

SENATE BILL 94

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

INTRODUCED BY

Jeff Steinborn and Crystal R. Diamond

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO OUTDOOR RECREATION; TRANSFERRING ADMINISTRATION OF THE RIO GRANDE TRAIL COMMISSION AND THE RIO GRANDE TRAIL FUND FROM THE ENERGY, MINERALS AND NATURAL RESOURCES DEPARTMENT TO THE ECONOMIC DEVELOPMENT DEPARTMENT; PROVIDING DUTIES TO THE NEW MEXICO OUTDOOR RECREATION DIVISION OF THE ECONOMIC DEVELOPMENT DEPARTMENT TO COMPLETE THE RIO GRANDE TRAIL ~~HAFC~~ **MAKING AN APPROPRIATION** ~~HAFC~~ .

.223203.4AIC February 16, 2023 (3:34pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = bold, blue, highlight  
delete = bold, red, highlight, strikethrough

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

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

SECTION 1. Section 9-5C-1 NMSA 1978 (being Laws 2015, Chapter 20, Section 1) is amended to read:

"9-5C-1. RIO GRANDE TRAIL COMMISSION CREATED-- MEMBERSHIP--FUND CREATED--[ENERGY, MINERALS AND NATURAL RESOURCES] ECONOMIC DEVELOPMENT DEPARTMENT.--

A. The "Rio Grande trail commission" is created to establish the Rio Grande trail to run the length of the state from Colorado to Texas. The Rio Grande trail shall be a recreation trail for New Mexico residents and visitors to enjoy the natural beauty of New Mexico and the Rio Grande and learn about the culture and history of New Mexico. The trail shall be established in a manner that seeks to minimize environmental impacts and preserve sensitive habitat. The commission shall define and recommend viable path routes of the Rio Grande trail, mitigate challenges related to its establishment and define and recommend other features, facilities and enhancements needed on the trail. The commission shall also make recommendations to the legislature as needed and report annually to the governor and the appropriate interim committees that deal with water and natural resources and rural and economic development. The commission shall consist of members appointed by the [~~secretary of energy, minerals and natural resources~~] director of the New Mexico outdoor recreation division of the economic development department and shall include:

.223203.4AIC February 16, 2023 (3:34pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

- (1) the secretary of energy, minerals and natural resources or the secretary's designee;
- (2) the ~~[secretary]~~ director of the New Mexico outdoor recreation division of the economic development department or the ~~[secretary's]~~ director's designee;
- (3) the secretary of Indian affairs or the secretary's designee;
- (4) the secretary of transportation or the secretary's designee;
- (5) the secretary of tourism or the secretary's designee;
- (6) a representative from each of the following:
  - (a) an organization with trail management experience;
  - (b) the state parks division of the energy, minerals and natural resources department;
  - (c) an organization that specializes in river ecology and conservation, with specific experience in the stated area of the organization's expertise; and
  - (d) an organization that specializes in bird ecology and conservation, with specific experience in the stated area of the organization's expertise; and
- (7) two members of the public interested in the Rio Grande trail development.

B. The ~~[secretary]~~ director of the New Mexico

.223203.4AIC February 16, 2023 (3:34pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight ←  
delete = → bold, red, highlight, strikethrough ←

outdoor recreation division of the economic development department or the director's designee shall ~~[appoint the chair from among the members]~~ serve as the chair of the commission and invite federal entities to be a part of the commission as non-voting members, including the:

- (1) bureau of land management;
- (2) bureau of reclamation;
- (3) international boundary and water

commission;

- (4) national park service;
- (5) United States army corps of engineers;
- (6) United States fish and wildlife service;
- (7) United States forest service; and
- (8) ~~[the]~~ offices of the New Mexico

congressional delegation.

C. The commission shall collaborate and cooperate with the national park service's historic trails project for the El Camino Real historic trail from Mexico to northern New Mexico when appropriate.

D. The commission shall be administratively attached to the economic development department and staffed by the ~~[energy, minerals and natural resources department]~~ New Mexico outdoor recreation division. Members of the commission are entitled to per diem and mileage as provided in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance, contingent upon money being available

.223203.4AIC February 16, 2023 (3:34pm)

for this purpose.

E. The commission shall:

(1) meet at least three times annually;

(2) define and recommend viable path routes of the Rio Grande trail that shall be contiguous where possible and include only land that is expressly authorized by the owner, including Indian nations, tribes or pueblos, for inclusion in the Rio Grande trail and not to be acquired by eminent domain;

(3) mitigate challenges related to the Rio Grande trail's establishment, including facilitating negotiations and discussions with landowners and jurisdictions surrounding the Rio Grande;

(4) define and recommend other features, facilities and enhancements needed on the Rio Grande trail;

(5) identify [~~appropriate~~] opportunities for river recreation along the trail;

(6) establish a Rio Grande trail commission [~~web site~~] website to publish meeting notices, meeting minutes, commission trail recommendations and other appropriate materials;

(7) ensure that any recommended designation, construction and use of the trail will minimize environmental impacts;

(8) endeavor to avoid areas of significant habitat value and ensure that any recommended designation,

.223203.4AIC February 16, 2023 (3:34pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight  
delete = → bold, red, highlight, strikethrough

