

**LFC Requester:****Helen Gaussoin**

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

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

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*{Analysis must be uploaded as a PDF}*

**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** 1-25-24

**Bill No:** SB 172

**Sponsor:** Senators Steven McCutcheon II and Pat Woods

**Short Title:** Forest Conservation Act and Timber

**Agency Name and Code**    521

**Number:** \_\_\_\_\_

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
N/A	N/A	N/A	N/A

(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 – N/A

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: Senate Bill 172 (SB 172) removes the authority of the Forestry Division to acquire land or interest in land by gift or purchase in the name of the state pursuant to the Forest Conservation Act by repealing Section 68-2-12 NMSA 1978 (being Laws 1959, Chapter 122, Section 8, as amended).

**FISCAL IMPLICATIONS**

The authority provided by 68-2-12 has been used very sparingly over the years to purchase only a handful of acres, and most of those were for Forestry Division facilities. SB 172’s repeal of the authority of the Forestry Division to acquire land or interest in land pursuant to the Forest Conservation Act will restrict the Forestry Division from purchasing facilities and land to support hotshot and other wildland fire crews and for administrative offices in rural areas of the state. Removal of this authority will impact the ability of the Forestry Division to expend requested FY25 capital infrastructure funding (if appropriated) for these specific purposes.

**SIGNIFICANT ISSUES**

SB 172 would prohibit the Forestry Division’s use of longstanding authority to acquire land or interest in land directly at a moment when the Division needs to use that authority to purchase facilities and land to support hotshot crews and other wildland firefighting crews which the Legislature has authorized for the purpose of expanding the Division’s abilities to fight wildfires and prevent their spread. If SB 172’s repeal went into effect, the Forestry Division would abruptly be required to work through the General Services Department for facility and land acquisition, a prohibitive barrier to in-process lease agreements which are intended to quickly stand up the state’s two new hotshot wildland firefighter crews with facilities that are commensurate with national standards for wildland fire crews.

With one exception, the Forestry Division has only previously used the authority in the Forest Conservation Act to acquire land for administrative offices and firefighting facilities. That one exception is detailed below.

The only time the Forestry Division has made use of the land acquisition authority in the Forest Conservation Act was for the purchase of critical wetland habitat near Santa Rosa, NM for the protection of the rare and endangered Pecos sunflower. This sunflower is an endemic plant found only in this vicinity. The Forestry Division does not anticipate additional land acquisition for rare plant conservation, and has no designated funding for land management.

## **PERFORMANCE IMPLICATIONS**

SB 172's repeal of land acquisition authority will require the Forestry Division to work through the General Services Department to acquire land and facilities for wildland firefighter hotshot crews and Forestry's administrative offices. This administrative burden that will slow down progress to house and onboard the 40 hotshot wildland firefighters approved by the legislature in the 2023 legislative session. Specifically, the Division is currently using the authority in the Forest Conservation Act to enter into a lease-to-own agreement for an industrial property in Socorro. This 3-acre property with buildings will be used by the Eagle Peak Hotshots. The Division is working to set up the facility to meet the requirements of the National Wildfire Coordinating Group as quickly as possible. Delay in this acquisition will curtail the ability to respond to wildland fire emergencies effectively and efficiently, especially wildfires that occur south of I-40. It will also delay the ultimate certification of our hotshot crews as one of the factors considered by certifies is the existence of facilities that meet or exceed program requirements.

## **ADMINISTRATIVE IMPLICATIONS**

*See above.*

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

N/A

## **TECHNICAL ISSUES**

N/A

## **OTHER SUBSTANTIVE ISSUES**

N/A

## **ALTERNATIVES**

N/A

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

If SB 172 is not enacted, the Forestry Division would retain the authority to acquire land and facilities, providing the Division with the ability to quickly house the 40 hotshot crew wildland firefighters authorized by the legislature.

## **AMENDMENTS**

None.