

SENATE CONSERVATION COMMITTEE SUBSTITUTE FOR
SENATE BILL 53

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO STATE LANDS; REQUIRING PUBLICATION ON THE STATE
LAND OFFICE WEB SITE OF CERTAIN DOCUMENTATION FOR THE SALE,
EXCHANGE OR LEASE OF STATE LANDS FOR REAL ESTATE PLANNING OR
DEVELOPMENT PURPOSES.

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

SECTION 1. Section 10-16D-3 NMSA 1978 (being Laws 2010,
Chapter 34, Section 3) is amended to read:

"10-16D-3. SUNSHINE PORTAL--DEPARTMENT DUTIES.--

A. The department, with the department of finance
and administration, shall develop, operate and maintain a
single internet web site that is free, user-friendly,
searchable and accessible to the public, known as the "sunshine
portal", to host the state's financial information for the
purpose of governmental transparency and accountability to

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1 taxpayers.

2 B. No later than October 1, 2010, the department
3 shall create the architecture and the information exchange
4 process for the collection and electronic publication of the
5 state's financial information.

6 C. No later than July 1, 2011, the sunshine portal
7 shall be available for public access and include updated
8 information as required by Subsection D of this section.

9 D. The sunshine portal shall provide, at a minimum,
10 access to the following information:

11 (1) the state's cash balances by account or
12 fund;

13 (2) a monthly summary of the state's
14 investment accounts under the control of the state investment
15 council;

16 (3) annual operating budgets for each state
17 agency with monthly expenditures by category;

18 (4) contracts that a state agency enters into
19 for the lease, sale or development of state land or if they
20 have a total value of more than twenty thousand dollars
21 (\$20,000), naming both the recipient and purpose of the
22 contract;

23 (5) the revenue that the state received in the
24 preceding month by source, such as type of tax, fee, fine,
25 administrative fee or other collection category;

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1 (6) special appropriations received outside
2 the general appropriation act by each state agency and the
3 purpose of those appropriations;

4 (7) approved budget adjustment requests by
5 state agency and affected budget category;

6 (8) reversions and cash balances by state
7 agency and fund;

8 (9) appropriations for capital projects,
9 identified by project location, type of project and funding
10 source;

11 (10) a directory of all employee positions,
12 other than exempt employee positions, identified only by state
13 agency, position title and salary;

14 (11) a directory of all exempt employee
15 positions, identified by state agency, position title, salary
16 and the name of the individual that holds the position;

17 (12) a link to an open meeting tracker web
18 site upon which each state agency shall post open meetings
19 scheduled for the current month and the next month, including
20 the time and place of the meeting, the subject of the meeting
21 and an agenda;

22 (13) a link to New Mexico's statutes;

23 (14) a link to the New Mexico Administrative
24 Code;

25 (15) a link to the secretary of state's web

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1 sites for lobbyist regulation;

2 (16) a link to the state land office's web
3 site for information related to the sale, exchange or lease of
4 state land for real estate planning or development purposes
5 pursuant to Subsection A of Section 4 of this 2011 act;

6 [~~(16)~~] (17) an annual summary within three
7 months after the end of the fiscal year of the state's fiscal
8 health, including the state budget, revenues and expenditures
9 for the previous fiscal year and projected revenues and
10 operating budgets for the current fiscal year; and

11 [~~(17)~~] (18) additional information, as
12 required by rule of the department of finance and
13 administration, that will assist the public in understanding
14 state government operations and the use of taxpayer dollars.

15 E. State agencies shall provide updated financial
16 information as frequently as possible but at least monthly.

17 F. The department shall update the web site as new
18 information is received but at least monthly, include
19 information from the previous month or year, where relevant,
20 for comparison purposes and maintain the web site as the
21 primary source of public information about the activity of the
22 state government."

23 SECTION 2. Section 19-1-1 NMSA 1978 (being Laws 1912,
24 Chapter 82, Section 1, as amended) is amended to read:

25 "19-1-1. STATE LAND OFFICE CREATED--COMMISSIONER--

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1 POWERS.--~~[Section 1.]~~ A "state land office" is ~~[hereby]~~
 2 created, the executive officer of which shall be the
 3 "commissioner of public lands", ~~[herein after called]~~ referred
 4 to in Chapter 19 NMSA 1978 as the "commissioner", who shall
 5 have jurisdiction over all lands owned ~~[in this chapter]~~ by the
 6 state, except as may be otherwise specifically provided by law,
 7 and shall have the management, care, custody, control and
 8 disposition ~~[thereof]~~ of such lands in accordance with the
 9 provisions of ~~[this]~~ Chapter 19 NMSA 1978 and the ~~[law or]~~ laws
 10 under which such lands have been or may be acquired."

