerals and natural

12    resources department to carry out:  1) projects and programs

13    pursuant to the Forest Conservation Act; 2) forest and

14    watershed management projects; 3) approved projects pursuant to

15    the Forest and Watershed Restoration Act; and 4) projects and

16    programs pursuant to the Prescribed Burning Act; and

17            (b)   fifty percent shall be allocated for

18    projects pursuant to the Natural Heritage Conservation Act;

19            (2)   twenty-two and one-half percent shall be

20    distributed to the board of regents of New Mexico state

21    university for the New Mexico department of agriculture to

22    carry out programs and projects pursuant to the Noxious Weed

23    Management Act, the Healthy Soil Act and the Soil and Water

24    Conservation District Act;

25            (3)   ten percent shall be distributed to the

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underscored material = new
[bracketed material] = delete

1     department of environment to plan, design and construct

2     projects to improve surface water quality and river habitat

3     statewide;

4                    (4)    fifteen percent shall be distributed to

5     the economic development department, of which:

6                         (a)    twenty-five percent shall be

7     allocated to the New Mexico outdoor recreation division of the

8     economic development department to carry out projects under the

9     outdoor equity grant program; and

10                        (b)    seventy-five percent shall be

11    allocated to the New Mexico outdoor recreation division for

12    special projects and outdoor recreation infrastructure;

13                   (5)    eight percent shall be distributed to the

14    cultural affairs department to carry out projects and programs

15    pursuant to the New Mexico Prehistoric and Historic Sites

16    Preservation Act; and

17                   (6)    twenty-two percent shall be distributed to

18    the department of game and fish to carry out projects and

19    programs for the protection and propagation of game and fish.

20         C.    Any unencumbered balances from distributions

21    made pursuant to Subsection B of this section shall revert to

22    the land of enchantment legacy fund at the end of the fiscal

23    year following the fiscal year in which the funds were

24    distributed."

25         **SECTION 3.** APPROPRIATIONS.--

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1    A.   Twenty-five million dollars ($25,000,000) is

2    appropriated from the general fund to the conservation legacy

3    permanent fund for the purposes of the fund.  Any unexpended or

4    unencumbered balance remaining at the end of a fiscal year

5    shall not revert to the general fund.

6    B.   Fifty million dollars ($50,000,000) is

7    appropriated from the general fund to the land of enchantment

8    legacy fund for distribution in fiscal year 2024 and subsequent

9    fiscal years for the purposes of the fund.  Any unexpended or

10   unencumbered balance remaining at the end of a fiscal year

11   shall not revert to the general fund.

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