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HOUSE BILL 38
44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

INTRODUCED BY
Max Coll

FOR THE LEGISLATIVE FINANCE COMMITTEE

AN ACT

RELATING TO STATE PARKS; TRANSFERRING THE STATE PARKS DIVISION FROM THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO THE TOURISM DEPARTMENT.

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

Section 1. Section 7-1-6.38 NMSA 1978 (being Laws 1994, Chapter 145, Section 1, as amended) is amended to read:

"7-1-6.38. DISTRIBUTION-- GOVERNMENTAL GROSS RECEIPTS TAX. --

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the public project revolving fund administered by the New Mexico finance authority in an amount equal to seventy-five percent of the net receipts attributable to the governmental gross receipts tax.

B. A distribution pursuant to Section 7-1-6.1 NMSA

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1 1978 shall be made to the energy, minerals and natural
2 resources department and the tourism department in an amount
3 equal to twenty-five percent of the net receipts attributable
4 to the governmental gross receipts tax. Forty percent of the
5 distribution is appropriated to the energy, minerals and
6 natural resources department to implement the provisions of
7 the New Mexico Youth Conservation Corps Act, and sixty percent
8 of the distribution is appropriated to the [~~energy, minerals~~
9 ~~and natural resources~~] tourism department for state park and
10 recreation area capital improvements, including the costs of
11 planning, engineering, design, construction, renovation,
12 repair, equipment and furnishings.

13 C. The state pledges to and agrees with the
14 holders of any bonds or notes issued by the New Mexico finance
15 authority [~~or by~~], the energy, minerals and natural resources
16 department, tourism department and payable from the net
17 receipts attributable to the governmental gross receipts tax
18 distributed to the New Mexico finance authority [~~or~~], the
19 energy, minerals and natural resources department or the
20 tourism department pursuant to this section that the state
21 will not limit, reduce or alter the distribution of the net
22 receipts attributable to the governmental gross receipts tax
23 to the New Mexico finance authority [~~or~~], the energy, minerals
24 and natural resources department, or the tourism department or
25 limit, reduce or alter the rate of imposition of the

underscored material = new
[bracketed material] = delete

1 governmental gross receipts tax until the bonds or notes
2 together with the interest thereon are fully met and
3 discharged. [~~The New Mexico finance authority and the energy,~~
4 ~~minerals and natural resources department are authorized to~~
5 ~~include~~] This pledge and agreement of the state shall be
6 included in any agreement with the holders of the bonds or
7 notes. "

8 Section 2. Section 9-5A-3 NMSA 1978 (being Laws 1987,
9 Chapter 234, Section 3, as amended by Laws 1997, Chapter 137,
10 Section 1 and also by Laws 1997, Chapter 149, Section 2) is
11 amended to read:

12 "9-5A-3. DEPARTMENT ESTABLISHED. --

13 A. There is created in the executive branch the
14 "energy, minerals and natural resources department". The
15 department shall be a cabinet department and shall include
16 [~~but not be limited to~~] the following organizational units:

- 17 (1) the administrative services division;
- 18 [~~(2) the state parks division;~~
- 19 ~~(3)]~~ (2) the forestry division; [~~which shall~~
20 ~~include a soil and water conservation bureau~~
- 21 ~~(4)]~~ (3) the energy conservation and
22 management division;
- 23 [~~(5)]~~ (4) the mining and minerals division;
- 24 and
- 25 [~~(6)]~~ (5) the oil conservation division.

underscored material = new
[bracketed material] = delete

1 B. The state game commission is administratively
2 attached to the department. "

3 Section 3. Section 9-5A-4 NMSA 1978 (being Laws 1987,
4 Chapter 234, Section 4, as amended) is amended to read:

5 "9-5A-4. DIVISIONS--DUTIES.--In addition to the duties
6 assigned to each division of the energy, minerals and natural
7 resources department by the secretary of energy, minerals and
8 natural resources:

9 A. the administrative services division shall
10 provide clerical, recordkeeping and administrative support to
11 the department in the areas of personnel, budget, procurement
12 and contracting;

13 B. the energy conservation and management division
14 shall plan, administer, review, provide technical assistance,
15 maintain records and monitor state and federal energy
16 conservation and alternative energy technology programs;

17 C. the forestry division shall enforce and
18 administer [~~all~~] laws and [~~regulations~~] rules relating to
19 forestry on lands within the state;