11 **SECTION 3.** Section 19-7-9 NMSA 1978 (being Laws 1971,
 12 Chapter 93, Section 1, as amended) is amended to read:

13 "19-7-9. SALE AND LEASE OF STATE LANDS--CONVEYANCE FOR
 14 TERM OF YEARS--TERMS AND CONDITIONS.--Any state lands offered
 15 for sale by the commissioner may be sold at the commissioner's
 16 discretion for cash or upon payment of not less than one-tenth
 17 of the purchase price in cash and payment of the balance in
 18 amortized installments for any period up to thirty years with
 19 interest on the principal balance at a rate to be set by the
 20 commissioner in the notice of auction pertaining to the
 21 particular sale in advance. Additional payments on the
 22 principal may be made at any time, but such payments shall not
 23 be effective for credit until the date the next installment is
 24 due. The purchase contract shall be upon a form prescribed by
 25 the commissioner prior to publication of the notice of auction

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1 and shall contain the terms and conditions the commissioner may
2 deem to be in the best interest of the state and consistent
3 with law. Should a purchaser die before completing the
4 contract, the due date of the next installment payment shall,
5 upon written application, be deferred by the commissioner for
6 one year. In addition, the commissioner is authorized to
7 convey for any period of time state lands under the
8 commissioner's jurisdiction having value for commercial
9 development or public use purposes, provided that:

10 A. all of the requirements for the disposition of
11 lands set forth in the constitution of New Mexico and the [~~New~~
12 ~~Mexico~~] Enabling Act for New Mexico are complied with,
13 including but not limited to those pertaining to appraisal at
14 true value, advertising and public auction;

15 B. the term and nature of the estate to be conveyed
16 is set forth in the public notice of auction pertaining to the
17 particular conveyance; [~~and~~]

18 C. if the conveyance is a business lease for real
19 estate planning or development purposes, then,
20 notwithstanding the term of the lease, it shall only be
21 issued after:

22 (1) notice and competitive bid; and

23 (2) compliance with Section 4 of this 2011
24 act; and

25 D. if the conveyance is for the sale or exchange

1 of state land for real estate planning or development
 2 purposes, then, notwithstanding the terms of the purchase
 3 contract, it shall only be issued after compliance with
 4 Section 4 of this 2011 act."

5 SECTION 4. A new section of Chapter 19, Article 7 NMSA
 6 1978 is enacted to read:

7 "[NEW MATERIAL] SALE, EXCHANGE OR LEASE OF STATE LANDS
 8 FOR REAL ESTATE PLANNING OR DEVELOPMENT PURPOSES--PUBLICATION
 9 ON STATE LAND OFFICE WEB SITE.--

10 A. At least thirty days prior to the execution of
 11 a conveyance for the sale, exchange or lease of state land,
 12 the commissioner shall publish on the state land office web
 13 site documentation of the following items related to each
 14 conveyance:

15 (1) the appraised value of the land and date
 16 of the appraisal, performed by an external certified
 17 appraiser or by an appraiser from the state land office;

18 (2) a summary of the state land office's
 19 internal review of the appraisal, if performed by the
 20 external certified appraiser;

21 (3) the terms of and supporting explanations
 22 for the improvement value credit negotiated between the
 23 developer and the state land office;

24 (4) the current use of the land;

25 (5) the current lease revenue, if any, on

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1 the state land;

2 (6) the commissioner's justification for
3 determining that entering the sale, exchange or lease is in
4 the best interest of the beneficiaries of the state land; and

5 (7) any other elements that influenced the
6 decision to make the sale, exchange or lease.

7 B. At least thirty days prior to the execution of
8 a conveyance for the sale, exchange or lease of state land
9 for real estate planning or development purposes, the
10 commissioner shall provide a link to the department of
11 information technology to provide access on the sunshine
12 portal to the information published on the state land office
13 web site pursuant to Subsection A of this section. Within
14 thirty days after the termination of a lease for real estate
15 planning or development purposes, the commissioner shall
16 publish on the state land office web site the:

17 (1) appraised value of the land at the time
18 the lease was made, as described in Paragraph (1) of
19 Subsection A of this section;

20 (2) appraised value of the land at the
21 termination of the lease, performed by an external certified
22 appraiser or an appraiser from the state land office; and

23 (3) summary of the state land office's
24 internal review of the appraisal performed by the external
25 certified appraiser."

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