

1 SENATE BILL 547

2 **52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015**

3 INTRODUCED BY

4 Sander Rue

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10 AN ACT

11 RELATING TO PUBLIC LANDS; ADDING MEMBERS TO THE STATE LAND
12 TRUSTS ADVISORY BOARD; PROVIDING PROCEDURES FOR MEETINGS ON THE
13 EXCHANGE, SALE OR AUCTION OF STATE LANDS.

14
15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

16 SECTION 1. Section 19-1-1.1 NMSA 1978 (being Laws 1989,
17 Chapter 186, Section 1) is amended to read:

18 "19-1-1.1. STATE LAND TRUSTS ADVISORY BOARD--MEMBERS--
19 APPOINTMENT--TERMS.--

20 A. The "state land trusts advisory board" is
21 created. The state land trusts advisory board shall consist
22 of:

23 (1) seven members appointed by the
24 commissioner [~~of public lands~~] with the advice and consent of
25 the senate;

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1 (2) one member appointed by the governor with
2 the advice and consent of the senate;

3 (3) one member appointed by the speaker of the
4 house of representatives;

5 (4) one member appointed by the president pro
6 tempore of the senate; and

7 (5) the secretary of Indian affairs or the
8 secretary's designee.

9 B. Terms of the initial seven members of the board
10 appointed by the commissioner shall be structured so that three
11 terms shall expire on December 31, 1990, three terms shall
12 expire on December 31, 1992 and one term shall expire on
13 December 31, 1994; thereafter, those commissioners shall be
14 appointed for terms of six years. The initial terms of members
15 appointed by the legislature and governor shall expire on
16 December 31, 2018. Thereafter, commissioners appointed to
17 those positions shall serve terms of six years.

18 ~~[B-]~~ C. Members of the board appointed by the
19 commissioner shall, as reasonably as possible, represent a
20 geographical balance from across the state and shall be
21 selected as follows:

22 (1) two members shall represent the
23 beneficiaries of the state land trusts;

24 (2) one member shall represent the extractive
25 industries;

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1 (3) one member shall represent the
2 agricultural industries;

3 (4) one member shall represent conservation
4 interests; and

5 (5) two members shall represent the public at
6 large.

7 [~~G.~~] D. No more than [~~four~~] six members of the
8 board shall belong to the same political party.

9 [~~D.~~] E. Members of the board shall be reimbursed as
10 provided in the Per Diem and Mileage Act. These expenses shall
11 be paid from the budget of the commissioner [~~of public lands~~]."

12 SECTION 2. Section 19-1-1.2 NMSA 1978 (being Laws 1989,
13 Chapter 186, Section 2) is amended to read:

14 "19-1-1.2. STATE LAND TRUSTS ADVISORY BOARD--REMOVAL OF
15 MEMBERS--VACANCIES.--

16 A. Members of the state land trusts advisory board
17 shall not be removed except for incompetence, neglect of duty
18 or malfeasance in office; provided, however, no removal shall
19 be made without notice of hearing and an opportunity to be
20 heard having first been given to the member. The supreme court
21 is given exclusive jurisdiction over proceedings to remove
22 members of the state land trusts advisory board under rules it
23 may promulgate, and its decision in connection with these
24 matters shall be final.

25 B. Any vacancy occurring on the state land trusts

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1 advisory board of members appointed by the commissioner shall
2 be filled by appointment [~~of~~] by the commissioner [~~of public~~
3 ~~lands~~] with the advice and consent of the senate for the
4 remainder of the unexpired term. A vacancy on the board of a
5 member appointed by the legislature or governor shall be filled
6 by the original appointing authority for the remainder of the
7 unexpired term."

8 SECTION 3. Section 19-1-1.4 NMSA 1978 (being Laws 1989,
9 Chapter 186, Section 4) is amended to read:

10 "19-1-1.4. STATE LAND TRUSTS ADVISORY BOARD--DUTIES.--

11 A. The consensus and advice of the state land
12 trusts advisory board are intended to provide a continuity for
13 resource management and to help the commissioner [~~of public~~
14 ~~lands~~] with understanding and maintaining the highest standards
15 for maximizing the income from the trust assets and to protect
16 and maintain the assets and resources of the trust as required
17 by the constitution of New Mexico, the Enabling Act for New
18 Mexico and state statute. To that end, the board shall review
19 the policies and practices of the commissioner [~~of public~~
20 ~~lands~~] and shall advise the commissioner on how such policies
21 and practices affect and achieve those goals.

22 B. No action of the state land trusts advisory
23 board shall be binding on the commissioner [~~of public lands~~]
24 who alone has the constitutional and fiduciary responsibility
25 as trustee for the trusts.

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1 C. The commissioner [~~of public lands~~] shall hold at
2 least one meeting per year jointly with the state land trusts
3 advisory board and the administrative head or designee of the
4 beneficiary institutions. At annual beneficiary meetings, the
5 commissioner shall inform and discuss with the representatives
6 of the beneficiaries and the board the plans, goals,
7 objectives, budget, revenue projections, asset management
8 issues and all other pertinent information regarding the state
9 land trusts, including proposed land exchanges, sales or
10 auctions.

11 D. Prior to entering into an exchange, sale or
12 auction of state lands, the commissioner shall send a notice to
13 the members of the state land trusts advisory board and the
14 appointing authorities. The notice shall describe all lands
15 included in the proposed exchange, sale or auction, explain the
16 perceived benefits and known potential detriments and establish
17 a date not less than thirty days from the notice for a meeting
18 of the state land trusts advisory board. At the meeting of the
19 board held pursuant to the notice, the commissioner shall
20 explain the proposed exchange, sale or auction and the board
21 shall hear comments from interested persons and advise the
22 commissioner on the merits of proceeding with the exchange,
23 sale or auction. The commissioner shall not enter into any
24 agreement for the exchange of state lands without complying
25 with the provisions of this subsection."

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