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HOUSE BILL 36

55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022

INTRODUCED BY

Kristina Ortez and Matthew McQueen

AN ACT

RELATING TO NATURAL RESOURCES; AMENDING THE NATURAL HERITAGE
CONSERVATION ACT; AUTHORIZING THE ACQUISITION OF LAND AND OTHER
INTERESTS IN LAND FOR CONSERVATION PURPOSES; MAKING CONFORMING
CHANGES.

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

SECTION 1. Section 75-10-2 NMSA 1978 (being Laws 2010,
Chapter 83, Section 2) is amended to read:

"75-10-2. PURPOSE.--The purpose of the Natural Heritage
Conservation Act is to protect the state's natural heritage,
customs and culture by funding acquisitions of land,
conservation and agricultural easements and other interests in
land and by funding land restoration to protect the land and
water available for forests and watersheds, natural areas,
wildlife and wildlife habitat, agricultural production on

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1 working farms and ranches, outdoor recreation and trails and
2 land and habitat restoration and management."

3 SECTION 2. Section 75-10-3 NMSA 1978 (being Laws 2010,
4 Chapter 83, Section 3) is amended to read:

5 "75-10-3. DEFINITIONS.--As used in the Natural Heritage
6 Conservation Act:

7 A. "committee" means the natural lands protection
8 committee;

9 B. "conservation entity" means a private nonprofit
10 charitable corporation or trust authorized to do business in
11 New Mexico that has tax-exempt status as a public charity
12 pursuant to the federal Internal Revenue Code of 1986 and that
13 has the power to acquire, hold or maintain land or interests in
14 land;

15 C. "conservation project" means the acquisition of
16 land, conservation or agricultural easements or other interests
17 in land from a willing seller or a land restoration project;

18 D. "department" means the energy, minerals and
19 natural resources department;

20 E. "fund" means the natural heritage conservation
21 fund; and

22 F. "qualified entity" means a state agency, a state
23 educational institution named in Article 12, Section 11 of the
24 constitution of New Mexico, a political subdivision of the
25 state or, for conservation projects wholly within New Mexico,

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1 an Indian tribe or pueblo."

2 SECTION 3. Section 75-10-4 NMSA 1978 (being Laws 2010,
3 Chapter 83, Section 4) is amended to read:

4 "75-10-4. DEPARTMENT--POWERS AND DUTIES.--

5 A. The department may:

6 (1) after consultation with landowners,
7 conservationists and other interested persons, adopt and
8 promulgate rules to carry out the provisions of the Natural
9 Heritage Conservation Act;

10 (2) enter into contracts;

11 (3) enter into joint powers agreements
12 pursuant to the Joint Powers Agreements Act to carry out the
13 provisions of the Natural Heritage Conservation Act;

14 (4) make grants to qualified entities for
15 conservation projects;

16 (5) apply for and receive in the name of the
17 department, any public or private funds available to the
18 department to carry out the purposes of the Natural Heritage
19 Conservation Act;

20 (6) acquire land, conservation or agricultural
21 easements or other interests in land by itself or with a
22 conservation entity or qualified entity; and

23 (7) do all other things necessary or
24 appropriate to carry out the provisions of the Natural Heritage
25 Conservation Act.

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1 B. The department shall:

2 (1) establish a competitive application
3 process for grants from the fund; and

4 (2) establish criteria and priorities for
5 funding conservation projects."

6 SECTION 4. Section 75-10-7 NMSA 1978 (being Laws 2010,
7 Chapter 83, Section 7) is amended to read:

8 "75-10-7. CONSERVATION PROJECTS--PUBLIC-PRIVATE
9 PROJECTS.--

10 A. The department may acquire land, conservation or
11 agricultural easements or other interests in land and hold them
12 in the name of the state.

13 B. When approving a conservation project that is
14 the acquisition of land, a conservation or agricultural
15 easement or other interest in land by a conservation entity,
16 the department shall require the conservation entity to:

17 (1) acquire no less than ten percent of the
18 land, easement or other interest in land, and title to the
19 land, easement or other interest in land shall be held by the
20 conservation entity and a qualified entity as cotenants having
21 undivided interests in proportion to each one's share of the
22 acquisition; and

23 (2) submit a plan for the management of lands
24 for which the conservation entity and the qualified entity are
25 responsible. The department, in consultation with the

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1 committee, shall review the plan to ensure compliance with the
2 purposes of the Natural Heritage Conservation Act.

3 C. When approving a conservation project that is
4 for land restoration by a conservation entity, the department
5 shall require that the conservation entity provide at least ten
6 percent of the cost of the conservation project."

7 SECTION 5. Section 75-10-8 NMSA 1978 (being Laws 2010,
8 Chapter 83, Section 8) is amended to read:

9 "75-10-8. CONSERVATION PROJECTS--LIMITATIONS.--The
10 department may acquire or receive by gift or bequest land,
11 conservation or agricultural easement interests [~~in real~~
12 ~~property~~] or other interests in land to advance the purposes of
13 the Natural Heritage Conservation Act. No land, easement
14 interests or other interests in land, water rights or other
15 rights of access shall be acquired pursuant to the Natural
16 Heritage Conservation Act through exercise of the state's power
17 of eminent domain or any other condemnation process. Land
18 adjacent to any land subject to a conservation or agricultural
19 easement that was acquired pursuant to the Natural Heritage
20 Conservation Act shall not be subjected to any rules or
21 restrictions as a result of such easement acquisition."