

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 33

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

AN ACT

RELATING TO FOREST CONSERVATION; ENACTING THE WILDFIRE PREPARED ACT; AMENDING AND RECOMPILING A SECTION OF THE NMSA 1978 TO BE A SECTION OF THE WILDFIRE PREPARED ACT; ADDING MEMBERS AND DUTIES TO THE FIRE PLANNING TASK FORCE; CREATING THE WILDFIRE PREPARED PROGRAM; CREATING THE WILDFIRE PREPARED FUND; RECONCILING CONFLICTING ENACTMENTS OF THE SAME SECTION OF LAW BY REPEALING LAWS 2003, CHAPTER 115, SECTION 1; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be cited as the "Wildfire Prepared Act".

SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the Wildfire Prepared Act:

A. "assessment" means an assessment of a structure

1 or property for compliance with wildfire preparedness
2 standards;

3 B. "buffer" means an area treated to reduce
4 wildfire fuel in order to act as a barrier between properties
5 to limit and halt the spread of wildfire and provide a safe
6 zone for firefighters to engage with wildfires;

7 C. "certification" means a certificate provided
8 pursuant to the wildfire prepared program indicating that a
9 structure or property meets wildfire preparedness standards;

10 D. "department" means the energy, minerals and
11 natural resources department;

12 E. "division" means the forestry division of the
13 energy, minerals and natural resources department;

14 F. "eligible property owner" means a New Mexico
15 resident who owns a residence in New Mexico and meets all
16 requirements developed by the task force to be eligible for a
17 wildfire prepared program grant;

18 G. "high-risk area" means an area identified by the
19 task force as having a high probability of wildfire that is
20 likely to spread to structures or property;

21 H. "noncombustible" means made from material of
22 which no part will ignite and burn when subjected to fire;

23 I. "property" means the land adjacent to a
24 structure;

25 J. "qualified entity" means a political subdivision

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1 of the state or an entity contracted with for the hardening of
2 structures to be wildfire prepared;

3 K. "residence" means a dwelling structure designed
4 for long-term habitation and its property;

5 L. "structure" means a constructed object,
6 including residences or commercial buildings and outbuildings
7 such as barns and sheds;

8 M. "task force" means the fire planning task force;

9 N. "wildfire" means a fire originating from an
10 unplanned ignition, such as lightning, volcanoes, an
11 unauthorized or accidental human-caused fire or a prescribed
12 fire that is declared a wildfire;

13 O. "wildfire prepared" means being resistant to
14 wildfire through actions to harden and make noncombustible
15 structures and property to reduce the risk of structure
16 ignition and building-to-building fire spread, including the
17 use of noncombustible and ignition-proof building materials and
18 landscaping property to reduce hazardous fuels; and

19 P. "wildfire preparedness standards" means the
20 standards developed by the task force for structures and
21 property to be wildfire prepared.

22 **SECTION 3.** Section 68-2-34 NMSA 1978 (being Laws 2003,
23 Chapter 115, Section 1 and Laws 2003, Chapter 303, Section 1)
24 is recompiled as a section of the Wildfire Prepared Act and is
25 amended to read:

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1 "FIRE PLANNING TASK FORCE--DUTIES--WILDFIRE PREPARED
2 PROGRAM--STANDARDS--REQUIREMENTS.--

3 A. The "fire planning task force" is created. The
4 task force shall consist of [~~twelve members as follows~~]:

5 (1) the state fire marshal;

6 (2) the director of the local government
7 division of the department of finance and administration;

8 (3) a representative of the commissioner of
9 public lands;

10 (4) a representative of the federal bureau of
11 land management on behalf of the United States department of
12 the interior, appointed by the governor after consulting with
13 the department of the interior;

14 (5) a representative of the United States
15 forest service [~~appointed by the governor, after consulting~~
16 ~~with the forest service~~];

17 (6) a member of a local fire department,
18 appointed by the governor;

19 (7) a member of a volunteer fire department,
20 appointed by the state forester;

21 (8) a representative of the New Mexico
22 association of counties;

23 (9) a representative of the New Mexico
24 municipal league;

25 (10) [~~the director~~] a representative of the

1 construction industries division of the regulation and
2 licensing department;

3 (11) ~~[the state forester; and]~~ a
4 representative of the division;

5 (12) a representative of an Indian nation,
6 tribe or pueblo, appointed by the governor;

7 (13) a representative of the office of
8 superintendent of insurance;

9 (14) a representative of the homeland security
10 and emergency management department;

11 (15) a member with expertise in wildfire
12 science and structures, appointed by the state forester; and

13 (16) a representative of a state-based
14 property insurance carrier trade association, appointed by the
15 state forester, after consulting with the office of
16 superintendent of insurance.

17 B. The chair of the task force shall be elected by
18 the task force. The task force shall meet at the call of the
19 chair.

