

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: HJC DATE TYPED: 03/21/03 HB CS/424/aSFI#1

SHORT TITLE: Negotiated Sale of Public Property SB _____

ANALYST: Geisler

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY03	FY04			
		Indeterminate	Recurring	OSF

/(Parenthesis () Indicate Revenue Decreases)

SOURCES OF INFORMATION

Attorney General (AG)
General Services Department (GSD)

SUMMARY

Synopsis of SFI Amendment

The Senate Floor Amendment #1 to House Judiciary Committee Substitute for House Bill 424 make technical corrections to the bill to clarify that real property can be sold or otherwise be disposed of to a governmental unit of a Indian nation, tribe, or pueblo that is authorized to purchase land and control activities on its land by act of Congress or to purchase land on behalf of the Indian nation, tribe or pueblo.

The exemptions to the provisions of this section is expanded to include the state parks division of the energy, mineral, and natural resources department.

With this amendment, HB 424 and the companion SB 690 are equivalent. The House concurred with the Senate Floor Amendment and HB 424 has passed both Houses.

Synopsis of Original Bill

This bill would amend certain provisions of the general statute authorizing state agencies, local public bodies, school districts or state educational institutions to dispose of real or tangible personal property by providing separate provisions for the two different types of property.

In new section B(1), authority to dispose of real property to an Indian nation, tribe or pueblo is expanded to include disposal to a governmental unit of the nation, tribe or pueblo.

In new section I (G in existing law), the exemptions to the provisions of this section is expanded to include leases of county hospitals with any person pursuant to the Hospital Funding Act.

Significant Issues

Expansion of the category of Indian nations, tribes and pueblos to include subordinate governmental units within the nation, tribe or pueblo could raise sovereignty issues to the extent that the Indian nation, tribe or pueblo has not authorized a particular governmental unit to hold title to real property, or to negotiate purchases of land.

Expansions of the exclusions to include certain leases of county hospitals clears up confusion resulting from the enactment of two laws in 2001, one of which included this exclusion and one of which did not. (N.M. Laws Chp. 317, sec. 2 and Chp. 291, sec. 9)

Expansion of the authorized disposals to include negotiated sale with a private person would similarly clear up issues arising in the context of leases between a museum and its supporting foundation.

FISCAL IMPLICATIONS

GSD's agency for surplus property has an initial estimate of a negative impact of \$100.0 per year in internal service revenue.

ALTERNATIVES

Clarify section B (1) by inserting "authorized" before "...governmental unit of a Indian nation, tribe or pueblo in New Mexico".

GG/prt/lr:yr