

HOUSE APPROPRIATIONS AND FINANCE  
COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 191

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

AN ACT

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

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

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

"[NEW MATERIAL] WILDFIRE SUPPRESSION FUND.--

A. The "wildfire suppression fund" is created as a  
nonreverting fund in the state treasury to provide a reliable  
and stable source of funding for the suppression of wildfires.  
The fund consists of distributions, reimbursements, gifts,  
grants, donations, income from investment of the fund and  
appropriations, including provisional appropriations made to

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underscored material = new  
[bracketed material] = delete

1 the energy, minerals and natural resources department for  
2 purposes related to wildfire suppression pursuant to Sections  
3 12-11-24 and 12-11-25 NMSA 1978.

4 B. The energy, minerals and natural resources  
5 department shall administer the fund. Money in the fund is  
6 appropriated to the energy, minerals and natural resources  
7 department for the following purposes, to be expended in a way  
8 to avoid and minimize economic or physical harm from wildfires  
9 and to protect the public health, safety and welfare:

10 (1) wildfire control and suppression;

11 (2) acquiring and maintaining technology for  
12 safe and efficient wildfire management; and

13 (3) securing grants and matching funds for  
14 wildfire emergencies.

15 C. Expenditures from the fund shall be by warrant  
16 of the secretary of finance and administration pursuant to  
17 vouchers signed by the secretary of energy, minerals and  
18 natural resources or the secretary's authorized representative.

19 D. Reimbursements shall be deposited in the  
20 wildfire suppression fund.

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

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1 F. As used in this section, "reimbursement" means a  
2 payment to reimburse the state for prior wildfire expenditures,  
3 as authorized by a memorandum of understanding, joint powers  
4 agreement, grant agreement, cost-share agreement or other  
5 agreement."

6 SECTION 2. A new section of the Forest Conservation Act  
7 is enacted to read:

8 "[NEW MATERIAL] POST-WILDFIRE FUND.--

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

19 B. The energy, minerals and natural resources  
20 department shall administer the fund. Money in the fund is  
21 appropriated to the energy, minerals and natural resources  
22 department for the following purposes, to be expended in a way  
23 to avoid and minimize economic or physical harm from wildfires  
24 and to protect the public health, safety and welfare:

25 (1) emergency stabilization;

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- 1 (2) post-wildfire activities; and
- 2 (3) securing grants and matching funds for
- 3 post-wildfire emergencies and recovery.

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

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

15 "[NEW MATERIAL] REPORTING--WILDFIRE FUNDS AND  
16 EXPENDITURES.--

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

21 (1) the balances of the wildfire suppression  
22 fund and post-wildfire fund;

23 (2) a summary of wildfire reimbursements;

24 (3) a summary of appropriations made in the  
25 prior fiscal year to the energy, minerals and natural resources

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1 department pursuant to Sections 12-11-24 and 12-11-25 NMSA  
 2 1978, which shall include the total money appropriated, how the  
 3 money was spent and the amount of unexpended and unencumbered  
 4 money remaining;

5 (4) annual state expenditures for wildfire  
 6 disaster management and preparation for the previous ten fiscal  
 7 years;

8 (5) the average annual state expenditure for  
 9 wildfire disaster management and preparation in the five fiscal  
 10 years with the highest annual expenditures in the previous ten  
 11 fiscal years;

12 (6) anticipated wildfire conditions for the  
 13 next year; and

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

16 B. As used in this section, "reimbursement" means a  
 17 payment to reimburse the state for prior wildfire expenditures,  
 18 as authorized by a memorandum of understanding, joint powers  
 19 agreement, grant agreement, cost-share agreement or other  
 20 agreement."

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

23 "68-2-7. [~~FOREST FIRE AND SUPPRESSION DEFINED~~]

24 DEFINITIONS.--As used in the Forest Conservation Act:

25 A. "emergency stabilization" means:

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

5                   (2) immediate actions to address these  
6 threats, including seeding, mulching, installing erosion and  
7 water run-off control structures or temporary barriers to  
8 protect recovering areas and installing warning signs;

9                   B. "fire suppression damage repair" means a series  
10 of immediate post-wildfire actions taken to repair damages and  
11 minimize potential soil erosion and impacts resulting from fire  
12 suppression activities that:

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

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

18                   C. "firefighting resources" means state, local,  
19 tribal, federal or other wildland firefighters, emergency hire  
20 personnel, equipment, vehicles, aviation, technology and  
21 supplies needed to safely conduct wildfire suppression;

22                   [A.] D. "forest fire" [means] and "wildfire" mean a  
23 fire [burning uncontrolled on lands covered wholly or in part  
24 by timber, brush, grass, grain or other vegetation; and]  
25 originating from an unplanned ignition, such as lightning, an

1 unauthorized or accidental human-caused fire or a prescribed  
 2 fire that is declared a wildfire;

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

6 F. "preposition" means the staging and positioning  
 7 of firefighting resources in order to rapidly detect and  
 8 respond to a wildfire;

9 ~~[B.]~~ G. "suppression" means all of the [activities  
 10 to extinguish, limit or contain forest fire spread] actions  
 11 taken in response to a wildfire to curtail the spread of the  
 12 fire and eliminate all identified threats from the fire,  
 13 beginning with discovery of the fire and continuing until the  
 14 fire is completely extinguished and fire suppression damage  
 15 repair and emergency stabilization have occurred; and

16 H. "wildfire disaster management" means the initial  
 17 wildfire response, suppression and post-fire rehabilitation and  
 18 repair."

19 SECTION 5. EFFECTIVE DATE.--The effective date of the  
 20 provisions of this act is July 1, 2025.