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FISCAL IMPACT REPORT

SPONSOR Cisneros DATE TYPED 3/9/05 HB _____

SHORT TITLE Create Land Exchange Review Board SB 993

ANALYST Aguilar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			\$10.0	Recurring	State Lands Maintenance Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)
 Department of Game & Fish (DGF)
 New Mexico Department of Transportation (NMDOT)
 General Service Department (GSD)

SUMMARY

Synopsis of Bill

Creates a land exchange review board to review all proposed exchanges of state lands, and requires the commissioner of public lands to annually provide an inventory of all state lands available for public access and recreational use and to receive comments from interested parties on the multiple uses of state lands.

Significant Issues

Senate Bill 993 provides for the appointment of members consisting of two members appointed by the Commissioner of Public Lands, two members appointed by the Governor, one member by the Speaker of the House and one member appointed by the President Pro Tempore of the Senate and a member appointed by the governing body of each beneficiary of the state land proposed to be exchanged. When the public schools are the beneficiary, the Secretary of the Public Education Department (PED) shall appoint a member.

As written, the bill appears to apply to lands owned by the State Land Office. However, other state agencies and commissions, including the State Game Commission, General Services Department and the Department of Transportation, own properties in the state that could be referred to as “state lands”.

Clarification needs to be made if the purpose of the review board is strictly confined to State Land Office lands. Likewise, if the intent is to apply to all state lands regardless of agency ownership, language should be added to include appropriate board membership, and to clarify the duties of any affected agency head or commission.

The department of transportation notes this legislation may impose a significant burden upon the department. Traditionally, statutes have exempted NMDOT and its land holdings from the control and review of the State Land Office and other agencies. This bill could alter that situation. At present, NMDOT is authorized to obtain necessary right-of-way and other lands, as needed, by sale or exchange. It is not uncommon for NMDOT to enter into land exchanges to obtain necessary rights-of-way.

FISCAL IMPLICATIONS

Providing travel and per diem is estimated to be approximately \$7 thousand annually from the state land maintenance fund. An additional \$3 thousand is expected in other support costs.

ADMINISTRATIVE IMPLICATIONS

The state land office will require a measure of support to staff this board. The agency can absorb these costs within existing budget.

PA/yr