

1 SENATE BILL 33

2 57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

3 INTRODUCED BY

4 Elizabeth "Liz" Stefanics and Harlan Vincent and Kristina Ortez
5 and Anita Gonzales
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10 AN ACT

11 RELATING TO FOREST CONSERVATION; ENACTING THE WILDFIRE PREPARED
12 ACT; AMENDING AND RECOMPILING A SECTION OF THE NMSA 1978 TO BE
13 A SECTION OF THE WILDFIRE PREPARED ACT; ADDING MEMBERS AND
14 DUTIES TO THE FIRE PLANNING TASK FORCE; CREATING THE WILDFIRE
15 PREPARED PROGRAM; CREATING THE WILDFIRE PREPARED FUND;
16 RECONCILING CONFLICTING ENACTMENTS OF THE SAME SECTION OF LAW
17 BY REPEALING LAWS 2003, CHAPTER 115, SECTION 1; MAKING AN
18 APPROPRIATION; DECLARING AN EMERGENCY.
19

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

21 SECTION 1. [NEW MATERIAL] SHORT TITLE.--This act may be
22 cited as the "Wildfire Prepared Act".

23 SECTION 2. [NEW MATERIAL] DEFINITIONS.--As used in the
24 Wildfire Prepared Act:

25 A. "assessment" means an assessment of a structure

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1 or property for compliance with wildfire preparedness
2 standards;

3 B. "buffer" means an area treated to reduce
4 wildfire fuel in order to act as a barrier between properties
5 to limit and halt the spread of wildfire and provide a safe
6 zone for firefighters to engage with wildfires;

7 C. "certification" means a certificate provided
8 pursuant to the wildfire prepared program indicating that a
9 structure or property meets wildfire preparedness standards;

10 D. "department" means the energy, minerals and
11 natural resources department;

12 E. "division" means the forestry division of the
13 energy, minerals and natural resources department;

14 F. "eligible property owner" means a person owning
15 a primary residence in New Mexico who meets all requirements
16 developed by the task force to be eligible for a wildfire
17 prepared program grant;

18 G. "high-risk area" means an area identified by the
19 task force as having a high probability of wildfire that is
20 likely to spread to structures or property;

21 H. "noncombustible" means made from material of
22 which no part will ignite and burn when subjected to fire;

23 I. "primary residence" means a dwelling structure
24 designed for long-term habitation in which the owner resides
25 for a majority of the year and its property;

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1 J. "property" means the land adjacent to a
2 structure;

3 K. "qualified entity" means a political subdivision
4 of the state or an entity contracted with for the hardening of
5 structures to be wildfire prepared;

6 L. "structure" means a constructed object,
7 including primary residences or commercial buildings and
8 outbuildings such as barns and sheds;

9 M. "task force" means the fire planning task force;

10 N. "wildfire" means a fire originating from an
11 unplanned ignition, such as lightning, volcanoes, an
12 unauthorized or accidental human-caused fire or a prescribed
13 fire that is declared a wildfire;

14 O. "wildfire prepared" means being resistant to
15 wildfire through actions to harden and make noncombustible
16 structures and property to reduce the risk of structure
17 ignition and building-to-building fire spread, including the
18 use of noncombustible and ignition-proof building materials and
19 landscaping property to reduce hazardous fuels; and

20 P. "wildfire preparedness standards" means the
21 standards developed by the task force for structures and
22 property to be wildfire prepared.

23 SECTION 3. Section 68-2-34 NMSA 1978 (being Laws 2003,
24 Chapter 115, Section 1 and Laws 2003, Chapter 303, Section 1)
25 is recompiled as a section of the Wildfire Prepared Act and is
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1 amended to read:

2 "FIRE PLANNING TASK FORCE--DUTIES--WILDFIRE PREPARED
3 PROGRAM--STANDARDS--REQUIREMENTS.--

4 A. The "fire planning task force" is created. The
5 task force shall consist of [~~twelve members as follows~~]:

- 6 (1) the state fire marshal;
- 7 (2) the director of the local government
8 division of the department of finance and administration;
- 9 (3) a representative of the commissioner of
10 public lands;
- 11 (4) a representative of the federal bureau of
12 land management on behalf of the United States department of
13 the interior, appointed by the governor after consulting with
14 the department of the interior;
- 15 (5) a representative of the United States
16 forest service [~~appointed by the governor, after consulting~~
17 ~~with the forest service~~];
- 18 (6) a member of a local fire department,
19 appointed by the governor;
- 20 (7) a member of a volunteer fire department,
21 appointed by the state forester;
- 22 (8) a representative of the New Mexico
23 association of counties;
- 24 (9) a representative of the New Mexico
25 municipal league;

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1 (10) ~~[the director]~~ a representative of the
2 construction industries division of the regulation and
3 licensing department;

4 (11) ~~[the state forester; and]~~ a
5 representative of the division;

6 (12) a representative of an Indian nation,
7 tribe or pueblo, appointed by the governor;

8 (13) a representative of the office of
9 superintendent of insurance;

10 (14) a representative of the homeland security
11 and emergency management department;

12 (15) a member with expertise in wildfire
13 science and structures, appointed by the state forester; and

14 (16) a representative of a state-based
15 property insurance carrier trade association, appointed by the
16 state forester, after consulting with the office of
17 superintendent of insurance.

