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HOUSE BILL 353

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996

INTRODUCED BY
WESLEY L. GRAU

AN ACT

RELATING TO STATE TRAILS; CREATING THE STATE TRAILS ADVISORY
COMMITTEE; CREATING THE STATE TRAILS SYSTEM FUND; AMENDING AND
ENACTING SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 16-3-4 NMSA 1978 (being Laws 1973,
Chapter 372, Section 4, as amended) is amended to read:

"16-3-4. STATE TRAILS SYSTEM CREATED-- TYPES OF TRAILS--
PLANNING. --

A. There is created a "state trails system" composed
of:

(1) "state scenic trails" [~~which~~] that are
extended trails so located as to provide maximum potential for
the appreciation of natural areas and for the conservation and
enjoyment of the significant scenic, historic, natural,

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1 ecological, geological or cultural qualities of the areas
2 through which such trails pass;

3 (2) "state recreation trails" [~~which~~] that are
4 trails designed to provide a variety of outdoor recreational
5 uses in or reasonably accessible to urban areas and, where
6 appropriate, shall connect parks, scenic areas, historical
7 points and neighboring communities;

8 (3) "state historical trails" [~~which~~] that are
9 trails designed to identify and interpret routes [~~which~~] that
10 were significant in the prehistoric settlement or historical
11 development of the state; and

12 (4) "special use trails" [~~which~~] that are
13 trails that may provide uses also provided by scenic, recreation
14 and historical trails but [~~which~~] that shall not be limited to
15 such uses. The secretary may designate special use trails in
16 such locations as he deems appropriate and may limit the use of
17 such trails to such special users as he determines. In
18 designating special use trails, the secretary shall give due
19 regard to the interests of users who have needs of a special
20 nature [~~which~~] that are not fulfilled by other trail types
21 comprising the state trails system.

22 B. State trails shall be supplemented by support
23 facilities deemed necessary and feasible by the secretary.
24 These facilities shall comply with [~~health and environment~~] the
25 department of environment's standards and regulations.

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1 C. In the planning and designation of trails, the
2 secretary shall give due regard to the interests of federal or
3 state agencies, counties, municipalities, private landowners and
4 interested individuals and recreational and conservation
5 organizations. The secretary shall give full consideration to
6 the inclusion of trails from all categories within the system

7 D. The secretary shall prescribe the uses and limits
8 of each type of trail.

9 ~~[E. Separate trails may be established for motorized~~
10 ~~vehicles but shall not be trails designated for horseback~~
11 ~~riding, hiking or bicycling.~~

12 F.] E. Before making a final designation of any
13 trail, the secretary shall:

14 (1) hold a public hearing after proper notice
15 within the affected county and area; and

16 (2) as a result of the hearing, adopt a finding
17 approving or disapproving the trail based upon evidence as to
18 the adverse effects that the trail has on the holders of any
19 interest in the lands in the proximity of the trail. "

20 Section 2. Section 16-3-5 NMSA 1978 (being Laws 1973,
21 Chapter 372, Section 6, as amended) is amended to read:

22 "16-3-5. SECRETARY TO SUPERVISE PLANNING, CONSTRUCTION,
23 OPERATION AND MAINTENANCE OF TRAILS SYSTEM - POWERS AND DUTIES. --

24 A. The secretary shall:
25 (1) adopt and regularly review and revise in

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1 accordance with the State Rules Act such rules and regulations
2 as may be necessary to carry into effect and enforce the
3 provisions of the State Trails System Act;

4 (2) plan, establish, acquire, purchase,
5 develop, construct, enlarge, improve, maintain, equip, operate,
6 protect and police the state trails system;

7 (3) acquire by lease, deed or contract rights
8 of way or easements for trails across private, municipal,
9 county, state or federal lands. In selecting the rights of way,
10 every consideration shall be given to minimizing the adverse
11 effects upon the adjacent landowner or user. Acquisition shall
12 be, wherever possible, in the form of an easement obtained by
13 gift, exchange or purchase with donated funds. When such
14 devices fail, the secretary may authorize the expenditure of
15 state appropriations for acquisition in fee. Any agreement for
16 acquisition of rights in land shall be for terms of not less
17 than twenty-five years whenever possible; and

18 (4) coordinate trail development by assisting
19 counties, municipalities and other political subdivisions in the
20 formation of their trail plans. In carrying out this
21 responsibility, the secretary shall review records of easements
22 and other interests in lands ~~[which]~~ that are available for use
23 as trails, including public lands, utility easements, flood
24 plains, railroad rights of way, arroyos, other rights of way and
25 surplus public proprietary lands as may be adaptable for such

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1 use, and shall ensure that uniform construction standards,
2 compatible with allowed usage, are made available to local
3 governments.

