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SENATE MEMORIAL 47

**51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014**

INTRODUCED BY

Ron Griggs

A MEMORIAL

RECOGNIZING THE BUDGETARY BURDENS CREATED BY THE VAST FEDERAL LAND HOLDINGS IN NEW MEXICO; PROPOSING A FRAMEWORK FOR TRANSFER OF FEDERAL LANDS TO NEW MEXICO; REQUESTING A STUDY OF THE MANAGEMENT CAPACITY OF STATE AGENCIES TO ACCOMMODATE A TRANSFER.

WHEREAS, land ownership is a primary source of wealth, and a founding principle of wealth distribution in America was that the economy would be better served by securing wealth in the individual rather than in the government; and

WHEREAS, starting with the Land Ordinance of 1785, the original land management policy of the United States was to promote private family farms while retaining small land holdings in each community to support schools and other public institutions; and

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1           WHEREAS, the promotion of private land ownership resulted  
2 in minimal governmental lands within the states east of the  
3 Mississippi river; and

4           WHEREAS, as settlement in the western states grew in the  
5 late nineteenth century, national land policy changed with  
6 respect to arid states. While some lands continued to be set  
7 aside for schools and state institutions, under the Mining Act  
8 of 1866, the General Mining Law of 1872 and the Desert Land Act  
9 of 1877, the focus for most lands changed from private  
10 residency on land to economic production from land; and

11           WHEREAS, the change in federal land policy in the western  
12 states resulted in the retention of vast federal land holdings  
13 in New Mexico, with some counties listing eighty-five percent  
14 or more of their land as federally owned; and

15           WHEREAS, the federal land policy for western states  
16 resulted in the wasteful duplication of land management  
17 bureaucracies within New Mexico, with state and federal  
18 agencies doing equivalent work on adjacent lands; and

19           WHEREAS, in recent years the president and congress of the  
20 United States have struggled and failed to find the funding to  
21 pay for all of the current functions of the federal government;  
22 and

23           WHEREAS, the current federal debt exceeds seventeen  
24 trillion three hundred billion dollars (\$17,300,000,000,000)  
25 and is growing; and

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1           WHEREAS, New Mexico's state agencies have the experience  
2 and expertise to carry out the land management and regulatory  
3 functions for resource production, including livestock grazing,  
4 currently provided by federal agencies; and

5           WHEREAS, it may be mutually beneficial to both the state  
6 of New Mexico and the federal government for New Mexico to  
7 unburden the federal government from its management  
8 responsibilities for resource production lands within the  
9 state;

10          NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE  
11 OF NEW MEXICO that the state land office and the energy,  
12 minerals and natural resources department be requested to do a  
13 study to determine the costs and benefits to the state of  
14 assuming responsibility for all federal resource production  
15 lands within New Mexico, regardless of agency jurisdiction,  
16 excluding federally reserved tribal lands; and

17          BE IT FURTHER RESOLVED that the cost and benefits study  
18 requested in this memorial:

19               A. be based on the assumption that New Mexico would  
20 assume management of the lands on January 1, 2016 and full  
21 title to them on January 1, 2036;

22               B. be based on the assumption that New Mexico would  
23 share royalties from production on the lands with the federal  
24 government, starting at a rate of three percent with  
25 incremental and equal reductions in the royalty share every

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1 five years, until the title is transferred to the state, at  
2 which point New Mexico would retain all royalty proceeds from  
3 transferred lands;

4 C. provide an analysis of the capacity of state  
5 agencies to assume the resulting additional management and  
6 regulation responsibilities, including any increases in  
7 staffing, equipment, office space and funding that would be  
8 required;

9 D. provide projections of the resulting revenues  
10 that could reasonably be expected from the transferred lands  
11 and any other benefits that would accrue to the state of New  
12 Mexico; and

13 E. provide an analysis of the liabilities that  
14 would be incurred, including police and security needs and the  
15 costs of remediation for any hazardous waste sites on the  
16 transferred lands that would fall under the federal  
17 Comprehensive Environmental Response, Compensation, and  
18 Liability Act of 1980, commonly known as the Superfund Act, or  
19 Clean Water Act regulations; and

20 BE IT FURTHER RESOLVED that the state land office and the  
21 energy, minerals and natural resources department be requested  
22 to provide a written report and a presentation of their  
23 findings to the appropriate interim legislative committee by  
24 October 1, 2014; and

25 BE IT FURTHER RESOLVED that copies of this memorial be

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1 transmitted to the commissioner of public lands, the secretary  
2 of energy, minerals and natural resources, the governor and the  
3 co-chairs of the New Mexico legislative council.