HOUSE BILL 292

51ST LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2013

INTRODUCED BY

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AN ACT

RELATING TO PUBLIC LANDS; CREATING THE TRANSFER OF PUBLIC LANDS ACT; DEFINING PUBLIC LANDS TO BE TRANSFERRED FROM THE FEDERAL GOVERNMENT TO THE STATE; DEVELOPING A MECHANISM FOR THE TRANSFER OF FEDERAL PUBLIC LANDS TO THE STATE; CREATING THE PUBLIC LANDS TRANSFER TASK FORCE.

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

SECTION 1. SHORT TITLE.--This act may be cited as the "Transfer of Public Lands Act".

SECTION 2. DEFINITIONS.--As used in the Transfer of Public Lands Act:

   A. "public lands" means lands within the exterior boundaries of this state except:

      (1) lands to which title is held by a person who is not a governmental entity;

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(2) lands owned or held in trust by this
state, a political subdivision of this state or an independent
entity;

(3) lands reserved for use by the state for
education and internal improvements, as described in the
provisions of the Enabling Act for New Mexico;

(4) lands within the exterior boundaries as of
January 1, 2013 of the following that are designated as
national parks or national historical parks:

(a) Carlsbad caverns national park;

(b) Chaco culture national historical
park; and

(c) Pecos national historical park;

(5) lands within the exterior boundaries as of
January 1, 2013 of the following national monuments managed by
the national park service as of January 1, 2013:

(a) Aztec ruins national monument;

(b) Bandelier national monument;

(c) Capulin volcano national monument;

(d) El Malpais national monument;

(e) El Morro national monument;

(f) Fort Union national monument;

(g) Gila cliff dwellings national
monument;

(h) Kasha-Katuwe tent rocks national
monument;

(i) Petroglyph national monument;

(j) Prehistoric trackways national monument;

(k) Salinas Pueblo missions national monument; and

(l) White Sands national monument;

(6) lands within the exterior boundaries as of January 1, 2013 of the following wilderness areas located in the state that, as of January 1, 2013, are designated as part of the national wilderness preservation system under the federal Wilderness Act of 1964:

(a) Aldo Leopold wilderness;

(b) Apache kid wilderness;

(c) Bandelier wilderness;

(d) Bisti/De-Na-Zin wilderness;

(e) Blue range wilderness;

(f) Bosque del Apache wilderness;

(g) Capitan mountains wilderness;

(h) Carlsbad caverns wilderness;

(i) Cebolla wilderness;

(j) Chama river canyon wilderness;

(k) Cruces basin wilderness;

(l) Dome wilderness;

(m) Gila wilderness;
(n) Latir peak wilderness;
(o) Manzano mountain wilderness;
(p) Ojito wilderness;
(q) Pecos wilderness;
(r) Sabinoso wilderness;
(s) Salt creek wilderness;
(t) San Pedro parks wilderness;
(u) Sandia mountain wilderness;
(v) West Malpais wilderness;
(w) Wheeler peak wilderness;
(x) White mountain wilderness; and
(y) Withington wilderness;

(7) lands with respect to which the
jurisdiction is ceded to the United States as provided in
Sections 19-2-6 through 19-2-9 and 19-2-11 NMSA 1978 or under
Clause 17 of Section 8 of Article I of the United States
constitution;

(8) real property or tangible personal
property owned by the United States if the property is within
the boundaries of a municipality; or

(9) lands, including water rights, belonging
to an Indian nation, tribe, pueblo, band or community that is
held in trust by the United States or is subject to a
restriction against alienation imposed by the United States;

B. "task force" means the public lands transfer
task force; and

C. "net proceeds" means the proceeds from the sale of public lands, after subtracting expenses incident to the sale of the public lands.

SECTION 3. LAND GRANTS.--Nothing in the Transfer of Public Lands Act shall be construed as to prejudice or adversely affect any rights, claims or privileges of New Mexico's historic land grants.

SECTION 4. TRANSFER OF PUBLIC LANDS.--

A. On or before December 31, 2015, the United States shall:

(1) extinguish title to public lands; and

(2) transfer title to public lands to the state.

B. If the state transfers title to any public lands with respect to which the state receives title under Paragraph (2) of Subsection A of this section, the state shall:

(1) retain five percent of the net proceeds the state receives from the transfer of title; and

(2) pay ninety-five percent of the net proceeds the state receives from the transfer of title to the United States.

C. In accordance with Article 12, Section 2 of the constitution of New Mexico, the amounts the state retains in accordance with Paragraph (1) of Subsection B of this section.
shall be deposited into the permanent school fund.