4 B. The secretary may abandon any portion or all of a
5 trail or easement acquired for trail purposes [which] that is no
6 longer needed for such purposes, or he may transfer any trail or
7 easement to a local government having jurisdiction over the area
8 in which the trail or easement is located for so long as the
9 local government agrees to maintain and operate the trail.

10 C. The secretary shall notify the owner of the land
11 through which any trail or easement passes prior to entering
12 into any agreement with a local government for the operation of
13 a trail and shall secure the consent of the landowner prior to
14 the transfer of any trail or easement to a local government.

15 D. The secretary shall review all formal
16 declarations of railroad right-of-way abandonments [by the
17 ~~interstate commerce commission~~] for possible inclusion into the
18 state trails system.

19 E. Within the boundaries of a right of way, the
20 secretary may acquire on behalf of the state lands in fee title,
21 any interest in lands in the form of scenic or other easements
22 or any interest in lands under cooperative or other agreement.
23 Acquisition of land or of any interest in land may be by gift,
24 purchase, exchange or by the assumption of obligations.
25 Acquisition may be through the use of funds obtained by

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1 donation, federal grants, proceeds of the sale of bonds,
2 legislative appropriation or otherwise. In acquiring real
3 property or any interest therein, the power of eminent domain
4 shall not be used.

5 F. The secretary shall prepare and publish trail
6 plans and standards and make them available to participating
7 local governments and interested members of the public upon
8 request. The secretary shall also prepare a state trails map
9 and other literature describing the state trails system and
10 shall make copies available [~~to members of the public upon~~
11 ~~request~~] through organizations that promote tourism in New
12 Mexico.

13 G. The secretary shall prepare and publish a
14 comprehensive intermediate and long-range state trails plan on a
15 continuing basis in accordance with the state comprehensive
16 outdoor recreation plan. Included in these plans shall be an
17 inventory of existing trails and potential trail routes on all
18 lands within the state. Such plans may include general routes
19 or corridors within which specific trails or segments of trails
20 may be considered for inclusion in the state trails system.

21 H. The secretary shall annually submit a written
22 report on recreational, scenic, historical and special use
23 trails to the governor by December 31. Copies of the annual
24 reports shall be furnished to participating local governments
25 and shall be made available to interested members of the public

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1 upon request.

2 I. The secretary shall establish procedures for
3 governmental entities to apply for funds made available by the
4 State Trails System Act for trail improvements or
5 establishments. The secretary shall analyze applications for
6 funds and approve those that are the most beneficial to
7 enhancing the state's trails system. The secretary shall
8 authorize disbursements to governmental entities for those trail
9 improvements or establishments he approves. Governmental
10 entities shall be encouraged to form partnerships with trail
11 user groups in planning trail improvements or establishments and
12 applying for available funds. "

13 Section 3. A new section of the State Trails System Act is
14 enacted to read:

15 "[NEW MATERIAL] ADVISORY COMMITTEE CREATED-- TERMS-- POWERS
16 AND DUTIES. --

17 A. The "state trails advisory committee" is created.
18 The governor shall appoint nine public members and the
19 secretary, or his designee, who shall serve as the nonvoting
20 chairman. The public members shall include representatives from
21 the following groups:

- 22 (1) hiking;
- 23 (2) cross-country skiing;
- 24 (3) off-highway motorcycling;
- 25 (4) snowmobiling;

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- 1 (5) horseback riding;
- 2 (6) all-terrain vehicle riding;
- 3 (7) off-road bicycling;
- 4 (8) four-wheel driving; and
- 5 (9) persons with disabilities.

6 B. The public members shall be appointed to
7 staggered terms of four years each. Members may succeed
8 themselves, and vacancies shall be filled by appointment of the
9 governor for the unexpired term.

