

LFC Requester:

Helen Gaussoin

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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 X **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: January 24, 2024

Bill No: SB 172

Sponsor: Sens. McCutcheon and
Woods

**Agency Name and
Code Number:** 305 – New Mexico
Department of Justice

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

**Person Writing
Analysis:** Lawrence Marcus

Phone: 505-537-7676

Email: legisfir@nmag.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
0	0		
0	0		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
0	0	0		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	0	0	0			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Senate Bill (“SB”) 172 proposes to remove the ability of the Forestry Division of the Energy, Minerals, and Natural Resources Department (“EMNRD”) to buy, receive or sell New Mexico forest land. Currently, EMNRD has this authority under Section 68-2-12 NMSA 1978, which states that “the [forestry] division is authorized, with the approval of the commissioner of public lands, to acquire land or interest in land, either by gift or by purchase, title to which shall be taken in the name of the state of New Mexico. Land or interest in land no longer needed may be disposed of as provided by law.” The proposed bill simply repeals this provision.

FISCAL IMPLICATIONS

None to this agency.

SIGNIFICANT ISSUES

If enacted, SB 172 could interfere with EMNRD’s other duties under the Forest Conservation Act. N.M.S.A. §§ 68-2-1 to -34. For instance, the Forestry Division is responsible for complying with federal statutes that mandate federal-state cooperation, such as the Clarke-McNary Act and the Cooperative Forestry Assistance Act, as described in N.M.S.A. § 68-2-2. To ensure compliance, it might be sensible for the Division to purchase land in support of a federal cooperative effort, or the Division might wish to sell land to the U.S. Forest Service to expand a national forest. Removing the power to buy and sell forest land could have a substantial impact on the Division’s general ability to carry out its responsibilities. In addition, the repeal might create difficulties for the Division, and EMNRD in general, to utilize federal Land and Water Conservation Fund money.

PERFORMANCE IMPLICATIONS

See above.

ADMINISTRATIVE IMPLICATIONS

None likely.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

SB 172 and SB 173 are companion bills seeking to limit EMNRD's ability to acquire land for conservation purposes.

TECHNICAL ISSUES

See above.

OTHER SUBSTANTIVE ISSUES

None are apparent. However, the removal of one portion of an Act could have unforeseen impacts on the remainder of the Act, other than those described above.

ALTERNATIVES

It is unclear what, if any, alternatives could be implemented.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The status quo would remain. The Forestry Division's ability to buy and sell land would remain unchanged.

AMENDMENTS

The DOJ does not currently propose any amendments.