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HOUSE BILL 52

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

Delores C. Wright

AN ACT

**RELATING TO STATE PARKS; PROVIDING FOR LEGISLATIVE APPROVAL
FOR TRANSFERS OF STATE PARK LAND.**

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

**Section 1. Section 16-2-11 NMSA 1978 (being Laws 1935,
Chapter 57, Section 11, as amended) is amended to read:**

**"16-2-11. ACQUISITION OF LANDS FOR PARK AND RECREATIONAL
PURPOSES-- CRITERIA. --**

**A. The state is authorized to acquire lands or
interests in lands for state park or state recreational
purposes by gift, donation, devise or purchase. Acquired
lands or interests in lands shall be held for the use of the
state to develop, maintain and operate them as state parks or
state recreational areas. In acquiring real property or any
interest in real property, the power of eminent domain shall**

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1 not be used. The criteria for acquisition and development
2 shall be those specified in Subsections B through G of this
3 section.

4 B. Sites that may be designated as state parks or
5 state recreational areas shall be only those:

6 (1) having a diversity of resources,
7 including areas of scientific, aesthetic, geologic, natural or
8 historic value;

9 (2) providing recreational opportunities
10 significant enough to assure patronage from a region or
11 preferably from the state as a whole; and

12 (3) conforming to the state comprehensive
13 outdoor recreation plan.

14 C. Lands designated for acquisition or development
15 as state parks or state recreational areas shall be those
16 that:

17 (1) are adjacent to existing parks or
18 recreational areas and are necessary for successful park or
19 recreational area protection and development;

20 (2) help meet recreation and open space
21 demands of metropolitan area residents by emphasizing park or
22 recreational areas within easy access of population centers;

23 (3) preserve the most significant examples of
24 New Mexico natural scenic landscape; [~~and~~] or

25 (4) meet the pressure on primary vacation

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1 regions not adequately supplied with public recreation
2 opportunities.

3 D. Lands that are acquired or developed as state
4 parks or state recreational areas shall be managed and
5 developed according to the following objectives:

6 (1) outdoor recreation shall be recognized as
7 the dominant or primary resources management objective;

8 (2) physical development shall promote the
9 outdoor recreation objective through the use of proper design,
10 materials and construction to enhance and promote the use and
11 enjoyment of the recreational resources in the area;

12 (3) within economical limits, state parks or
13 state recreational facilities shall be landscaped and
14 developed to achieve an environment that is aesthetically
15 pleasing, ecologically functional and complementary to the
16 native environment;

17 (4) use periods for parks or recreational
18 facilities shall be extended by providing a variety of
19 facilities that will attract visitors during all seasons of
20 the year; and

21 (5) all significant historic structures
22 contained in state parks or state recreational areas shall be,
23 within economical limits, reconstructed, restored or
24 stabilized to provide for continued user benefit.

25 E. Factors to be taken into consideration when

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1 lands are considered for acquisition or development as state
2 parks or state recreational areas are:

3 (1) the character of the land resources, such
4 as soil, vegetation, topography and water, that affects the
5 suitability of the lands for development as parks or
6 recreational areas;

7 (2) facilities development to meet the
8 average and slightly higher than average demands rather than
9 the peak demands of summer and the holiday weekends;

10 (3) development priority based upon
11 demonstrated use and demand, balance and distribution of
12 existing facilities and the availability of lands suitable for
13 development; and

14 (4) resources protection shall also be
15 considered a priority if the resources need urgent attention,
16 but the priority shall be determined by the relative value of
17 the resources involved.

18 F. The cost of lands to be proposed for
19 acquisition or development as state parks or state
20 recreational areas should be reasonable, with consideration
21 given to the recreational value of the land on which the state
22 park or state recreational area is to be located. No property
23 shall be purchased that involves commitments, privileges or
24 conditions to any private interest, except that property may
25 be purchased that has restrictions limiting its use to that of

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1 a state park or state recreational area.

2 G. All lands considered for acquisition or
3 development as state parks or state recreational areas shall
4 undergo a feasibility study prior to acquisition or
5 development. [~~Ongoing projects that have already received an~~
6 ~~appropriation at the effective date of this section are~~
7 ~~exempted from the requirements of this section.~~] Feasibility
8 studies shall include:

9 (1) a determination that the proposed area
10 meets the criteria set forth in this section;

11 (2) an estimate of the total development cost,
12 including land acquisition, planning and construction and
13 recommendations for methods of financing the development
14 costs;

15 (3) an estimate of the annual costs for
16 operation and maintenance;

17 (4) an estimate of demand and a projection of
18 visitor use for the proposed area; and

19 (5) an analysis of the proposed area as it
20 relates to plans or development by other governmental agencies
21 or the private sector in adjacent areas.

22 H. The state is authorized, upon the execution of a
23 written agreement between the director of the state [~~park and~~
24 ~~recreation~~] parks division of the energy, minerals and natural
25 resources department and the department, service or agency of

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1 the United States having jurisdiction of lands of the United
2 States, to develop, protect, maintain and operate in
3 accordance with the agreement federally owned lands as state
4 parks or state recreational areas, but the state may not
5 acquire the fee title to or a permanent right in the lands
6 pursuant to such an agreement.

7 I. The designation of sites as suitable for state
8 parks or recreation areas, the designation of certain lands
9 for acquisition or development, the consideration of lands for
10 acquisition or studying the feasibility of acquisition or
11 development of lands shall not create a right of action on the
12 part of any person to force action by the state [~~park and~~
13 ~~recreation~~] parks division of the energy, minerals and natural
14 resources department or the state.

15 J. Any acquisition of land or any interest in land
16 for state park or recreation purposes or any transfer or sale
17 of park land for any purpose shall be approved by the
18 legislature prior to any transfer or sale of park land for any
19 purpose or the execution of a written agreement binding the
20 state to expenditure of funds for acquisition or development
21 of state parks or recreation areas.

22 K. Only lands or interests in lands acquired or
23 retained in accordance with the provisions of this section and
24 operated pursuant to the authority of the state [~~park and~~
25 ~~recreation~~] parks division of the energy, minerals and natural

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1 resources department may use the designation of "state park"
2 or "state recreational area". "

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