10 C. The state trails advisory committee shall:

11 (1) advise the secretary regarding policy and
12 programs designed to maximize the effectiveness of the State
13 Trails System Act; and

14 (2) analyze and recommend to the secretary for
15 approval applications received for trail improvements and
16 establishments received from governmental entities. "

17 Section 4. A new section of the State Trails System Act is
18 enacted to read:

19 " NEW MATERIAL FUND CREATED--SOURCE OF FUNDS--
20 DISTRIBUTION. --

21 A. The "state trails system fund" is created in the
22 state treasury. Money in the fund is appropriated to the
23 energy, minerals and natural resources department and shall be
24 used to carry out the provisions of the State Trails System Act.
25 The fund shall not revert at the end of the fiscal year.

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1 Disbursements from the fund shall be made only upon warrants
2 drawn by the secretary of finance and administration pursuant to
3 vouchers signed by the secretary of energy, minerals and natural
4 resources or his designee.

5 B. The state trails system fund shall consist of
6 federal contributions received pursuant to the Symms National
7 Recreational Trails Act of 1991 and any other money contributed
8 to the fund by any source.

9 C. The proceeds of the state trails system fund
10 shall be distributed as follows:

11 (1) no more than seven percent of the total
12 available funds for recreational trails may be used for
13 administration costs of the State Trails System Act;

14 (2) no more than five percent of the total
15 available funds for recreational trails may be used for safety
16 or conservation educational activities related to trails that
17 enhance proper trail usage by the general public; and

18 (3) after the distributions made in Paragraphs
19 (1) and (2) of this subsection:

20 (a) thirty percent of the remaining
21 balance shall be used for trail improvements and establishments
22 for nonmotorized use;

23 (b) thirty percent of the remaining
24 balance shall be used for trail improvements and establishments
25 for motorized use; and

1 (c) forty percent of the remaining
2 balance shall be used for trail improvements and establishments
3 that accommodate both motorized and nonmotorized uses. Multi-
4 use trails shall provide for the greatest number of compatible
5 recreational purposes or for innovative recreational trail
6 corridor sharing. "

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**State of New Mexico
House of Representatives**

FORTY- SECOND LEGISLATURE

SECOND SESSION, 1996

January 30, 1996

Mr. Speaker:

Your RULES AND ORDER OF BUSINESS COMMITTEE, to
whom has been referred

HOUSE BILL 353

has had it under consideration and finds same to be
GERMANE in accordance with constitutional provisions.

Respectfully submitted,

Barbara A. Perea Casey,

Chairperson

Adopted _____

Not Adopted _____

(Chief Clerk)

(Chief Clerk)

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Date _____

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4 The roll call vote was 7 For 1 Against

5 Yes: 7

6 No: Lujan

7 Excused: Nicely, Olguin, Pederson, R. G. Sanchez, J. G. Taylor,

8 Wallach, S. Williams

9 Absent: None

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**State of New Mexico
House of Representatives**

FORTY- SECOND LEGISLATURE
SECOND SESSION, 1996

February 8, 1996

Mr. Speaker:

Your CONSUMER AND PUBLIC AFFAIRS COMMITTEE, to
whom has been referred

HOUSE BILL 353

has had it under consideration and reports same with
recommendation that it DO NOT PASS, but that

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMITTEE
SUBSTITUTE FOR HOUSE BILL 353

DO PASS, and thence referred to the APPROPRIATIONS
AND FINANCE COMMITTEE.

FORTY-SECOND LEGISLATURE
SECOND SESSION, 1996

HCPAC/HB 353

Page 14

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Respectfully submitted,

Gary K. King, Chairman

Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 6 For 0 Against

Yes: 6

Excused: Abeyta, Baca, Sandel, Vaughn, Vigil

Absent: None

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HOUSE PUBLIC AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 353

42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION,
1996

AN ACT

RELATING TO STATE TRAILS; CREATING THE STATE TRAILS ADVISORY
COMMITTEE; CREATING THE STATE TRAILS FUND; AMENDING AND ENACTING
SECTIONS OF THE NMSA 1978; MAKING AN APPROPRIATION.