20 D. the mining and minerals division shall enforce
21 and administer laws and [~~regulations~~] rules relating to mine
22 safety, coal surface mine reclamation and abandoned mine lands
23 reclamation; and

24 E. the oil conservation division shall administer
25 [~~the~~] laws and [~~regulations~~] rules relating to oil, gas and

underscored material = new
[bracketed material] = delete

1 geothermal resources, except those laws specifically
2 administered by another authority [and

3 ~~F. the state park and recreation division shall~~
4 ~~develop, maintain, manage and supervise all state parks and~~
5 ~~state owned or state leased recreation areas]. "~~

6 Section 4. Section 9-15A-3 NMSA 1978 (being Laws 1991,
7 Chapter 21, Section 3, as amended) is amended to read:

8 "9-15A-3. DEPARTMENT ESTABLISHED. --There is created in
9 the executive branch the "tourism department". The department
10 shall be a cabinet department and shall consist of [~~but not be~~
11 ~~limited to, three~~] four divisions as follows:

- 12 A. the travel and marketing division;
- 13 B. the New Mexico magazine division; [and]
- 14 C. the administrative services division; and
- 15 D. the state parks division."

16 Section 5. Section 16-2-2 NMSA 1978 (being Laws 1977,
17 Chapter 254, Section 113, as amended) is amended to read:

18 "16-2-2. STATE PARK AND RECREATION ADVISORY COMMITTEE
19 ~~CREATED-- MEMBERSHIP-- COMPENSATION-- DUTIES. --~~

20 A. The "state park and recreation advisory
21 committee" to the state [~~park and recreation division of the~~
22 ~~energy, minerals and natural resources~~] parks division of the
23 tourism department is created. It shall be composed of seven
24 to eleven members appointed by the governor.

25 B. The parks and recreation advisory committee

underscored material = new
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1 shall provide advice and make recommendations relating to the
2 administration of [~~the state park and recreation division~~]
3 parks and recreation areas. It shall advise on all matters of
4 policy, [~~regulations~~] rules, the formulation of a
5 comprehensive statewide recreation plan and such other matters
6 as may be requested by the [~~director of that~~] state parks
7 division.

8 C. The parks and recreation advisory committee
9 shall meet quarterly or at the call of the chairman.

10 D. [~~Each member of~~] The parks and recreation
11 advisory committee shall annually elect a chairman and vice
12 chairman from its membership. The [~~director of the state park~~
13 ~~and recreation~~] state parks division [~~of the energy, minerals~~
14 ~~and natural resources department~~] shall [~~serve as the~~
15 ~~executive secretary of~~] staff the committee."

16 Section 6. Section 16-2-3 NMSA 1978 (being Laws 1977,
17 Chapter 254, Section 12, as amended) is amended to read:

18 "16-2-3. MEANING OF DESIGNATIONS. -- Wherever in the laws
19 of New Mexico [~~whether or not the statutes have been compiled~~
20 ~~in NMSA 1978~~] reference is made to the "state park and
21 recreation commission" [~~or to the "commission"~~], the term
22 [~~shall mean~~] means the state [~~park and recreation~~] parks
23 division of the [~~energy, minerals and natural resources~~]
24 tourism department. As used in Chapter 16 NMSA 1978,
25 "secretary" means the secretary of [~~energy, minerals and~~

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1 ~~natural resources]~~ tourism. "

2 Section 7. Section 16-2-10 NMSA 1978 (being Laws 1935,
3 Chapter 57, Section 10, as amended) is amended to read:

4 "16-2-10. SECRETARY AND EMPLOYEES PROHIBITED FROM HAVING
5 INTEREST IN CONCESSIONS. --Neither the secretary nor any member
6 of the [~~energy, minerals and natural resources]~~ tourism
7 department shall have any interest in, directly or indirectly,
8 or in any manner be connected with any concession granted to
9 any person within any state park or recreation area. "

10 Section 8. TEMPORARY PROVISION--TRANSFER OF PROPERTY,
11 CONTRACTS AND STATUTORY REFERENCES. --

12 A. On July 1, 1999, all personnel, money,
13 appropriations, records, equipment, furnishings and other
14 property belonging to the state parks division of the energy,
15 minerals and natural resources department shall be transferred
16 to the state parks division of the tourism department.

17 B. On July 1, 1999, all existing contracts and
18 other obligations of the state parks division of the energy,
19 minerals and natural resources department shall be binding on
20 the state parks division of the tourism department.

