

<b>LFC Requester:</b>	<b>McCoy, Mary</b>
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**AGENCY BILL ANALYSIS  
2014 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**LFC@NMLEGIS.GOV**

*And*

**DFA@STATE.NM.US**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**      X   **Amendment**            
**Correction**           **Substitute**          

**Date** January 22, 2014  
**Bill No:** HB102-305 Jan 22

**Sponsor:** Rep. Yvette Herrell                      **Reviewing**    Attorney General's Office  
**Short**        Transfer of Public Lands Task            **Person Writing**    Charles B. Kraft  
**Title:**        Force    **Phone:** 827-6079            **Email** ckraft@nmag.gov

**SECTION II: FISCAL IMPACT \*\*\*\*FOR LFC OFFICIAL PURPOSES\*\*\*\***  
**AGO STAFF SHOULD LEAVE SHADED AREAS BLANK**

**APPROPRIATION (dollars in thousands)**

<b>Appropriation</b>		<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY14</b>	<b>FY15</b>		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Unknown

Duplicates/Relates to Appropriation in the General Appropriation Act:

**REVENUE (dollars in thousands)**

<b>Estimated Revenue</b>			<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>FY14</b>	<b>FY15</b>	<b>FY16</b>		

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates, Relates to, Conflicts with, Companion to: Unknown

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY14</b>	<b>FY15</b>	<b>FY16</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Opinion Letter. This is a staff analysis in response to the agency’s, committee’s or legislator’s request.

**BILL SUMMARY**

Summary Synopsis:

HB 102 creates a task force charged with the duty to study and determine whether to prepare proposed legislation to be introduced during the 2016 legislative session regarding the transfer of public lands. Specifically, the Task Force must contemplate the transfer of: (1) federal lands to the state, (2) state and federal lands to Indian nations, tribes, and pueblos of the state, (3) state and federal lands to the state’s land grants, and (4) a potential land exchange between the state and federal government.

HB 102 mandates the Task Force to consider a number of issues relevant to the transfer of lands (including wildlife management, spiritually and/or culturally significant lands, land access issues, and cost savings), hold public meetings, and report its progress annually to the legislature. The Task Force is compelled to take testimony of representatives from a variety of groups, including environmental organizations, farmers, hunting and fishing organizations, ranchers, and outdoor sporting organizations.

The overall purpose of the Task Force is to bring to the 2016 legislative session well informed and considered legislation addressing the transfer of public lands.

**FISCAL IMPLICATIONS WITH ENACTING THIS BILL**

N/A

**SIGNIFICANT LEGAL ISSUES**

HB 102, Section F mandates the Task Force take testimony from certain representatives, which are listed above. However, HB 102 is unclear whether representatives from interest groups or individuals outside of those listed in Section F would be allowed to offer testimony to the Task Force. Incorporating the language “including but not limited to” may remedy this potential legal issue.

As a public body, the Task Force will be subject to both the Open Meetings Act, NMSA 1978, Sections 10-15-1 through -4 (“OMA”), and Inspection of Public Records Act, NMSA 1978, Sections 14-2-1 through -12 (“IPRA”). HB 102 does not provide how and where it would give public notice of its meetings, which is complicated by HB 102’s requirement that both the Legislative Council Service (“LCS”) and the State Land Office “provide staff for the task force.”

There is a likelihood that the Task Force may inadvertently violate OMA and/or IPRA. Defining the scope of duties that the LCS and State Land Office have may help remedy this issue.

Regarding IPRA, HB 102 does not state whether the Task Force, the LCS, or State Land Office is responsible for holding and maintaining the Task Force's records or the body responsible for responding to IPRA requests. IPRA mandates quick response times to requests and provides damages to plaintiffs if the Act is violated. See §§ 14-2-8(D), -12(D). This issue could be avoided if it was clear which body is responsible for IPRA compliance on behalf of the Task Force.

#### **PERFORMANCE IMPLICATIONS WITH ENACTING THIS BILL**

N/A

#### **ADMINISTRATIVE IMPLICATIONS WITH ENACTING THIS BILL**

N/A

#### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP WITH BILLS INTRODUCED THIS SESSION**

None noted.

#### **TECHNICAL ISSUES OR DRAFTING ERROR**

N/A

#### **OTHER SUBSTANTIVE LEGAL ISSUES**

Note noted.

#### **ALTERNATIVES TO ENACTING THIS BILL**

N/A

#### **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

N/A

#### **AMENDMENTS NEEDED TO IMPROVE THIS BILL**

N/A