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FISCAL IMPACT REPORT

SPONSOR Romero **DATE TYPED** 2/13/2004 **HB** _____

SHORT TITLE Colfax Veterans Memorial as a State Park **SJR** 11

ANALYST Aguilar

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY04	FY05	FY04	FY05		
			See Narrative Significant	Recurring	General Fund/OSF

(Parenthesis () Indicate Expenditure Decreases)

Relates to HB505, SB 96

SOURCES OF INFORMATION

LFC Files

Responses Received From

Energy, Minerals and Natural Resources Department (EMNRD)
Department of Veterans Services (DVS)

SUMMARY

Synopsis of Bill

House Joint Resolution 11 authorizes the property donated to the state that includes the Vietnam Veterans Memorial to be designated as a state park.

Significant Issues

Acquisition of land for a state park requires legislative approval under the provisions of Section 16-2-11 NMSA 1978.

HJR11 would require State Parks Division (SPD) to consult with the DVS concerning the operations of the park.

Senate Joint Resolution 11 -- Page 2

The Vietnam Veterans Memorial serves as an attraction for Vietnam veterans and their families as a place they can reflect in a serene location. The memorial was established by Dr. Westphall as a tribute to his son, David Westphall who was killed in Vietnam.

The David Westphall Veterans Foundation (foundation), current owners of the memorial, would like to continue to be involved in the funding and operations of the park through donations, fundraising efforts and volunteers to be coordinated through office space located on the property.

SPD reports that the acquisition and management of this memorial will break new ground in terms of the SPD managing a new kind of facility (i.e. a memorial) that has a different purpose than all parks currently in the state parks system. Prior to a donation to the state, details regarding legal transfer, land ownership and operational considerations would need to be adequately addressed in order to operate the memorial as a state park.

The additional responsibility of operating a new park will also increase demand on SPD, as will those demands made by the foundation and the DVS regarding the funding and operation of the park. At present, SPD has no operating model in place at other parks similar to this proposal. SPD does however, have volunteer organizations that work with park staff, but these organizations do not have any involvement or authority regarding SPD funding and operations.

FISCAL IMPLICATIONS

SPD notes that there would be some non-recurring costs associated with preparing for and accepting a land donation while expenditures for operations and maintenance would be recurring costs. Some efficiencies of operation might be achievable through the proximity to the newly-developing Eagle Nest Lake State Park, which will be about five miles from this site. SPD estimates that at least two additional staff will be required to staff this park, plus an indeterminate amount for annual operations costs. There are no FTE included in this legislation to carry out the operations and maintenance of the facility.

The present, the private landowner is spending in excess of \$150,000 per year to operate the memorial. SPD would most likely not charge fees at this site, though the Memorial has been supported by visitor donations, private philanthropy and some sales revenue in the past.

ADMINISTRATIVE IMPLICATIONS

SPD can absorb the administrative activities required to transfer ownership of the park.

RELATIONSHIP

HJR11 relates to SB96 that appropriates \$250 thousand for the operation of the Vietnam Veterans Memorial.

TECHNICAL ISSUES

SPD notes that Section 16-2-11(F) NMSA 1978 states in part, “[n]o property shall be purchased that involves commitments, privileges or conditions to any private interest, except that property may be purchased that has restrictions limiting its use to that of a state park or state recreational area.” By providing the foundation with continued involvement with funding, operations, volun-

Senate Joint Resolution 11 -- Page 3

teers and fund raising to be coordinated through office space on the property, SJR11 may be in conflict with existing statute.

The legislature may wish to consider the following:

On Page 2, Line 14 strike “New Mexico veterans' service commission” and replace with “*New Mexico department of veterans services*”.

PA/yr:dm