21 C. On July 1, 1999, all references in law to the
22 state park recreation division or the state parks division of
23 the energy, minerals and natural resources department shall be
24 construed to be references to the state parks division of the
25 tourism department.

1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999
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6 February 9, 1999
7

8 Mr. Speaker:
9

10 Your GOVERNMENT AND URBAN AFFAIRS COMMITTEE, to
11 whom has been referred
12

13 HOUSE BILL 38
14

15 has had it under consideration and reports same with
16 recommendation that it DO PASS, and thence referred to the
17 APPROPRIATIONS AND FINANCE COMMITTEE.

18 Respectfully submitted,
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22 _____
23 James G. Taylor, Chairman
24
25

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FORTY-FOURTH LEGISLATURE
FIRST SESSION, 1999

3 **HGUAC/HB 38**

Page 10

4 **Adopted** _____ **Not Adopted** _____

6 (Chief Clerk)

(Chief Clerk)

8 **Date** _____

10 The roll call vote was 4 For 3 Against

11 **Yes:** 4

12 **No:** Hobbs, Mallory, Wallace

13 **Excused:** None

14 **Absent:** None

16 J:\99BillsWP\H0038

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1 FORTY- FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3
4 February 15, 1999

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6
7 Mr. Speaker:

8
9 Your APPROPRIATIONS AND FINANCE COMMITTEE, to
10 whom has been referred

11 HOUSE BILL 38

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13 has had it under consideration and reports same with
14 recommendation that it DO NOT PASS, but that

15
16 HOUSE APPROPRIATIONS AND FINANCE COMMITTEE
17 SUBSTITUTE FOR HOUSE BILL 38

18 DO PASS.
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1 FORTY-FOURTH LEGISLATURE
2 FIRST SESSION, 1999

3 Page 12

4 Respectfully submitted,
5

6 _____
7
8 Max Coll, Chairman
9

10
11 Adopted _____

12 (Chief Clerk)

11 Not Adopted _____

12 (Chief Clerk)

13
14 Date _____
15

16 The roll call vote was 11 For 5 Against

17 Yes: 11

18 No: Buffett, Larrañaga, Marquardt, Parsons, Pearce

19 Excused: Abeyta

20 Absent: None

21 J:\99BillsWP\H0038
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HOUSE APPROPRIATIONS AND FINANCE COMMITTEE SUBSTITUTE
FOR HOUSE BILL 38

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1999

AN ACT

RELATING TO STATE PARKS; CREATING THE STATE PARKS DEPARTMENT;
PROVIDING FOR ADMINISTRATIVE ATTACHMENT AND ADMINISTRATIVE
SERVICES TO BE PROVIDED BY THE TOURISM DEPARTMENT; MAKING
TRANSFERS.

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

Section 1. Section 7-1-6.38 NMSA 1978 (being Laws 1994,
Chapter 145, Section 1, as amended) is amended to read:

"7-1-6.38. DISTRIBUTION-- GOVERNMENTAL GROSS RECEIPTS
TAX. --

A. A distribution pursuant to Section 7-1-6.1 NMSA
1978 shall be made to the public project revolving fund
administered by the New Mexico finance authority in an amount
equal to seventy-five percent of the net receipts attributable
to the governmental gross receipts tax.

B. A distribution pursuant to Section 7-1-6.1 NMSA
1978 shall be made to the energy, minerals and natural
resources department and the state parks department in an

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1 amount equal to twenty-five percent of the net receipts
2 attributable to the governmental gross receipts tax. Forty
3 percent of the distribution is appropriated to the energy,
4 minerals and natural resources department to implement the
5 provisions of the New Mexico Youth Conservation Corps Act, and
6 sixty percent of the distribution is appropriated to the
7 ~~[energy, minerals and natural resources]~~ state parks
8 department for state park and recreation area capital
9 improvements, including the costs of planning, engineering,
10 design, construction, renovation, repair, equipment and
11 furnishings.

