

SENATE FINANCE COMMITTEE SUBSTITUTE FOR
SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 33

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

AN ACT

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

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

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

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

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 New Mexico
15 resident who owns a residence in New Mexico and meets all
16 requirements developed by the task force to be eligible for a
17 wildfire 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. "property" means the land adjacent to a
24 structure;

25 J. "qualified entity" means a political subdivision

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1 of the state or an entity contracted with for the hardening of
2 structures to be wildfire prepared;

3 K. "residence" means a dwelling structure designed
4 for long-term habitation and its property;

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

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

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

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

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

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

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

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

5 (1) the state fire marshal;
6 (2) the director of the local government
7 division of the department of finance and administration;

8 (3) [~~a representative of~~] the commissioner of
9 public lands;

10 (4) [~~a representative~~] the state director of
11 the federal bureau of land management on behalf of the United
12 States department of the interior [~~appointed by the governor~~
13 ~~after consulting with the department of the interior~~];

14 (5) [~~a representative~~] the regional forester
15 of the United States forest service [~~appointed by the governor,~~
16 ~~after consulting with the forest service~~];

17 (6) a member of a local fire department,
18 appointed by the governor;

19 (7) a member of a volunteer fire department,
20 appointed by the state forester;

21 (8) [~~a representative~~] the director of the New
22 Mexico association of counties;

23 (9) [~~a representative~~] the director of the New
24 Mexico municipal league;

25 (10) the director of the construction

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1 industries division of the regulation and licensing department;

2 (11) the state forester; ~~and~~

3 (12) ~~[a representative of an Indian nation,~~
4 ~~tribe or pueblo, appointed by the governor]~~ the secretary of
5 Indian affairs;

6 (13) the superintendent of insurance;

7 (14) the secretary of homeland security and
8 emergency management;

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

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

15 B. The chair of the task force shall be elected by
16 the task force. The task force shall meet at the call of the
17 chair.

18 C. The public members of the task force shall
19 receive per diem and mileage pursuant to the Per Diem and
20 Mileage Act.

21 D. The ~~[forestry]~~ division ~~[of the energy, minerals~~
22 ~~and natural resources department]~~, with assistance from the
23 department of finance and administration, shall provide staff
24 for the task force.

25 E. The task force shall:

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

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

9 (a) recognize the distinction between
10 altering existing situations and establishing standards for new
11 construction;

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

22 (c) consider the impact of fire
23 mitigation measures on wildlife; and

24 (d) solicit comments from affected
25 landowners, land users and local governments;

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

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

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

14 [~~4~~] (6) report its progress and any
15 recommendations for legislation to the governor and the
16 legislature by December 15 of each year."

17 SECTION 4. [NEW MATERIAL] WILDFIRE PREPARED PROGRAM--NO
18 RIGHT OF ACTION, GUARANTEE OF BENEFITS OR ENFORCEABLE
19 INTEREST.--

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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1 (a) make changes to structures and
2 properties to make them wildfire prepared;

3 (b) conduct hazardous fuels reduction to
4 provide buffers for structures and properties in high-risk
5 areas; and

6 (c) establish community-based programs
7 to conduct assessments and provide certification; or

8 (2) qualified entities to assist eligible
9 property owners with making the necessary changes to their
10 residences for the sole purpose of making the residences
11 wildfire prepared.

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

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

20 D. Nothing in the Wildfire Prepared Act shall
21 create any additional right of action under the law, and the
22 provisions of that act do not guarantee any benefits and shall
23 not be construed to create an interest in property that is
24 enforceable under state law or that does not otherwise exist.

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

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

6 B. The department shall administer the fund. Money
 7 in the fund is appropriated to the department to administer,
 8 staff and carry out the provisions of the Wildfire Prepared
 9 Act.

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 **SECTION 6. REPEAL.**--Laws 2003, Chapter 115, Section 1 is
 15 repealed.

16 **SECTION 7. EMERGENCY.**--It is necessary for the public
 17 peace, health and safety that this act take effect immediately.