

<b>LFC Requester:</b>	<b>Helen Gaussoin</b>
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**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

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**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute, or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date Prepared:** 01/25/2024  
Senate Bill 169 (SB  
**Bill No:** 169)

**Sponsor:** Senator Mimi Stewart  
Senator Steven P. Neville  
**Short Title:** Land & Water Conservation  
Fund Changes

**Agency Name and Code Number:** EMNRD 521

**Person Writing Analysis:** Toby G. Velasquez, State Parks Director  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	\$10,000.00	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	N/A	N/A	N/A	N/A	N/A	N/A

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: N/A

Duplicates/Relates to Appropriation in the General Appropriation Act - Unknown

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Senate Bill 169 (SB 169) amends the State Supplemental Land and Water Conservation Fund (SSLWCF) by removing the political subdivision fund matching requirement, removing the incorporated municipality population cap, amending the eligible recipients of funds, requiring prioritization of funding requests from rural communities and Indian nations, tribes, and pueblos, removing reference to a defunct entity, and revising citations.

SB 169 also appropriates ten million dollars (\$10,000.0) from the General Fund to the State Supplemental Land and Water Conservation Fund for expenditure in fiscal year 2025 and subsequent fiscal years to carry out the purposes of the fund. Any unexpended or unencumbered balance remaining at the end of a fiscal year shall not revert to the general fund.

**FISCAL IMPLICATIONS**

SB 169 permits the State Parks Division (Division) to receive funds from the SSLWCF in an amount not to exceed seven percent (7%) of New Mexico's annual apportionment of Program funds to perform outreach to Indian nations, tribes and pueblos and political subdivisions of the state and provide technical assistance to prospective applicants. Should the Division pursue this funding, this apportionment would provide \$210.0 per year based on a \$3 million annual federal apportionment. Under this scenario, SB 169 may enable the Division to expand administrative support for the LWCF program to include the addition of permanent staff (one Sponsored Term Position), seasonal staff, and the option to leverage the use of consultants and/or contractors, as needed.

**SIGNIFICANT ISSUES**

Per Section 16-1-3 NMSA 1978, the Energy, Minerals and Natural Resources Department shall administer the SSLWCF and shall process all applications for grants from the SSLWCF. Funds from the SSLWCF shall be made available only upon the condition that the proceeds are matched by federal Land and Water Conservation Fund State and Local Assistance Program

Funding (Program).

SB 169 provides for grants to incorporated municipalities with a population of less than sixty-five thousand persons according to the latest federal decennial census, counties, Indian nations, tribes and pueblos, state parks, and other political subdivisions to be entitled to receive funds from the SSLWCF provided that: (1) funding requests from Indian nations, tribes and pueblos shall be prioritized; (2) funding requests from rural communities shall be prioritized.

EMNRD recommends limiting the match fund to LWCF formula grants. One or two successful big dollar LWCF ORLP grants could wipe out a large portion of the supplemental fund. The ORLP program is limited to communities over 35,000, while the state supplemental funding limits the population up to 65,000, leaving a very narrow window of potential ORLP applicants, which is to say populations between 35,000 and 65,000.

## **PERFORMANCE IMPLICATIONS**

### **ADMINISTRATIVE IMPLICATIONS**

SB 169 will better support the Division to administer SSLWCF funds in support of eligible projects during the early stages of the grant application and preliminary review process.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

None.

### **TECHNICAL ISSUES**

On Page 3, lines 5 -6, clarify that “technical assistance” does not include the Division conducting compliance procedures on behalf of the applicants for the National Environmental Policy Act pathway (e.g., environmental clearances, archaeological cultural surveys), processing of permits, producing geographic information systems data, or conducting project planning, developing designs, engaging contracting, or directing project management.

### **OTHER SUBSTANTIVE ISSUES**

None.

### **ALTERNATIVES**

None.

### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

If SB 169 is not enacted, there will be to amendments to the SSLWCF, the political subdivision fund matching requirement will not be removed, the incorporated municipality population cap will not be removed, there will be no amendment for eligible recipients of funds, and there will be no prioritization of funding requests of Indian nations, tribes, pueblos, and rural communities. Reference to a defunct entity will not be removed, and citations will not be revised. A ten million dollars (\$10,000.0) appropriation from the General Fund to the SSLWCF for expenditure in fiscal year 2025 and subsequent fiscal years to carry out the purposes of the fund will not occur.

### **AMENDMENTS**

On Page 2, lines 8-10, revise to read, “...land and water conservation fund state and local assistance formula grants program.”