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

Section 1. Section 16-3-1 NMSA 1978 (being Laws 1973,
Chapter 372, Section 1) is amended to read:

"16-3-1. SHORT TITLE. -- ~~[This act]~~ Chapter 16, Article 3
NMSA 1978 may be cited as the "State Trails ~~[System]~~ Act". "

Section 2. Section 16-3-2 NMSA 1978 (being Laws 1973,
Chapter 372, Section 2, as amended) is amended to read:

"16-3-2. DEFINITIONS. -- As used in the State Trails
~~[System]~~ Act:

A. "local government" means any county, municipality
or other political subdivision of the state and includes rural
communities and unincorporated towns or villages in the state;
and

1 B. "secretary" means the secretary of energy,
2 minerals and natural resources."

3 Section 3. Section 16-3-3 NMSA 1978 (being Laws 1973,
4 Chapter 372, Section 3) is amended to read:

5 "16-3-3. PURPOSE. --The purpose of the State Trails
6 [System] Act is to provide public access to and the enjoyment
7 and appreciation of the New Mexico outdoors in order to
8 conserve, develop and [use] enjoy the natural resources of the
9 state for purposes of health and recreation. It is the intent
10 and purpose of the State Trails [System] Act to encourage
11 horseback riding, hiking, bicycling and other recreational
12 activities."

12 Section 4. Section 16-3-4 NMSA 1978 (being Laws 1973,
13 Chapter 372, Section 4, as amended) is amended to read:

14 "16-3-4. STATE TRAILS [SYSTEM-CREATED]-- TYPES OF TRAILS--
15 PLANNING. --

16 ~~[A. There is created a "state trails system"
17 composed of]~~

18 A. A "state trails grant program" is created for the
19 purpose of encouraging the establishment and maintenance of
20 trails throughout the state. Preference for funding shall be
21 given to trails that encourage alternative transportation use in
22 and around urban areas; trails that establish linkages between
23 existing trails; trails that interpret and identify historic
24 routes and permit recreational use of historic routes; or
25 special use trails that satisfy the interests of users whose
needs are not met by other trail categories. The state shall
provide technical assistance and expertise in development of

1 trails that traverse more than one local government's jurisdiction.
 2 The state highway and transportation department is responsible for
 3 all trail developments that incorporate or share highway rights of
 4 way. The secretary of highway and transportation shall evaluate
 5 existing and proposed state highways for future trail developments.
 6 Trails may be identified according to the following categories:

7 (1) "[state] scenic trails" [~~which~~] that are
 8 extended trails so located as to provide maximum potential for the
 9 appreciation of natural areas and for the conservation and
 10 enjoyment of the significant scenic, historic, natural, ecological,
 11 geological or cultural qualities of the areas through which such
 12 trails pass;

13 (2) "[state] recreation trails" [~~which~~] that are
 14 trails designed to provide a variety of outdoor recreational uses
 15 in or reasonably accessible to urban areas and, where appropriate,
 16 shall connect parks, scenic areas, historical points and
 17 neighboring communities;

18 (3) "[state] historical trails" [~~which~~] that are
 19 trails designed to identify and interpret routes [~~which~~] that were
 20 significant in the prehistoric settlement or historical development
 21 of the state; and

22 (4) "special use trails" [~~which~~] that are trails
 23 that may provide uses also provided by scenic, recreation and
 24 historical trails but [~~which~~] that shall not be limited to such
 25 uses. The secretary may designate special use trails in such
 locations as he deems appropriate and may limit the use of such
 trails to such special users as he determines. In designating
 special use trails, the secretary shall give due regard to the

1 interests of users who have needs of a special nature [~~which~~] that
2 are not fulfilled by other trail types comprising the state trails
3 [~~system~~].

4 B. [~~State~~] Trails shall be supplemented by support
5 facilities deemed necessary and feasible by the secretary. These
6 facilities shall comply with [~~health and environment~~] the
7 department of environment's standards and regulations.

8 C. In [~~the planning and designation of trails~~]
9 approving the funding of trail development projects, the secretary
10 shall give due regard to the interests of federal or state
11 agencies, counties, municipalities, private landowners and
12 interested individuals and recreational and conservation
13 organizations. The secretary shall give full consideration to the
14 [~~inclusion~~] funding of trails from all categories. [~~within the~~
15 system.

16 D. ~~The secretary shall prescribe the uses and limits of~~
17 ~~each type of trail.~~

18 E.] D. Separate trails [~~may~~] shall be established for
19 motorized vehicles [~~but shall not be trails designated for~~] and for
20 nonmotorized use such as horseback riding, hiking or bicycling.

21 [F. ~~Before making a final designation of any trail, the~~
22 ~~secretary shall:~~]

23 E. The state trails advisory committee shall:

24 (1) hold a public hearing after proper notice
25 [~~within the affected county and area~~]; and

(2) as a result of the hearing, adopt a finding
approving or disapproving the trail based upon evidence as to the
adverse effects that the trail has on the holders of any interest

1 in the lands in the proximity of the trail.