18 B. The chair of the task force shall be elected by
19 the task force. The task force shall meet at the call of the
20 chair.

21 C. The public members of the task force shall
22 receive per diem and mileage pursuant to the Per Diem and
23 Mileage Act.

24 D. The ~~[forestry]~~ division ~~[of the energy, minerals~~
25 ~~and natural resources department]~~, with assistance from the

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1 department of finance and administration, shall provide staff
2 for the task force.

3 E. The task force shall:

4 (1) identify ~~[those]~~ high-risk areas within
5 the state ~~[that, because of the interface between forests and~~
6 ~~urban buildings, are the most vulnerable to danger from forest~~
7 ~~fires];~~

8 (2) develop standards for building codes,
9 defensible space requirements and ordinances that will reduce
10 the threat of ~~[forest fires]~~ wildfires. In developing the
11 standards, the task force shall:

12 (a) recognize the distinction between
13 altering existing situations and establishing standards for new
14 construction;

15 (b) consider the benefits of thinning
16 overgrown forests, conducting controlled burns, clearing spaces
17 around homes and other structures, using ~~[noncombustible~~
18 ~~roofing materials and double-pane windows]~~ wildfire-resistant,
19 noncombustible and ignition-resistant building materials,
20 national standards for defensible space requirements, including
21 making the five-foot zone closest to and surrounding structures
22 noncombustible, and taking other fire suppression or prevention
23 measures;

24 (c) consider the impact of fire
25 mitigation measures on wildlife; and

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1 (d) solicit comments from affected
2 landowners, land users and local governments;

3 (3) work with communities in the affected
4 areas in adopting and implementing the building codes and
5 ordinances;

6 (4) develop wildfire preparedness standards
7 for certification that are consistent with and no less
8 stringent than the most recent standards developed by a
9 nationally recognized wildfire prepared standard-setting
10 organization, such as the insurance institute for business and
11 home safety;

12 (5) develop by June 30 of each year guidelines
13 and requirements for eligibility for grants consistent with the
14 provisions of and provided through the wildfire prepared
15 program pursuant to Section 4 of the Wildfire Prepared Act; and

16 [~~4~~] (6) report its progress and any
17 recommendations for legislation to the governor and the
18 legislature by December 15 of each year."

19 SECTION 4. [NEW MATERIAL] WILDFIRE PREPARED PROGRAM.--

20 A. The "wildfire prepared program" is created in
21 the department to make structures and properties in New Mexico
22 wildfire prepared. The department shall provide technical
23 assistance and training, conduct assessments, provide
24 certification and award grants to:

25 (1) political subdivisions of the state to:

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- (a) make changes to structures and properties to make them wildfire prepared;
 - (b) conduct hazardous fuels reduction to provide buffers for structures and properties in high-risk areas; and
 - (c) establish community-based programs to conduct assessments and provide certification; or
- (2) qualified entities to assist eligible property owners with making the necessary changes to their primary residences for the sole purpose of making the primary residences wildfire prepared.

B. At least fifty percent of the grant money awarded pursuant to this section shall be made to qualified entities for the purpose of assisting eligible property owners with making the necessary changes to their primary residences to make them wildfire prepared.

C. Grants awarded pursuant to the wildfire prepared program shall be consistent with the guidelines and requirements developed by the task force.

SECTION 5. [NEW MATERIAL] WILDFIRE PREPARED FUND.--

A. The "wildfire prepared fund" is created as a nonreverting fund in the state treasury to provide funding for the wildfire prepared program. The fund consists of distributions, appropriations, gifts, grants, donations and income from investment of the fund.

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1 B. The department shall administer the fund. Money
2 in the fund is appropriated to the department to administer,
3 staff and carry out the provisions of the Wildfire Prepared
4 Act.

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

9 **SECTION 6. APPROPRIATION.**--Twenty million dollars
10 (\$20,000,000) is appropriated from the general fund to the
11 wildfire prepared fund for expenditure in fiscal year 2025 and
12 subsequent fiscal years for the purposes of the fund and the
13 hiring and training of four full-time employees in the forestry
14 division of the energy, minerals and natural resources
15 department to administer the wildfire prepared program. Any
16 unexpended or unencumbered balance remaining at the end of a
17 fiscal year shall not revert to the general fund.

18 **SECTION 7. REPEAL.**--Laws 2003, Chapter 115, Section 1 is
19 repealed.

20 **SECTION 8. EMERGENCY.**--It is necessary for the public
21 peace, health and safety that this act take effect immediately.