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SENATE BILL 18

44TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SPECIAL SESSION, 1999

INTRODUCED BY

John Arthur Smith

AN ACT

RELATING TO STATE PARKS; TRANSFERRING THE STATE PARKS DIVISION FROM THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO THE TOURISM DEPARTMENT; DECLARING AN EMERGENCY.

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

Section 1. Section 7-1-6.38 NMSA 1978 (being Laws 1994, Chapter 145, Section 1, as amended) is amended to read:

"7-1-6.38. DISTRIBUTION-- GOVERNMENTAL GROSS RECEIPTS TAX. --

A. A distribution pursuant to Section 7-1-6.1 NMSA 1978 shall be made to the public project revolving fund administered by the New Mexico finance authority in an amount equal to seventy-five percent of the net receipts attributable to the governmental gross receipts tax.

B. A distribution pursuant to Section 7-1-6.1 NMSA

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1 1978 shall be made to the energy, minerals and natural
2 resources department and the tourism department in an amount
3 equal to twenty-five percent of the net receipts attributable
4 to the governmental gross receipts tax. Forty percent of the
5 distribution is appropriated to the energy, minerals and
6 natural resources department to implement the provisions of
7 the New Mexico Youth Conservation Corps Act, and sixty percent
8 of the distribution is appropriated to the [~~energy, minerals
9 and natural resources~~] tourism department for state park and
10 recreation area capital improvements, including the costs of
11 planning, engineering, design, construction, renovation,
12 repair, equipment and furnishings.

13 C. The state pledges to and agrees with the
14 holders of any bonds or notes issued by the New Mexico finance
15 authority, [~~or by~~] the energy, minerals and natural resources
16 department or the tourism department and payable from the net
17 receipts attributable to the governmental gross receipts tax
18 distributed to the New Mexico finance authority, [~~or~~] the
19 energy, minerals and natural resources department or the
20 tourism department pursuant to this section that the state
21 will not limit, reduce or alter the distribution of the net
22 receipts attributable to the governmental gross receipts tax
23 to the New Mexico finance authority, [~~or~~] the energy, minerals
24 and natural resources department or the tourism department or
25 limit, reduce or alter the rate of imposition of the

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1 governmental gross receipts tax until the bonds or notes
2 together with the interest thereon are fully met and
3 discharged. [~~The New Mexico finance authority and the energy,~~
4 ~~minerals and natural resources department are authorized to~~
5 ~~include~~] This pledge and agreement of the state shall be
6 included in any agreement with the holders of the bonds or
7 notes. "

8 Section 2. Section 9-5A-3 NMSA 1978 (being Laws 1987,
9 Chapter 234, Section 3, as amended by Laws 1997, Chapter 137,
10 Section 1 and also by Laws 1997, Chapter 149, Section 2) is
11 amended to read:

12 "9-5A-3. DEPARTMENT ESTABLISHED. --

13 A. There is created in the executive branch the
14 "energy, minerals and natural resources department". The
15 department shall be a cabinet department and shall include
16 [~~but not be limited to~~] the following organizational units:

- 17 (1) the administrative services division;
- 18 [~~(2) the state parks division;~~
- 19 ~~(3)]~~ (2) the forestry division; [~~which shall~~
20 ~~include a soil and water conservation bureau~~
- 21 ~~(4)]~~ (3) the energy conservation and
22 management division;
- 23 [~~(5)]~~ (4) the mining and minerals division;
- 24 and
- 25 [~~(6)]~~ (5) the oil conservation division.

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1 B. The state game commission is administratively
2 attached to the department. "

3 Section 3. Section 9-5A-4 NMSA 1978 (being Laws 1987,
4 Chapter 234, Section 4, as amended) is amended to read:

5 "9-5A-4. DIVISIONS--DUTIES.--In addition to the duties
6 assigned to each division of the energy, minerals and natural
7 resources department by the secretary of energy, minerals and
8 natural resources:

9 A. the administrative services division shall
10 provide clerical, recordkeeping and administrative support to
11 the department in the areas of personnel, budget, procurement
12 and contracting;

13 B. the energy conservation and management division
14 shall plan, administer, review, provide technical assistance,
15 maintain records and monitor state and federal energy
16 conservation and alternative energy technology programs;

17 C. the forestry division shall enforce and
18 administer [~~all~~] laws and [~~regulations~~] rules relating to
19 forestry on lands within the state;

20 D. the mining and minerals division shall enforce
21 and administer laws and [~~regulations~~] rules relating to mine
22 safety, coal surface mine reclamation and abandoned mine lands
23 reclamation; and

24 E. the oil conservation division shall administer
25 [~~the~~] laws and [~~regulations~~] rules relating to oil, gas and