2 F. Motorized vehicles, except for those utilized by
3 permitted handicapped users, shall be excluded from areas of
4 fragile, rare, relict or vanishing vegetation; federal wilderness
5 study areas, roadless areas, wildlife sanctuaries and sensitive
6 areas; areas of fragile natural features or of scientific interest;
7 and areas of archaeological interest. Appropriate mitigating
8 action shall be taken in areas where erosion or other soil or
9 resource damage may occur with use and areas where speed would
adversely affect other uses.

10 G. Trail development grants shall be reviewed by the
11 state trail advisory committee and recommended for approval by the
12 secretary. "

13 Section 5. Section 16-3-5 NMSA 1978 (being Laws 1973,
14 Chapter 372, Section 6, as amended) is amended to read:

15 "16-3-5. SECRETARY [~~TO SUPERVISE PLANNING, CONSTRUCTION,~~
16 ~~OPERATION AND MAINTENANCE OF TRAILS SYSTEM~~] -- POWERS AND
DUTIES. --

17 A. The secretary [~~shall~~]:

18 (1) shall adopt and regularly review and revise
19 in accordance with the State Rules Act such rules and regulations
20 as may be necessary to carry into effect and enforce the provisions
of the State Trails [~~System~~] Act;

21 (2) may plan, establish, acquire, purchase,
22 develop, construct, enlarge, improve, maintain, equip, operate,
23 protect and police the state trails [~~system~~];

24 (3) may acquire by lease, deed or contract rights
25 of way or easements for trails across private, municipal, county,

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1 state or federal lands. In selecting the rights of way, every
2 consideration shall be given to minimizing the adverse effects upon
3 the adjacent landowner or user. Acquisition shall be, wherever
4 possible, in the form of an easement obtained by gift, exchange or
5 purchase with donated funds. When such devices fail, the secretary
6 may authorize the expenditure of state appropriations for
7 acquisition in fee. Any agreement for acquisition of rights in
8 land shall be for terms of not less than twenty-five years whenever
9 possible; and

10 (4) shall coordinate trail development by
11 assisting counties, municipalities and other political subdivisions
12 in the formation of their trail plans. In carrying out this
13 responsibility, the secretary shall review records of easements and
14 other interests in lands [~~which~~] that are available for use as
15 trails, including public lands, utility easements, flood plains,
16 railroad rights of way, arroyos, other rights of way and surplus
17 public proprietary lands as may be adaptable for such use, and
18 shall ensure that uniform construction standards, compatible with
19 allowed usage, are made available to local governments.

20 B. The secretary may abandon any portion or all of a
21 trail or easement acquired for trail purposes [~~which~~] that is no
22 longer needed for such purposes, or he may transfer any trail or
23 easement to a local government having jurisdiction over the area in
24 which the trail or easement is located for so long as the local
25 government agrees to maintain and operate the trail.

26 C. The [~~secretary~~] local government developing a trail
27 shall notify the [~~owner~~] owners of the land through which any trail
28 or easement passes prior to entering into any agreement [~~with a~~

1 ~~local government]~~ for the operation of a trail. ~~[and]~~

2 D. The secretary shall secure the consent of the
3 ~~[landowner]~~ landowners prior to the transfer of any trail or
4 easement to a local government.

5 ~~[D.]~~ E. The secretary shall review all formal
6 declarations of railroad right-of-way abandonments ~~[by the~~
7 ~~interstate commerce commission]~~ for possible ~~[inclusion]~~
8 development into ~~[the state trails system]~~ a trail.

9 ~~[E.]~~ F. Within the boundaries of a right of way, the
10 secretary may acquire on behalf of the state lands in fee title,
11 any interest in lands in the form of scenic or other easements or
12 any interest in lands under cooperative or other agreement.
13 Acquisition of land or of any interest in land may be by gift,
14 purchase, exchange or by the assumption of obligations.
15 Acquisition may be through the use of funds obtained by donation,
16 federal grants, proceeds of the sale of bonds, legislative
17 appropriation or otherwise. In acquiring real property or any
18 interest therein, the power of eminent domain shall not be used.

19 ~~[F.]~~ G. The secretary ~~[shall]~~ may prepare and publish
20 trail plans and standards and make them available to participating
21 local governments and interested members of the public upon
22 request. The secretary ~~[shall]~~ may also prepare a state trails map
23 and shall make copies available to members of the public upon
24 request.

