

1 AN ACT
2 RELATING TO PUBLIC FUNDS; CREATING THE WILDFIRE SUPPRESSION
3 FUND AND THE POST-WILDFIRE FUND; REQUIRING REPORTING; ADDING
4 AND AMENDING DEFINITIONS IN THE FOREST CONSERVATION ACT;
5 MAKING APPROPRIATIONS.

6
7 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

8 SECTION 1. A new section of the Forest Conservation Act
9 is enacted to read:

10 "WILDFIRE SUPPRESSION FUND.--

11 A. The "wildfire suppression fund" is created as a
12 nonreverting fund in the state treasury to provide a reliable
13 and stable source of funding for the suppression of
14 wildfires. The fund consists of distributions,
15 reimbursements, gifts, grants, donations, income from
16 investment of the fund and appropriations, including
17 provisional appropriations made to the energy, minerals and
18 natural resources department for purposes related to wildfire
19 suppression pursuant to Sections 12-11-24 and 12-11-25 NMSA
20 1978.

21 B. The energy, minerals and natural resources
22 department shall administer the fund. Money in the fund is
23 appropriated to the energy, minerals and natural resources
24 department for the following purposes, to be expended in a
25 way to avoid and minimize economic or physical harm from

1 wildfires and to protect the public health, safety and
2 welfare:

- 3 (1) wildfire control and suppression;
- 4 (2) acquiring and maintaining technology for
5 safe and efficient wildfire management; and
- 6 (3) securing grants and matching funds for
7 wildfire emergencies.

8 C. Expenditures from the fund shall be by warrant
9 of the secretary of finance and administration pursuant to
10 vouchers signed by the secretary of energy, minerals and
11 natural resources or the secretary's authorized
12 representative.

13 D. Reimbursements shall be deposited in the
14 wildfire suppression fund.

15 E. Nothing in this section limits or prevents the
16 energy, minerals and natural resources department from
17 applying for or being appropriated money for the purpose of
18 wildfire suppression pursuant to Sections 12-11-24 and 12-11-
19 25 NMSA 1978.

20 F. As used in this section, "reimbursement" means
21 a payment to reimburse the state for prior wildfire
22 expenditures, as authorized by a memorandum of understanding,
23 joint powers agreement, grant agreement, cost-share agreement
24 or other agreement."

25 SECTION 2. A new section of the Forest Conservation Act

1 is enacted to read:

2 "POST-WILDFIRE FUND.--

3 A. The "post-wildfire fund" is created as a
4 nonreverting fund in the state treasury to provide a reliable
5 and stable source of funding for post-wildfire emergency
6 stabilization, recovery and activities. The fund consists of
7 distributions, gifts, grants, donations, income from
8 investment of the fund and appropriations, including
9 provisional appropriations made to the energy, minerals and
10 natural resources department for purposes related to wildfire
11 emergencies and post-wildfire activities pursuant to Sections
12 12-11-24 and 12-11-25 NMSA 1978.

13 B. The energy, minerals and natural resources
14 department shall administer the fund. Money in the fund is
15 appropriated to the energy, minerals and natural resources
16 department for the following purposes, to be expended in a
17 way to avoid and minimize economic or physical harm from
18 wildfires and to protect the public health, safety and
19 welfare:

- 20 (1) emergency stabilization;
21 (2) post-wildfire activities; and
22 (3) securing grants and matching funds for
23 post-wildfire emergencies and recovery.

24 C. Expenditures from the fund shall be by warrant
25 of the secretary of finance and administration pursuant to

1 vouchers signed by the secretary of energy, minerals and
2 natural resources or the secretary's authorized
3 representative.

4 D. Nothing in this section limits or prevents the
5 energy, minerals and natural resources department from
6 applying for or being appropriated money for wildfire
7 emergencies or post-wildfire activities pursuant to Sections
8 12-11-24 and 12-11-25 NMSA 1978."

9 SECTION 3. A new section of the Forest Conservation Act
10 is enacted to read:

11 "REPORTING--WILDFIRE FUNDS AND EXPENDITURES.--

12 A. The energy, minerals and natural resources
13 department shall by August 15 of each year report to the
14 legislative finance committee and the appropriate legislative
15 interim committee on the following:

16 (1) the balances of the wildfire suppression
17 fund and post-wildfire fund;

18 (2) a summary of wildfire reimbursements;

19 (3) a summary of appropriations made in the
20 prior fiscal year to the energy, minerals and natural
21 resources department pursuant to Sections 12-11-24 and
22 12-11-25 NMSA 1978, which shall include the total money
23 appropriated, how the money was spent and the amount of
24 unexpended and unencumbered money remaining;

25 (4) annual state expenditures for wildfire

1 disaster management and preparation for the previous ten
2 fiscal years;

3 (5) the average annual state expenditure for
4 wildfire disaster management and preparation in the five
5 fiscal years with the highest annual expenditures in the
6 previous ten fiscal years;

7 (6) anticipated wildfire conditions for the
8 next year; and

9 (7) a recommendation for appropriations to
10 the wildfire suppression fund and the post-wildfire fund.

11 B. As used in this section, "reimbursement" means
12 a payment to reimburse the state for prior wildfire
13 expenditures, as authorized by a memorandum of understanding,
14 joint powers agreement, grant agreement, cost-share agreement
15 or other agreement."

16 SECTION 4. Section 68-2-7 NMSA 1978 (being Laws 1967,
17 Chapter 208, Section 1, as amended) is amended to read:

18 "68-2-7. DEFINITIONS.--As used in the Forest
19 Conservation Act:

20 A. "emergency stabilization" means:

21 (1) a rapid assessment of burned watersheds
22 to identify imminent post-wildfire threats to human life and
23 safety, property and critical natural or cultural resources;
24 and

25 (2) immediate actions to address these

1 threats, including seeding, mulching, installing erosion and
2 water run-off control structures or temporary barriers to
3 protect recovering areas and installing warning signs;

4 B. "fire suppression damage repair" means a series
5 of immediate post-wildfire actions taken to repair damages
6 and minimize potential soil erosion and impacts resulting
7 from fire suppression activities that:

8 (1) may begin before the fire is contained
9 or firefighting resources are demobilized; and

10 (2) include repairing hand and dozer lines,
11 roads, trails, staging areas, safety zones and drop points
12 used during fire suppression efforts;

13 C. "firefighting resources" means state, local,
14 tribal, federal or other wildland firefighters, emergency
15 hire personnel, equipment, vehicles, aviation, technology and
16 supplies needed to safely conduct wildfire suppression;

17 D. "forest fire" and "wildfire" mean a fire
18 originating from an unplanned ignition, such as lightning, an
19 unauthorized or accidental human-caused fire or a prescribed
20 fire that is declared a wildfire;

21 E. "post-wildfire rehabilitation" means slope
22 stabilization, erosion control, riparian restoration, seeding
23 and reforestation of areas burned by a wildfire;

24 F. "preposition" means the staging and positioning
25 of firefighting resources in order to rapidly detect and

1 respond to a wildfire;

2 G. "suppression" means all of the actions taken in
3 response to a wildfire to curtail the spread of the fire and
4 eliminate all identified threats from the fire, beginning
5 with discovery of the fire and continuing until the fire is
6 completely extinguished and fire suppression damage repair
7 and emergency stabilization have occurred; and

8 H. "wildfire disaster management" means the
9 initial wildfire response, suppression and post-fire
10 rehabilitation and repair."

11 SECTION 5. EFFECTIVE DATE.--The effective date of the
12 provisions of this act is July 1, 2025. _____

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