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1 geothermal resources, except those laws specifically
2 administered by another authority [and

3 ~~F. the state park and recreation division shall~~
4 ~~develop, maintain, manage and supervise all state parks and~~
5 ~~state owned or state leased recreation areas]. "~~

6 Section 4. Section 9-15A-3 NMSA 1978 (being Laws 1991,
7 Chapter 21, Section 3, as amended) is amended to read:

8 "9-15A-3. DEPARTMENT ESTABLISHED. -- There is created in
9 the executive branch the "tourism department". The department
10 shall be a cabinet department and shall consist of [~~but not be~~
11 ~~limited to, three~~] four divisions as follows:

- 12 A. the travel and marketing division;
- 13 B. the New Mexico magazine division; [and]
- 14 C. the administrative services division; and
- 15 D. the state parks division. "

16 Section 5. Section 16-2-2 NMSA 1978 (being Laws 1977,
17 Chapter 254, Section 113, as amended) is amended to read:

18 "16-2-2. STATE PARK AND RECREATION ADVISORY COMMITTEE
19 ~~CREATED-- MEMBERSHIP-- COMPENSATION-- DUTIES. --~~

20 A. The "state park and recreation advisory
21 committee" to the state [~~park and recreation division of the~~
22 ~~energy, minerals and natural resources~~] parks division of the
23 tourism department is created. It shall be composed of seven
24 to eleven members appointed by the governor.

- 25 B. The state park and recreation advisory

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1 committee shall provide advice and make recommendations
2 relating to the administration of [~~the state park and~~
3 ~~recreation division~~] parks and recreation areas. It shall
4 advise on all matters of policy, [~~regulations~~] rules, the
5 formulation of a comprehensive statewide recreation plan and
6 such other matters as may be requested by the [~~director of~~
7 ~~that~~] state parks division.

8 C. The state park and recreation advisory
9 committee shall meet quarterly or at the call of the chairman.

10 D. [~~Each member of~~] The state park and recreation
11 advisory committee shall annually elect a chairman and vice
12 chairman from its membership. The [~~director of the state park~~
13 ~~and recreation~~] state parks division of the [~~energy, minerals~~
14 ~~and natural resources~~] tourism department shall [~~serve as the~~
15 ~~executive secretary of~~] staff the committee."

16 Section 6. Section 16-2-3 NMSA 1978 (being Laws 1977,
17 Chapter 254, Section 12, as amended) is amended to read:

18 "16-2-3. MEANING OF DESIGNATIONS. -- Wherever in the laws
19 of New Mexico [~~whether or not the statutes have been compiled~~
20 ~~in NMSA 1978~~] reference is made to the "state park and
21 recreation commission", [~~or to the "commission"~~] the term
22 [~~shall mean~~] means the state [~~park and recreation~~] parks
23 division of the [~~energy, minerals and natural resources~~]
24 tourism department. As used in Chapter 16 NMSA 1978,
25 "secretary" means the secretary of [~~energy, minerals and~~

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1 ~~natural resources]~~ tourism. "

2 Section 7. Section 16-2-10 NMSA 1978 (being Laws 1935,
3 Chapter 57, Section 10, as amended) is amended to read:

4 "16-2-10. SECRETARY AND EMPLOYEES PROHIBITED FROM HAVING
5 INTEREST IN CONCESSIONS. --Neither the secretary nor any member
6 of the [~~energy, minerals and natural resources]~~ tourism
7 department shall have any interest in, directly or indirectly,
8 or in any manner be connected with any concession granted to
9 any person within any state park or recreation area. "

10 Section 8. TEMPORARY PROVISION--TRANSFER OF PROPERTY,
11 CONTRACTS AND STATUTORY REFERENCES. --

12 A. On July 1, 1999, all personnel, money,
13 appropriations, records, equipment, furnishings and other
14 property belonging to the state parks division of the energy,
15 minerals and natural resources department shall be transferred
16 to the state parks division of the tourism department.

17 B. On July 1, 1999, all existing contracts and
18 other obligations of the state parks division of the energy,
19 minerals and natural resources department shall be binding on
20 the state parks division of the tourism department.

21 C. On July 1, 1999, all references in law to the
22 state park recreation division or the state parks division of
23 the energy, minerals and natural resources department shall be
24 construed to be references to the state parks division of the
25 tourism department.

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Section 9. REPEAL. --Section 9-5A-6.1 NMSA 1978 (being
Laws 1997, Chapter 149, Section 3) is repealed.

Section 10. EFFECTIVE DATE. --The effective date of the
provisions of this act is July 1, 1999.

Section 11. EMERGENCY. --It is necessary for the public
peace, health and safety that this act take effect
immediately.