12 C. The state pledges to and agrees with the
13 holders of any bonds or notes issued by the New Mexico finance
14 authority ~~[or by]~~, the energy, minerals and natural resources
15 department or the state parks department and payable from the
16 net receipts attributable to the governmental gross receipts
17 tax distributed to the New Mexico finance authority ~~[or]~~, the
18 energy, minerals and natural resources department or the state
19 parks department pursuant to this section that the state will
20 not limit, reduce or alter the distribution of the net
21 receipts attributable to the governmental gross receipts tax
22 to the New Mexico finance authority ~~[or]~~, the energy, minerals
23 and natural resources department or the state parks department
24 or limit, reduce or alter the rate of imposition of the
25 governmental gross receipts tax until the bonds or notes
together with the interest thereon are fully met and
discharged. ~~[The New Mexico finance authority and the energy,~~
~~minerals and natural resources department are authorized to~~

1 ~~include~~] This pledge and agreement of the state shall be
 2 included in any agreement with the holders of the bonds or
 3 notes. "

4 Section 2. Section 9-5A-3 NMSA 1978 (being Laws 1987,
 5 Chapter 234, Section 3, as amended by Laws 1997, Chapter 137,
 6 Section 1 and also by Laws 1997, Chapter 149, Section 2) is
 amended to read:

7 "9-5A-3. DEPARTMENT ESTABLISHED. --

8 A. There is created in the executive branch the
 9 "energy, minerals and natural resources department". The
 10 department shall be a cabinet department and shall include
 11 [~~but not be limited to~~] the following organizational units:

- 12 (1) the administrative services division;
- 13 [~~(2) the state parks division;~~
- 14 ~~(3)] (2) the forestry division; [~~which shall~~~~
~~include a soil and water conservation bureau;~~
- 15 ~~(4)] (3) the energy conservation and~~
 16 management division;
- 17 [~~(5)] (4) the mining and minerals division;~~
- 18 and
- 19 [~~(6)] (5) the oil conservation division.~~

20 B. The state game commission is administratively
 21 attached to the department. "

22 Section 3. Section 9-5A-4 NMSA 1978 (being Laws 1987,
 23 Chapter 234, Section 4, as amended) is amended to read:

24 "9-5A-4. DIVISIONS--DUTIES.--In addition to the duties
 25 assigned to each division of the energy, minerals and natural
 resources department by the secretary of energy, minerals and

underscored material = new
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1 natural resources:

2 A. the administrative services division shall
3 provide clerical, recordkeeping and administrative support to
4 the department in the areas of personnel, budget, procurement
5 and contracting;

6 B. the energy conservation and management division
7 shall plan, administer, review, provide technical assistance,
8 maintain records and monitor state and federal energy
9 conservation and alternative energy technology programs;

10 C. the forestry division shall enforce and
11 administer ~~[all]~~ laws and ~~[regulations]~~ rules relating to
12 forestry on lands within the state;

13 D. the mining and minerals division shall enforce
14 and administer laws and ~~[regulations]~~ rules relating to mine
15 safety, coal surface mine reclamation and abandoned mine lands
16 reclamation; and

17 E. the oil conservation division shall administer
18 ~~[the]~~ laws and ~~[regulations]~~ rules relating to oil, gas and
19 geothermal resources, except those laws specifically
20 administered by another authority ~~[and~~

21 ~~F. the state park and recreation division shall
22 develop, maintain, manage and supervise all state parks and
23 state-owned or state-leased recreation areas]. "~~

24 Section 4. Section 16-2-2 NMSA 1978 (being Laws 1977,
25 Chapter 254, Section 113, as amended) is amended to read:

"16-2-2. STATE PARK AND RECREATION ADVISORY COMMITTEE
CREATED-- MEMBERSHIP-- COMPENSATION-- DUTIES. --

A. The "state park and recreation advisory

underscored material = new
[bracketed material] = delete

1 committee" to the state [~~park and recreation division of the~~
2 ~~energy, minerals and natural resources~~] parks department is
3 created. It shall be composed of seven to eleven members
4 appointed by the governor.

5 B. The parks and recreation advisory committee
6 shall provide advice and make recommendations relating to the
7 administration of [~~the state park and recreation division~~]
8 parks and recreation areas. It shall advise on all matters of
9 policy, [~~regulations~~] rules, the formulation of a
10 comprehensive statewide recreation plan and such other matters
11 as may be requested by the [~~director of that division~~]
12 superintendent of state parks.

13 C. The parks and recreation advisory committee
14 shall meet quarterly or at the call of the chairman.

15 D. [~~Each member of~~] The parks and recreation
16 advisory committee shall annually elect a chairman and vice
17 chairman from its membership. The [~~director of the state park~~
18 ~~and recreation division of the energy, minerals and natural~~
19 ~~resources department~~] state parks department shall [~~serve as~~
20 ~~the executive secretary of~~] staff the committee."

