

SENATE BILL 9

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

INTRODUCED BY

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This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

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--

.223887.1GLGAIC January 31, 2023 (2:06pm)

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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, Article 8 NMSA 1978. Earnings from investment of the fund shall be credited to the fund. Money in the fund shall be expended only as provided by this section.

B. If, on July 1 of each year, the conservation legacy permanent fund exceeds ~~SCONC→twenty-five million dollars (\$25,000,000)←~~SCONC ~~SCONC→one hundred fifty million dollars (\$150,000,000)←~~SCONC and the income to the fund for the previous fiscal year exceeded ~~SCONC→eight hundred thirty-three thousand dollars (\$833,000)←~~SCONC ~~SCONC→five million dollars (\$5,000,000)←~~SCONC , any income to the fund in excess of ~~SCONC→eight hundred thirty-three thousand dollars (\$833,000)←~~SCONC ~~SCONC→five million dollars (\$5,000,000)←~~SCONC shall be distributed to the land of enchantment legacy fund."

SECTION 2. A new section of Chapter 75 NMSA 1978 is enacted to read:

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

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

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as a nonreverting fund in the state treasury. The fund consists of distributions, appropriations, gifts, grants, donations and bequests made to the fund. The department of finance and administration shall administer the fund. Money in the fund shall be distributed and expended only as provided in this section.

B. On July 1, 2024 and on July 1 of each year thereafter, the department of finance and administration shall make an annual distribution from the land of enchantment legacy fund in an amount that is the greater of twelve million five hundred thousand dollars (\$12,500,000) or twenty-five percent of the total balance of the land of enchantment legacy fund; provided that, if the total balance in the fund is less than twelve million five hundred thousand dollars (\$12,500,000), the annual distribution shall be the total fund balance. The annual distribution shall be distributed as follows:

(1) twenty-two and one-half percent shall be distributed to the energy, minerals and natural resources department, of which:

(a) fifty percent shall be allocated to the forestry division of the energy, minerals and natural resources department to carry out: 1) projects and programs pursuant to the Forest Conservation Act; 2) forest and watershed management projects; 3) approved projects pursuant to the Forest and Watershed Restoration Act; and 4) projects and

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programs pursuant to the Prescribed Burning Act; and

(b) fifty percent shall be allocated for projects pursuant to the Natural Heritage Conservation Act;

(2) twenty-two and one-half percent shall be distributed to the board of regents of New Mexico state university for the New Mexico department of agriculture to carry out programs and projects pursuant to the Noxious Weed Management Act, the Healthy Soil Act and the Soil and Water Conservation District Act;

(3) ten percent shall be distributed to the department of environment to plan, design and construct projects to improve surface water quality and river habitat statewide;

(4) fifteen percent shall be distributed to the economic development department, of which:

(a) twenty-five percent shall be allocated to the New Mexico outdoor recreation division of the economic development department to carry out projects under the outdoor equity grant program; and

(b) seventy-five percent shall be allocated to the New Mexico outdoor recreation division for special projects and outdoor recreation infrastructure;

(5) eight percent shall be distributed to the cultural affairs department to carry out projects and programs pursuant to the SCONEC → ~~New Mexico Prehistoric and Historic Sites~~

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~~Preservation Act~~←SCONC SCONC→Cultural Properties Protection Act←SCONC ; and

(6) twenty-two percent shall be distributed to the department of game and fish to carry out projects and programs for the protection and propagation of game and fish.

C. Any unencumbered balances from distributions made pursuant to Subsection B of this section shall revert to the land of enchantment legacy fund at the end of the fiscal year following the fiscal year in which the funds were distributed. SCONC→"←SCONC

SCONC→D. Distributions made pursuant to this section shall not be used for the purposes of eminent domain."←SCONC

SECTION 3. APPROPRIATIONS.--

A. Twenty-five million dollars (\$25,000,000) is appropriated from the general fund to the conservation legacy permanent fund for 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.

B. Fifty million dollars (\$50,000,000) is appropriated from the general fund to the land of enchantment legacy fund for distribution in fiscal year 2024 and subsequent fiscal years for 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.

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