SECTION 5. PUBLIC LANDS TRANSFER TASK FORCE.--

A. The "public lands transfer task force" is created. The task force shall be composed of the following members:

1. four members of the legislature, two from each chamber, appointed by the speaker of the house of representatives and the president pro tempore of the senate;
2. the commissioner of public lands or the commissioner's designee;
3. the secretary of energy, minerals and natural resources or the secretary's designee;
4. the state forester or the state forester's designee;
5. the director of the state parks division of the energy, minerals and natural resources department or the director's designee;
6. the secretary of general services or the secretary's designee;
7. the state treasurer or the state treasurer's designee;
8. the secretary of transportation or the secretary's designee;
9. the secretary of cultural affairs or the secretary's designee;
(10) the secretary of finance and administration or the secretary's designee;

(11) the secretary of Indian affairs or the secretary's designee;

(12) the president of the land grant council or the president's designee; and

(13) the executive director of the New Mexico association of counties or the executive director's designee.

B. The co-chairs of the task force shall be the commissioner of public lands or the commissioner's designee, and the secretary of energy, minerals and natural resources or the secretary's designee.

C. The legislative council service, the state land office and the energy, minerals and natural resources department shall provide staff for the task force.

D. The task force shall hold its first meeting on or before July 1, 2013, shall meet regularly and shall report annually to the legislature with an update on the progress the task force has made concerning facilitating the transfer of public lands to the state. Staff for the task force shall meet before the first meeting of the task force to prepare for that meeting.

E. The task force shall report at least one time during the interim to the legislative finance committee and to any interim committee created by the New Mexico legislative
council to consider Native American affairs, land grant issues, 
water and natural resources or economic and rural development. 
The task force shall promptly agree to any request for a report 
to any other interim legislative committee that desires an 
update on its work.

F. The task force shall take testimony from 
representatives of a wide spectrum of groups, including 
environmental organizations, farmers, hunting and fishing 
organizations, ranchers and outdoor sporting organizations, 
before proposing any legislation.

G. During the 2013 interim, the task force shall 
prepare proposed legislation:

   (1) creating a public lands commission to:

           (a) administer the transfer of title of 
           public lands to the state; and

           (b) address the management of public 
           lands and the management of multiple uses of public lands, 
           including addressing managing open spaces, access to public 
           lands, local planning and the sustainable yield of natural 
           resources on public lands;

   (2) establishing actions that shall be taken 
to secure, preserve and protect the state's rights and benefits 
related to the United States' duty to have extinguished title 
to public lands, in the event that the United States does not 
meet the requirements of the Transfer of Public Lands Act;
(3) making any necessary modifications to the definition of "public lands" in the Transfer of Public Lands Act, including any necessary modifications to the list provided in Paragraphs (4) through (6) of Subsection A of Section 2 of the Transfer of Public Lands Act;

(4) making a determination of or a process for determining interests, rights or uses related to:

(a) easements;
(b) geothermal resources;
(c) grazing;
(d) land grants;
(e) mining;
(f) natural gas;
(g) oil;
(h) recreation;
(i) rights of entry;
(j) special uses;
(k) timber;
(l) water; or
(m) other natural resources or other resources; and

(5) determining what constitutes "expenses incident to the sale of public lands" described in Subsection C of Section 2 of the Transfer of Public Lands Act.

H. During the 2013 interim, the task force shall
study and determine whether to prepare proposed legislation:

(1) administering the process for:

(a) the United States to extinguish title to public lands;

(b) the state to receive title to public lands from the United States; or

(c) the state to transfer title to any public lands the state receives in accordance with the Transfer of Public Lands Act;

(2) establishing a prioritized list of management actions for the state and the political subdivisions of the state to perform on public lands:

(a) before and after the United States extinguishes title to public lands; and

(b) to preserve and promote the state's interest in: 1) protecting public health and safety; 2) preventing catastrophic wildfire and forest insect infestation; 3) preserving watersheds; 4) preserving and enhancing energy and the production of minerals; 5) preserving and improving range conditions; and 6) increasing plant diversity and reducing invasive weeds on range and woodland portions of the public lands;

(3) establishing procedures and requirements for subjecting public lands to property taxation;

(4) establishing other requirements related to
national forests, national recreation areas or other public
lands administered by the United States; and

(5) addressing the indemnification of a
political subdivision of the state for actions taken in
furtherance of the Transfer of Public Lands Act.

I. The task force may study any other issue related
to public lands as determined by the task force.

SECTION 6. TEMPORARY PROVISION.--The public lands
transfer task force is terminated on July 1, 2016.

SECTION 7. SEVERABILITY.--If any part or application of
the Transfer of Public Lands Act is held invalid, the remainder
or its application to other situations or persons shall not be
affected.

SECTION 8. EFFECTIVE DATE.--The effective date of the
provisions of this act is July 1, 2013.