21 Section 5. Section 16-2-3 NMSA 1978 (being Laws 1977,
22 Chapter 254, Section 12, as amended) is amended to read:

23 "16-2-3. MEANING OF DESIGNATIONS. -- Wherever in the laws
24 of New Mexico [~~whether or not the statutes have been compiled~~
25 ~~in NMSA 1978~~] reference is made to the "state park and
recreation commission" [~~or to the "commission"~~], the term
[~~shall mean~~] means the state [~~park and recreation division of~~
~~the energy, minerals and natural resources~~] parks department.

1 As used in Chapter 16 NMSA 1978, "secretary" means the
2 [~~secretary of energy, minerals and natural resources~~]
3 superintendent of state parks."

4 Section 6. Section 16-2-10 NMSA 1978 (being Laws 1935,
5 Chapter 57, Section 10, as amended) is amended to read:

6 "16-2-10. [~~SECRETARY~~] SUPERINTENDENT AND EMPLOYEES
7 PROHIBITED FROM HAVING INTEREST IN CONCESSIONS. -- Neither the
8 [~~secretary~~] superintendent nor any member of the [~~energy,~~
9 ~~minerals and natural resources~~] state parks department shall
10 have any interest in, directly or indirectly, or in any manner
11 be connected with any concession granted to any person within
12 any state park or recreation area."

13 Section 7. A new section of Chapter 16, Article 2 NMSA
14 1978 is enacted to read:

15 "[NEW MATERIAL] DEPARTMENT CREATED-- SUPERINTENDENT--
16 DEPARTMENT STRUCTURE. --

17 A. The "state parks department" is created in the
18 executive branch. The department is not a cabinet-level
19 department. The department shall be administered by a
20 "superintendent of state parks" appointed by the governor with
21 the advice and consent of the senate. The superintendent
22 shall have education and practical field experience in the
23 field of parks and recreation and have demonstrated
24 administrative capabilities in parks management. The
25 superintendent shall hold office at the pleasure of the
governor.

B. Except for statutorily created organizational
units, the superintendent may organize the department as he

1 deems necessary to carry out the functions of the department.

2 C. The superintendent may establish "divisions" to
3 be head by "directors". Directors shall be appointed with the
4 approval of the governor. Directors serve at the pleasure of
5 the superintendent and are exempt from the Personnel Act.

6 D. The superintendent may establish "bureaus" to
7 be headed by "chiefs". Chiefs and subsidiary personnel shall
8 be covered by the Personnel Act."

9 Section 8. A new section of Chapter 16, Article 2 NMSA
10 1978 is enacted to read:

11 "[NEW MATERIAL] ADMINISTRATIVE ATTACHMENT--TOURISM
12 DEPARTMENT TO PROVIDE ADMINISTRATIVE SERVICES.--The state
13 parks department is administratively attached to the tourism
14 department. The tourism department shall provide all clerical
15 services in the areas of personnel and budget preparation,
16 record-keeping and administrative support."

17 Section 9. A new section of Chapter 16, Article 2 NMSA
18 1978 is enacted to read:

19 "[NEW MATERIAL] SUPERINTENDENT--GENERAL POWERS AND
20 DUTIES.--

21 A. The superintendent of state parks is
22 responsible to the governor for the operation of the
23 department. It is his duty to manage all operations of the
24 state parks department and to administer and enforce the laws
25 with which he or the department is charged.

B. To perform his duties, the superintendent has
every power expressly enumerated in the laws, whether granted
to the superintendent or the department or any division of the

underscored material = new
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1 department, except where authority conferred upon any division
2 is explicitly exempted from the superintendent's authority by
3 statute. In accordance with these provisions, the
4 superintendent shall:

5 (1) exercise general supervisory and
6 appointing authority over all department employees, subject to
7 any applicable personnel laws and regulations;

8 (2) delegate authority to subordinates as he
9 deems necessary and appropriate, clearly delineating such
10 delegated authority and the limitations thereto;

11 (3) organize the department into those
12 organizational units he deems will enable it to function most
13 efficiently, subject to any provisions of law requiring or
14 establishing specific organizational units;

15 (4) within the limitations of available
16 appropriations and applicable laws, employ and fix the
17 compensation of those persons necessary to discharge his
18 duties;