25 ~~[G.]~~ H. The secretary ~~[shall]~~ may prepare and publish a
comprehensive intermediate and long-range state trails plan on a
continuing basis in accordance with the state comprehensive outdoor
recreation plan. Included in these plans shall be an inventory of

1 existing trails and potential trail routes on all lands within the
2 state. Such plans may include general routes or corridors within
3 which specific trails or segments of trails may be considered for
4 inclusion in the state trails system

5 ~~[H. The secretary shall annually submit a written~~
6 ~~report on recreational, scenic, historical and special use trails~~
7 ~~to the governor by December 31. Copies of the annual reports shall~~
8 ~~be furnished to participating local governments and shall be made~~
9 ~~available to interested members of the public upon request.]~~

10 I. The secretary shall establish procedures for
11 governmental entities and private parties to apply for funds made
12 available by the State Trails Act for trail improvements or
13 establishments. The secretary shall authorize disbursements to
14 governmental entities or private parties for those trail
15 improvements or establishments he approves. Governmental entities
16 shall be encouraged to form partnerships with trail user groups in
17 planning trail improvements or establishments and applying for
18 available funds. "

19 Section 6. Section 16-3-6 NMSA 1978 (being Laws 1973,
20 Chapter 372, Section 7, as amended) is amended to read:

21 "16-3-6. TRAILS ON FEDERAL LANDS--COORDINATION WITH NATIONAL
22 TRAILS SYSTEM --

23 A. The secretary may establish and designate state
24 recreational, scenic, historical and special use trails on lands
25 under the jurisdiction of a federal agency when, in the opinion of
the federal agency and the secretary, such lands may be so
developed under the provisions of federal law and the provisions of
Section 16-3-4 NMSA 1978.

1 B. Nothing in the State Trails [~~System~~] Act shall
 2 preclude [~~a component of the state~~] development of trails [~~system~~]
 3 from being a part of the national trails system. The secretary
 4 shall coordinate [~~the~~] development of state trails [~~system~~] with
 5 the national trails system and is directed to encourage and assist
 6 any federal studies for inclusion of New Mexico trails in the
 7 national trails system. The secretary may enter into written
 8 cooperative agreements for joint federal-state administration of
 9 such agreements for administration of land uses are not less
 10 restrictive than those set forth in the State Trails [~~System~~] Act."

11 Section 7. Section 16-3-7 NMSA 1978 (being Laws 1973,
 12 Chapter 372, Section 8, as amended) is amended to read:

13 "16-3-7. VIOLATIONS--PENALTIES.--Each person is guilty of a
 14 misdemeanor who shall:

15 A. willfully mutilate, deface or destroy any guidepost,
 16 notice, tablet, fence or other work [~~which~~] that is for the
 17 protection or ornamentation of any state trail;

18 B. place along any trail or affix to any object in the
 19 right of way, without a written license from the secretary, any
 20 word, character or device designed to advertise any business,
 21 trade, profession, article, thing, matter or event; or

22 C. violate any rule or regulation adopted by the
 23 secretary in accordance with the State Rules Act to regulate the
 24 use of and prevent damage to lands within and adjacent to [~~the~~]
 25 state trails [~~system~~]."

 Section 8. Section 16-3-8 NMSA 1978 (being Laws 1973,
 Chapter 372, Section 9, as amended) is amended to read:

1 "16-3-8. ADDITIONAL MEANS OF ENFORCEMENT.--As an additional
2 means of enforcing the provisions of the State Trails [System] Act
3 and rules and regulations adopted by the secretary pursuant to that
4 act, the secretary may seek injunctive relief, in the district
5 court of the county where the violation occurs, against any
6 violation or threatened violation of [~~the~~] that act or any rules
7 and regulations adopted pursuant thereto, and such relief shall be
8 subject to the continuing jurisdiction and supervision of the
9 district court and the court's powers of contempt. Any party
10 aggrieved by any final judgment of the district court under this
11 section may appeal to the court of appeals as in other civil
12 actions."

12 Section 9. Section 16-3-9 NMSA 1978 (being Laws 1973,
13 Chapter 372, Section 10, as amended) is amended to read:

14 "16-3-9. LIMITATION OF LIABILITY OF OWNERS OF LAND USED FOR
15 RECREATIONAL PURPOSES.--No person or corporation, or their
16 successors in interest, who has granted a right of way or easement
17 across his land to the energy, minerals and natural resources
18 department or a local government for use in [~~the state trails~~
19 ~~system~~] a trail shall be liable to any user of the trail for
20 injuries suffered on the right of way or easement unless the
21 injuries are caused by the willful or wanton misconduct of the
22 grantor."

