

HOUSE BILL 191

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

INTRODUCED BY

Nathan P. Small

AN ACT

RELATING TO PUBLIC FUNDS; CREATING THE WILDFIRE SUPPRESSION
FUND AND THE WILDFIRE PREPAREDNESS 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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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] WILDFIRE PREPAREDNESS FUND.--

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

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

- 24 (1) wildfire prevention;
25 (2) prepositioning firefighting resources and

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1 conducting wildfire mitigation projects after resources are
2 prepositioned;

3 (3) training firefighting personnel;

4 (4) repairing and replacing wildfire disaster
5 management vehicles and equipment;

6 (5) publicizing and educating the public about
7 wildfire danger conditions; and

8 (6) securing grants and matching funds for
9 wildfire emergencies.

10 C. Expenditures from the fund shall be by warrant
11 of the secretary of finance and administration pursuant to
12 vouchers signed by the secretary of energy, minerals and
13 natural resources or the secretary's authorized representative.

14 D. Nothing in this section limits or prevents the
15 energy, minerals and natural resources department from applying
16 for or being appropriated money for the purpose of wildfire
17 preparedness pursuant to Sections 12-11-24 and 12-11-25 NMSA
18 1978."

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

21 "[NEW MATERIAL] REPORTING--WILDFIRE FUNDS AND
22 EXPENDITURES.--

23 A. The energy, minerals and natural resources
24 department shall by August 15 of each year report to the
25 legislative finance committee and the appropriate legislative

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1 interim committee on the following:

2 (1) the balances of the wildfire suppression
3 fund and wildfire preparedness fund;

4 (2) a summary of wildfire reimbursements;

5 (3) a summary of appropriations made in the
6 prior fiscal year to the energy, minerals and natural resources
7 department pursuant to Sections 12-11-24 and 12-11-25 NMSA
8 1978, which shall include the total money appropriated, how the
9 money was spent and the amount of unexpended and unencumbered
10 money remaining;

11 (4) annual state expenditures for wildfire
12 disaster management and preparation for the previous ten fiscal
13 years;

14 (5) the average annual state expenditure for
15 wildfire disaster management and preparation in the five fiscal
16 years with the highest annual expenditures in the previous ten
17 fiscal years;

18 (6) anticipated wildfire conditions for the
19 next year; and

20 (7) a recommendation for appropriations to the
21 wildfire suppression fund and the wildfire preparedness fund.

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

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1 agreement."

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

4 "68-2-7. [~~FOREST FIRE AND SUPPRESSION DEFINED~~]

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

6 A. "emergency stabilization" means:

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

11 (2) immediate actions to address these
12 threats, including seeding, mulching, installing erosion and
13 water run-off control structures or temporary barriers to
14 protect recovering areas and installing warning signs;

15 B. "fire suppression damage repair" means a series
16 of immediate post-wildfire actions taken to repair damages and
17 minimize potential soil erosion and impacts resulting from fire
18 suppression activities that:

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

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

24 C. "firefighting personnel" means firefighters,
25 fire finance and fire support personnel, emergency-hire

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1 firefighters called for wildfire disaster management and any
2 other firefighters who by agreement or other means assist with
3 wildfire disaster management;

4 D. "firefighting resources" means firefighter
5 personnel, equipment, vehicles, technology and supplies needed
6 to safely conduct wildfire suppression;

7 [A.] E. "forest fire" [means] and "wildfire" mean a
8 fire [burning uncontrolled on lands covered wholly or in part
9 by timber, brush, grass, grain or other vegetation; and]
10 originating from an unplanned ignition, such as lightning,
11 volcanoes, an unauthorized or accidental human-caused fire or a
12 prescribed fire that is declared a wildfire;

13 F. "post-fire rehabilitation" means slope
14 stabilization, erosion control, riparian restoration, seeding
15 and reforestation of areas burned by a wildfire;

16 G. "preposition" means the positioning of
17 firefighting resources in order to rapidly detect and respond
18 to a wildfire;

19 [B.] H. "suppression" means all of the [activities
20 to extinguish, limit or contain forest fire spread] actions
21 taken in response to a wildfire to curtail the spread of the
22 fire and eliminate all identified threats from the fire,
23 beginning with discovery of the fire and continuing until the
24 fire is completely extinguished and fire suppression damage
25 repair and emergency stabilization have occurred;

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I. "wildfire disaster management" means the initial wildfire response, suppression and post-fire rehabilitation and repair; and

J. "wildfire mitigation project" means work performed by firefighting personnel while prepositioned to mitigate future wildfires."

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