20 C. The public members of the task force shall
21 receive per diem and mileage pursuant to the Per Diem and
22 Mileage Act.

23 D. The ~~[forestry]~~ division ~~[of the energy, minerals~~
24 ~~and natural resources department]~~, with assistance from the
25 department of finance and administration, shall provide staff

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1 for the task force.

2 E. The task force shall:

3 (1) identify ~~[those]~~ high-risk areas within
4 the state ~~[that, because of the interface between forests and~~
5 ~~urban buildings, are the most vulnerable to danger from forest~~
6 ~~fires];~~

7 (2) develop standards for building codes,
8 defensible space requirements and ordinances that will reduce
9 the threat of ~~[forest fires]~~ wildfires. In developing the
10 standards, the task force shall:

11 (a) recognize the distinction between
12 altering existing situations and establishing standards for new
13 construction;

14 (b) consider the benefits of thinning
15 overgrown forests, conducting controlled burns, clearing spaces
16 around homes and other structures, using ~~[noncombustible~~
17 ~~roofing materials and double-pane windows]~~ wildfire-resistant,
18 noncombustible and ignition-resistant building materials,
19 national standards for defensible space requirements, including
20 making the five-foot zone closest to and surrounding structures
21 noncombustible, and taking other fire suppression or prevention
22 measures;

23 (c) consider the impact of fire
24 mitigation measures on wildlife; and

25 (d) solicit comments from affected

1 landowners, land users and local governments;

2 (3) work with communities in the affected
3 areas in adopting and implementing the building codes and
4 ordinances;

5 (4) develop wildfire preparedness standards
6 for certification that are consistent with and no less
7 stringent than the most recent standards developed by a
8 nationally recognized wildfire prepared standard-setting
9 organization, such as the insurance institute for business and
10 home safety;

11 (5) develop by June 30 of each year guidelines
12 and requirements for eligibility for grants consistent with the
13 provisions of and provided through the wildfire prepared
14 program pursuant to Section 4 of the Wildfire Prepared Act; and

15 [~~4~~] (6) report its progress and any
16 recommendations for legislation to the governor and the
17 legislature by December 15 of each year."

18 SECTION 4. [NEW MATERIAL] WILDFIRE PREPARED PROGRAM.--

19 A. The "wildfire prepared program" is created in
20 the department to make structures and properties in New Mexico
21 wildfire prepared. The department shall provide technical
22 assistance and training, conduct assessments, provide
23 certification and award grants to:

24 (1) political subdivisions of the state to:

25 (a) make changes to structures and

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1 properties to make them wildfire prepared;

2 (b) conduct hazardous fuels reduction to
3 provide buffers for structures and properties in high-risk
4 areas; and

5 (c) establish community-based programs
6 to conduct assessments and provide certification; or

7 (2) qualified entities to assist eligible
8 property owners with making the necessary changes to their
9 residences for the sole purpose of making the residences
10 wildfire prepared.

11 B. At least fifty percent of the grant money
12 awarded pursuant to this section shall be made to qualified
13 entities for the purpose of assisting eligible property owners
14 with making the necessary changes to their residences to make
15 them wildfire prepared.

16 C. Grants awarded pursuant to the wildfire prepared
17 program shall be consistent with the guidelines and
18 requirements developed by the task force.

19 SECTION 5. [NEW MATERIAL] WILDFIRE PREPARED FUND.--

20 A. The "wildfire prepared fund" is created as a
21 nonreverting fund in the state treasury to provide funding for
22 the wildfire prepared program. The fund consists of
23 distributions, appropriations, gifts, grants, donations and
24 income from investment of the fund.

25 B. The department shall administer the fund. Money
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1 in the fund is appropriated to the department to administer,
 2 staff and carry out the provisions of the Wildfire Prepared
 3 Act.

4 C. Expenditures from the fund shall be by warrant
 5 of the secretary of finance and administration pursuant to
 6 vouchers signed by the secretary of energy, minerals and
 7 natural resources or the secretary's authorized representative.

8 SECTION 6. APPROPRIATION.--Twenty million dollars
 9 (\$20,000,000) is appropriated from the general fund to the
 10 wildfire prepared fund for expenditure in fiscal year 2025 and
 11 subsequent fiscal years for the purposes of the fund and the
 12 hiring and training of four full-time employees in the forestry
 13 division of the energy, minerals and natural resources
 14 department to administer the wildfire prepared program. Any
 15 unexpended or unencumbered balance remaining at the end of a
 16 fiscal year shall not revert to the general fund.

17 SECTION 7. REPEAL.--Laws 2003, Chapter 115, Section 1 is
 18 repealed.

19 SECTION 8. EMERGENCY.--It is necessary for the public
 20 peace, health and safety that this act take effect immediately.

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