19 (5) take administrative action by issuing
20 orders and instructions, not inconsistent with the law, to
21 assure implementation of and compliance with the provisions of
22 law for whose administration or execution he is responsible
23 and to enforce those orders and instructions by appropriate
24 administrative action or actions in the courts;

25 (6) conduct research and studies that will
improve the operations of the department and the provision of
services to the citizens of the state;

(7) provide courses of instruction and

1 practical training for employees of the department and other
2 persons involved in the administration of programs, with the
3 objective of improving the operations and efficiency of
4 administration;

5 (8) prepare an annual budget of the
6 department; and

7 (9) provide cooperation, at the request of
8 heads of administratively-attached agencies, in order to:

9 (a) minimize or eliminate duplication
10 of services and jurisdictional conflicts; and

11 (b) coordinate activities and resolve
12 problems of mutual concern.

13 C. The superintendent may apply for and receive,
14 with the governor's approval, in the name of the department
15 any public or private funds, United States government funds,
16 available to the department to carry out its programs, duties
17 or services.

18 D. The superintendent may make and adopt such
19 reasonable and procedural rules as may be necessary to carry
20 out the duties of the department and its divisions. No rule
21 promulgated by the director of a division in carrying out the
22 functions and duties of the division shall be effective until
23 approved by the superintendent, unless otherwise provided by
24 statute. Unless otherwise provided by statute, no rule
25 affecting any person or agency outside the department shall be
adopted, amended or repealed without a public hearing on the
proposed action before the superintendent or a hearing officer
designated by him. The public hearing shall be held in Santa

1 Fe unless otherwise permitted by statute. Notice of the
2 subject matter of the rule, the action proposed to be taken,
3 the time and place of the hearing, the manner in which
4 interested persons may present their views and the method by
5 which copies of the proposed rule, proposed amendment or
6 repeal of an existing rule may be obtained shall be published
7 once at least thirty days prior to the hearing date in a
8 newspaper of general circulation and mailed at least thirty
9 days prior to the hearing date to all persons who have made a
10 written request for advance notice of hearing. All rules
11 shall be filed in accordance with the State Rules Act. "

12 Section 10. Section 16-3-2 NMSA 1978 (being Laws 1973,
13 Chapter 372, Section 2, as amended) is amended to read:

14 "16-3-2. DEFINITIONS. -- As used in the State Trails
15 System Act:

16 A. "local government" means any county,
17 municipality or other political subdivision of the state and
18 includes rural communities and unincorporated towns or
19 villages in the state; and

20 B. "secretary" means the [~~secretary of energy,~~
21 ~~minerals and natural resources~~] superintendent of state
22 parks. "

23 Section 11. Section 16-3-9 NMSA 1978 (being Laws 1973,
24 Chapter 372, Section 10, as amended) is amended to read:

25 "16-3-9. LIMITATION OF LIABILITY OF OWNERS OF LAND USED
FOR RECREATIONAL PURPOSES. -- No person or corporation, or their
successors in interest, who has granted a right-of-way or
easement across his land to the [~~energy, minerals and natural~~

1 ~~resources department]~~ state for use in the state trails system
2 shall be liable to any user of the trail for injuries suffered
3 on the right-of-way or easement unless the injuries are caused
4 by the willful or wanton misconduct of the grantor."

5 Section 12. TEMPORARY PROVISION--TRANSFER OF PROPERTY,
6 CONTRACTS AND STATUTORY REFERENCES. --

7 A. On July 1, 1999, all personnel, money,
8 appropriations, records, equipment, furnishings and other
9 property belonging to the state parks division of the energy,
10 minerals and natural resources department shall be transferred
11 to the state parks department.

12 B. On July 1, 1999, all existing contracts and
13 other obligations of the state parks division of the energy,
14 minerals and natural resources department shall be binding on
15 the state parks department.

16 C. On July 1, 1999, all references in law to the
17 state park recreation division or the state parks division of
18 the energy, minerals and natural resources department shall be
19 construed to be references to the state parks department.

20 Section 13. REPEAL. --Section 9-5A-6.1, 16-2-5 and 16-2-7
21 NMSA 1978 (being Laws 1997, Chapter 149, Section 3 and Laws
22 1935, Chapter 57, Sections 4 and 7, as amended) are repealed.

23 Section 14. EFFECTIVE DATE. --The effective date of the
24 provisions of this act is July 1, 1999.

underscored material = new
[bracketed material] = delete