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FISCAL IMPACT REPORT

SPONSOR <u>Alcon/Lujan</u>	LAST UPDATED _____
	ORIGINAL DATE <u>2/21/2023</u>
SHORT TITLE <u>DOT Indian Service Route 120 Task Force</u>	BILL NUMBER <u>House Memorial 13</u>
	ANALYST <u>Hanika-Ortiz</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24**	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	Indeterminate but minimal	No fiscal impact		Nonrecurring	NMDOT operating

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

**HM13 is scored as minimal impact, as the bill only asks NMDOT to convene the task force.

Sources of Information

LFC Files

Responses Received From

Department of Transportation (NMDOT)

Indian Affairs Department (IAD)

SUMMARY

Synopsis of House Memorial 13

House Memorial 13 (HM13) asks NMDOT to convene a task force of stakeholders to study the ownership of Indian Service Route 120 and to recommend a plan to address travel concerns.

The memorial provides the following:

- Indian service route 120, commonly known as Candy Kitchen road, is a main thoroughfare for many New Mexico residents;
- Candy Kitchen road is the only access road to the Wild Spirit wolf sanctuary, a nonprofit that houses 57 endangered wolves and wolf-dogs, as well as coyotes, dingoes, singing dogs and foxes;
- The Wild Spirit wolf sanctuary relies heavily on visitors being able to access its facility by traveling on Candy Kitchen road; and
- During inclement weather, travel on Candy Kitchen road becomes challenging or impassable for residents and visitors.

The memorial further resolves that NMDOT be requested to convene a task force to study the ownership and maintenance responsibilities for each segment of Indian service route 120,

facilitate a dialogue with key stakeholders and representatives of relevant community organizations and prepare a plan to address travel concerns associated with the road.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

HM13 gives NMDOT flexibility to choose task force members, dialogue with stakeholders, and develop a plan to clarify ownership issues, as well as a date to report findings. If NMDOT chooses not to assist with the work of the taskforce, its fiscal impact will be zero. Otherwise, as lead, NMDOT will need to provide staff and resources since funding for this effort is not in the bill.

SIGNIFICANT ISSUES

According to NMDOT, Indian service route 120 is owned by either the Bureau of Indian Affairs (BIA) or Navajo Nation. Indian service route 120 is located south of NM 53 in Cibola County and is not a state-owned route. Therefore, NMDOT believes it does not have jurisdiction. Either the BIA or Navajo Nation is the agency responsible for maintaining Indian service route 120.

ADMINISTRATIVE IMPLICATIONS

HM13 only asks NMDOT to establish a task force of stakeholders to study the ownership and maintenance responsibilities of Indian service route 120, known as Candy Kitchen Road.

OTHER SUBSTANTIVE ISSUES

IAD explained that Indian service route 120 is the only access road to the Wild Spirit wolf sanctuary. During inclement weather, travel on the road becomes challenging or impassable for residents and visitors. The sanctuary is in Candy Kitchen, New Mexico which is an unincorporated community in Cibola County, New Mexico, and a protected area of Cibola County.

The Wild Spirit wolf sanctuary is a 501(c)(3) non-profit organization that rescues displaced, unwanted, and non-releasable captive-bred wolves, wolfdogs, and other wild canid species. The team also focuses on educational efforts that inform the public about the animals in their care. According to its website, the Wild Spirit wolf sanctuary is closed to the public in January and February and resumes tours in March. It is remotely located about four miles down a fairly well-maintained gravel road, except during inclement weather when it can become impassable.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Indian service route 120, known as Candy Kitchen Road, would continue to be a driving concern and potential driving hazard for travelers and visitors to New Mexico, and community members.