

1 SENATE BILL 364

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

4 Stuart Ingle

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10 AN ACT

11 RELATING TO PUBLIC LANDS; AMENDING A SECTION OF THE NMSA 1978
12 TO INCLUDE THE COMMISSIONER OF PUBLIC LANDS IN THE REVIEW OF
13 PROPOSED CHANGES IN LEGISLATIVE JURISDICTION OVER ANY LAND OR
14 OTHER AREA, INCLUDING NATIONAL MONUMENTS; REQUIRING THE
15 GOVERNOR, THE COMMISSIONER OF PUBLIC LANDS AND THE ATTORNEY
16 GENERAL TO DETERMINE IF A NATIONAL MONUMENT IS CONFINED TO THE
17 SMALLEST AREA NECESSARY FOR THE PROPER CARE AND MANAGEMENT OF
18 THE ITEMS TO BE PROTECTED BY THE UNITED STATES; AUTHORIZING
19 LITIGATION BY THE ATTORNEY GENERAL.

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

22 SECTION 1. Section 19-2-2 NMSA 1978 (being Laws 1963,
23 Chapter 262, Section 1) is amended to read:

24 "19-2-2. JURISDICTION--TRANSFER PROCEDURE.--

25 A. [~~In order~~] To acquire all or any measure of

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1 legislative jurisdiction [~~of the kind involved in~~] pursuant to
2 Article I, Section 8, Clause 17 of the constitution of the
3 United States over any land or other area, or [~~in order~~] to
4 relinquish such legislative jurisdiction or any measure thereof
5 [~~which~~] that may be vested in the United States, the United
6 States, acting through a duly authorized department, agency or
7 officer, shall file with the governor a notice of intention to
8 acquire or relinquish such legislative jurisdiction, together
9 with a sufficient number of duly authenticated copies [~~thereof~~]
10 to meet the recording requirements of Subsection [~~E~~] F of this
11 section [~~with the governor~~]. The notice shall contain a
12 description adequate to permit accurate identification of the
13 boundaries of the land or other area for which the change in
14 [~~jurisdictional status~~] jurisdiction is sought and a precise
15 statement of the measure of legislative jurisdiction sought to
16 be transferred.

17 B. Immediately upon receipt of the notice, the
18 governor shall furnish the commissioner of public lands and the
19 attorney general with a copy of it and shall request [~~his~~]
20 their comments and recommendations.

21 C. In the case of land or other area proposed to be
22 designated a national monument, the governor shall request:

23 (1) a detailed accounting and the precise
24 global positioning system location of each item to be
25 protected;

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1 (2) the square footage that each item to be
2 protected occupies; and

3 (3) a peer-reviewed justification for the
4 protection by the federal government of each item.

5 D. The governor, the commissioner of public lands
6 and the attorney general shall determine whether the land or
7 other area proposed to be designated a national monument is the
8 smallest area necessary for the proper care and management of
9 the items to be protected by the designation. The attorney
10 general may commence an action to limit the area of the land or
11 other area to be designated to the smallest area necessary for
12 the proper care and management of the items to be protected.

13 [~~B.~~] E. The governor shall transmit the notice,
14 together with [~~his~~] the governor's comments and
15 recommendations, if any, and the comments and recommendations
16 of the commissioner of public lands and the attorney general,
17 if any, to [~~the next session of~~] the legislature. Unless prior
18 to the [~~expiration~~] adjournment of the next legislative session
19 [~~to which the notice is transmitted~~] the legislature has
20 adopted a resolution approving the transfer of legislative
21 jurisdiction as proposed in the notice, the transfer shall not
22 be effective.

23 [~~G.~~] F. The governor shall cause a duly
24 authenticated copy of the notice and resolution to be recorded
25 in the office of the county clerk of the county where the land

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underscoring = new
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1 or other area affected by the transfer of jurisdiction is
2 situated, and, upon such recordation, the transfer of
3 jurisdiction shall take effect. If the land or other area is
4 situated in more than one county, a duly authenticated copy of
5 the notice and resolution shall be recorded in the county
6 clerk's office of each such county.

7 ~~[D-]~~ G. The governor shall cause copies of all
8 documents recorded pursuant to ~~[this act]~~ Sections 19-2-2
9 through 19-2-4 NMSA 1978 to be filed with the state law
10 library."

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