

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

.231644.1

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.

.231644.1

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;

.231644.1

- 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

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:

.231644.1

underscored material = new
 [bracketed material] = delete

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.