23 Section 10. A new section of the State Trails Act is enacted
24 to read:

25 "[NEW MATERIAL] ADVISORY COMMITTEE CREATED-- TERMS-- POWERS
AND DUTIES.--

A. The "state trails advisory committee" is created.

1 The governor shall appoint eleven public voting members and the
 2 secretaries of energy, minerals and natural resources and highway
 3 and transportation, or their designees, who shall serve as the
 4 nonvoting members. The secretary of energy, minerals and natural
 5 resources shall act as chairman of the committee. The public
 6 members shall include representatives from the following groups:

- 7 (1) hiking;
- 8 (2) cross-country skiing;
- 9 (3) off-highway motorcycling;
- 10 (4) snowmobiling;
- 11 (5) horseback riding;
- 12 (6) all-terrain vehicle riding;
- 13 (7) off-road bicycling;
- 14 (8) four-wheel driving;
- 15 (9) persons with disabilities;
- 16 (10) urban trail users; and
- 17 (11) a person representing the environmental

18 community.

19 B. The public members shall be appointed to staggered
 20 terms of four years each. Members may succeed themselves, and
 21 vacancies shall be filled by appointment of the governor for the
 22 unexpired term.

23 C. The state trails advisory committee shall:

24 (1) advise the secretary regarding policy and
 25 programs designed to maximize the effectiveness of the State Trails
 Act; and

(2) analyze and recommend to the secretary for
 approval applications received for trail improvements and

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1 establishments received from governmental entities or private
2 parties. "

3 Section 11. A new section of the State Trails Act is enacted
4 to read:

5 "[NEW MATERIAL] FUND CREATED--SOURCE OF FUNDS--
6 DISTRIBUTION. --

7 A. The "state trails fund" is created in the state
8 treasury. Money in the fund is appropriated to the energy,
9 minerals and natural resources department and shall be used to
10 carry out the provisions of the State Trails Act. The fund shall
11 not revert at the end of the fiscal year. Disbursements from the
12 fund shall be made only upon warrants drawn by the secretary of
13 finance and administration pursuant to vouchers signed by the
14 secretary of energy, minerals and natural resources or his
15 designee.

16 B. The state trails fund shall consist of federal
17 contributions received pursuant to the Symms National Recreational
18 Trails Act of 1991 and any other money contributed to the fund by
19 any source.

20 C. The proceeds of the state trails fund shall be
21 distributed as follows:

22 (1) no more than seven percent of the total
23 available funds for recreational trails may be used for
24 administration and enforcement costs of the State Trails Act;

25 (2) no more than five percent of the total
available funds for recreational trails may be used for safety or
conservation educational activities related to trails that enhance
proper trail usage by the general public; and

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(3) after the distributions made in Paragraphs (1) and (2) of this subsection:

(a) thirty percent of the remaining balance shall be used for trail improvements and establishments for nonmotorized use;

(b) thirty percent of the remaining balance shall be used for trail improvements and establishments for motorized use; and

(c) forty percent of the remaining balance shall be used for trail improvements and establishments that accommodate either motorized or nonmotorized uses. In any event no more than fifty percent of all funds available shall be used for motorized uses. Projects may be categorized as follows: 1) nonmotorized single use; 2) nonmotorized diversified use; 3) diversified use for both motorized and nonmotorized use; 4) motorized single use; and 5) motorized diversified use."

Underscored material = new
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FORTY- SECOND LEGI SLATURE
SECOND SESSI ON, 1996

February 12, 1996

Mr. President:

Your FINANCE COMMI TTEE, to whom has been referred

HOUSE CONSUMER AND PUBLIC AFFAIRS COMMI TTEE
SUBSTITUTE FOR HOUSE BILL 353

has had it under consideration and reports same with recommendation
that it DO PASS.

Respectfully submit ted,

Ben D. Altami rano, Chair man

Adopted _____
(Chi ef Clerk)

Not Adopted _____
(Chi ef Clerk)

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Date _____

The roll call vote was 8 For 0 Against

Yes: 8

No: 0

Excused: Doni sthorpe, Duran, Ingle, Ki dd, Kysar

Absent: None

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