

<b>LFC Requester:</b>	<b>Jonas Armstrong</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

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

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

[DFA@STATE.NM.US](mailto: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**     **Amendment**      
**Correction**     **Substitute**   

**Date** January 29, 2015  
**Bill No:** HB 154

**Sponsor:** Rep. Jeff Steinborn  
**Short**    LOCAL GOV'T REVIEW  
**Title:**    OF BUSINESS LEASES

**Agency Code:** Attorney General's Office  
**Person Writing**    Joshua R. Granata, AAG  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

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

**BILL SUMMARY**

Synopsis:

House Bill 154 is an act which amends Section 19-7-9, NMSA 1978 by adding a new section. The new section establishes a process in which municipalities and counties have the opportunity to hold a public hearing in order to review proposed leases of public lands for real estate planning or development purposes. The public hearing gives the municipalities and counties the opportunity to determine whether the proposed lease is in the municipality or county’s best interest.

**FISCAL IMPLICATIONS**

N/A

**SIGNIFICANT ISSUES**

None

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

The use of “shall” in subsection C of the new section mandates that the governing body of the municipality or the board of the county commissioners hold a public meeting. In subsection F, however, it appears that the governing body of the municipality or the board of the county commissioners has discretion regarding whether or not to hold a public meeting. Perhaps changing the word “shall” to “may” would remedy this issue. It is clear that if the governing body of the municipality or the board of the county commissioners does not hold a public hearing, the commissioner of public lands can enter the lease.

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

**Status quo**

**AMENDMENTS**

**N/A**