

1 SENATE BILL 173

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2024**

3 INTRODUCED BY

4 Steven McCutcheon II and Pat Woods and Jack Chatfield

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10 AN ACT

11 RELATING TO NATURAL RESOURCES; AMENDING THE NATURAL HERITAGE  
12 CONSERVATION ACT; AMENDING DEFINITIONS; REMOVING THE AUTHORITY  
13 OF THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO  
14 ACQUIRE CONSERVATION OR AGRICULTURAL EASEMENTS; REPEALING  
15 SECTION 75-10-7 NMSA 1978 (BEING LAWS 2010, CHAPTER 83, SECTION  
16 7).

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

19 SECTION 1. Section 75-10-1 NMSA 1978 (being Laws 2010,  
20 Chapter 83, Section 1) is amended to read:

21 "75-10-1. SHORT TITLE.--~~[This act]~~ Chapter 75, Article 10  
22 NMSA 1978 may be cited as the "Natural Heritage Conservation  
23 Act"."

24 SECTION 2. Section 75-10-2 NMSA 1978 (being Laws 2010,  
25 Chapter 83, Section 2) is amended to read:

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1 "75-10-2. PURPOSE.--The purpose of the Natural Heritage  
2 Conservation Act is to protect the state's natural heritage,  
3 customs and culture by funding [~~conservation and agricultural~~  
4 ~~easements and by funding~~] land restoration to protect the land  
5 and water available for forests and watersheds, natural areas,  
6 wildlife and wildlife habitat, agricultural production on  
7 working farms and ranches, outdoor recreation and trails and  
8 land and habitat restoration and management."

9 SECTION 3. Section 75-10-3 NMSA 1978 (being Laws 2010,  
10 Chapter 83, Section 3) is amended to read:

11 "75-10-3. DEFINITIONS.--As used in the Natural Heritage  
12 Conservation Act:

13 A. "committee" means the natural lands protection  
14 committee;

15 [~~B. "conservation entity" means a private nonprofit~~  
16 ~~charitable corporation or trust authorized to do business in~~  
17 ~~New Mexico that has tax-exempt status as a public charity~~  
18 ~~pursuant to the federal Internal Revenue Code of 1986 and that~~  
19 ~~has the power to acquire, hold or maintain land or interests in~~  
20 ~~land;~~

21 ~~G.]~~ B. "conservation project" means [~~the~~  
22 ~~acquisition of conservation or agricultural easements from a~~  
23 ~~willing seller or~~] a land restoration project;

24 [~~D.]~~ C. "department" means the energy, minerals and  
25 natural resources department;

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1           ~~[E-]~~ D. "fund" means the natural heritage  
2 conservation fund; and

3           ~~[F-]~~ E. "qualified entity" means a state agency, a  
4 state educational institution named in Article 12, Section 11  
5 of the constitution of New Mexico, a political subdivision of  
6 the state or, for conservation projects wholly within New  
7 Mexico, an Indian tribe or pueblo."

8           SECTION 4. Section 75-10-4 NMSA 1978 (being Laws 2010,  
9 Chapter 83, Section 4) is amended to read:

10           "75-10-4. DEPARTMENT--POWERS AND DUTIES.--

11           A. The department may:

12                   (1) after consultation with landowners,  
13 conservationists and other interested persons, adopt and  
14 promulgate rules to carry out the provisions of the Natural  
15 Heritage Conservation Act;

16                   (2) enter into contracts;

17                   (3) enter into joint powers agreements  
18 pursuant to the Joint Powers Agreements Act to carry out the  
19 provisions of the Natural Heritage Conservation Act;

20                   (4) make grants to qualified entities for  
21 conservation projects;

22                   (5) apply for and receive in the name of the  
23 department any public or private funds available to the  
24 department to carry out the purposes of the Natural Heritage  
25 Conservation Act; and

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1                    [~~(6)~~ acquire conservation or agricultural  
2 ~~easements by itself or with a conservation entity or qualified~~  
3 ~~entity; and~~

4                    ~~(7)]~~ (6) do all other things necessary or  
5 appropriate to carry out the provisions of the Natural Heritage  
6 Conservation Act.

7                    B. The department shall:

8                    (1) establish a competitive application  
9 process for grants from the fund; and

10                    (2) establish criteria and priorities for  
11 funding conservation projects."

12                    SECTION 5. Section 75-10-8 NMSA 1978 (being Laws 2010,  
13 Chapter 83, Section 8) is amended to read:

14                    "75-10-8. CONSERVATION PROJECTS--LIMITATIONS.--

15                    A. The department [~~may~~] shall not acquire:

16                    (1) or receive by gift or bequest conservation  
17 or agricultural easement interests in real property; [~~to~~  
18 ~~advance the purposes of the Natural Heritage Conservation Act.~~

19 ~~No~~] and

20                    (2) easement interests, water rights or other  
21 rights of access [~~shall be acquired pursuant to the Natural~~  
22 ~~Heritage Conservation Act]~~ through exercise of the state's  
23 power of eminent domain or any other condemnation process.

24                    B. Land adjacent to any land subject to a  
25 conservation or agricultural easement that was acquired

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1 pursuant to the Natural Heritage Conservation Act prior to the  
2 effective date of this 2024 act shall not be subjected to any  
3 rules or restrictions as a result of such easement  
4 acquisition."

5 SECTION 6. REPEAL.--Section 75-10-7 NMSA 1978 (being Laws  
6 2010, Chapter 83, Section 7) is repealed.

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