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

design, construction or use of the trail will minimize the impact on habitat;

(9) consider the impacts on private and commercial interests;

(10) make recommendations to the legislature as needed;

(11) prepare and report annually to the governor and the appropriate interim legislative committees related to water and natural resources and economic development;

(12) consult with representatives of the following regarding issues within their jurisdiction in development of the Rio Grande trail:

(a) each of the conservancy or irrigation districts served by water in the Rio Grande;

(b) acequias adjoining the Rio Grande;

(c) counties adjoining the Rio Grande;

(d) land grants adjoining the Rio Grande;

(e) municipalities adjoining the Rio Grande; and

(f) Indian nations, tribes or pueblos adjoining the Rio Grande;

(13) actively engage the public in the planning process of the Rio Grande trail and display meeting notices, meeting minutes and official commission trail

.223203.4AIC February 16, 2023 (3:34pm)

underscored material = new  
[bracketed material] = delete  
Amendments: new = → bold, blue, highlight ←  
delete = → bold, red, highlight, strikethrough ←

proposals on the Rio Grande trail commission's ~~[web site]~~  
website;

(14) where feasible, develop multiple options of trail routing, construction design and potential enhancements;

(15) prior to making any final decisions regarding trail designation, design ~~[and]~~ or construction, hold public meetings ~~[to solicit public input]~~ and allow for a written comment period to solicit public input;

(16) make a final recommendation based on all factors, including public comments and environmental impacts ~~[In implementation of the Rio Grande trail, the secretary of energy, minerals and natural resources shall describe and publish any variance from commission recommendations on the commission's web site]~~;

(17) to the extent feasible, select existing trails for the route of the Rio Grande trail;

(18) to the extent feasible, in the case of non-motorized existing trails, avoid widening these trails;

(19) in the case of new trails on public lands, construct the trails for non-motorized use; provided, however, that such trails may, but are not required to, be open to power-driven mobility devices for individuals with mobility impairments; and

(20) to the extent possible, avoid introduction of non-native material on the trail.

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

F. The New Mexico outdoor recreation division shall actively work to complete the Rio Grande trail, including identifying and pursuing trail segment designations, facilitating construction of new trail segments, shelters and other infrastructure needed to support short- and long-distance use of the Rio Grande trail and educating entities with potential trail segments about the Rio Grande trail and actively seeking their support.

[F.] G. Eminent domain shall not be used to establish or construct the Rio Grande trail or features, facilities or enhancements associated with the trail.

[G.] H. The "Rio Grande trail fund" is created in the state treasury. The fund consists of appropriations, donations, grants to the fund, income from investment of the fund and money otherwise accruing to the fund. Money in the fund shall not revert to any other fund at the end of a fiscal year. The [~~energy, minerals and natural resources~~] economic development department shall administer the fund, and money in the fund is subject to appropriation by the legislature to the [~~energy, minerals and natural resources~~] economic development department for the New Mexico outdoor recreation division to develop, establish and support the Rio Grande trail. Money in the fund shall be disbursed on warrants signed by the secretary of finance and administration pursuant to vouchers signed by the secretary of [~~energy, minerals and natural resources~~] economic development or the secretary's authorized

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

representative.

I. For the purposes of this section, "commission" means the Rio Grande trail commission."

SFC→SECTION 2. 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 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, ecological, geological or cultural qualities of the areas through which such trails pass;

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

(3) "state historical trails", which are trails designed to identify and interpret routes ~~which~~ that were significant in the prehistoric settlement or historical development of the state; and

(4) "special use trails", which are trails that

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight↔

delete = →bold, red, highlight, strikethrough↔

may provide uses also provided by scenic, recreation and historical trails but which shall not be limited to such uses.

The secretary may designate special use trails in such locations as ~~the~~ the secretary deems appropriate and may limit the use of such trails to such special users as ~~the~~ the secretary determines. In designating special use trails, the secretary shall give due regard to the interests of users who have needs of a special nature ~~which~~ that are not fulfilled by other trail types comprising the state trails system.

B. State trails shall be supplemented by support facilities deemed necessary and feasible by the secretary. These facilities shall comply with ~~health and~~ department of environment ~~department~~ standards and regulations.

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

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

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

F. Before making a final designation of any trail,

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

the secretary shall:

(1) hold a public hearing after proper notice 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 in the lands in the proximity of the trail.

G. The provisions of the State Trails System Act relating to the planning and designation of trails do not apply to the Rio Grande trail."←SFC

SECTION SFC→2.←SFC SFC→3.←SFC TEMPORARY

PROVISION--TRANSFER OF APPROPRIATIONS, RECORDS AND CONTRACTS TO THE ECONOMIC DEVELOPMENT DEPARTMENT.--On the effective date of this act:

A. all functions, appropriations, money, records and files of the energy, minerals and natural resources department relating to the Rio Grande trail commission and establishment of the Rio Grande trail shall be transferred to the economic development department;

B. all contractual obligations of the energy, minerals and natural resources department relating to the Rio Grande trail commission and establishment of the Rio Grande trail shall be binding on the economic development department; and

C. the rules, orders and decisions of the energy,

underscored material = new  
[bracketed material] = delete  
Amendments: new = →bold, blue, highlight←  
delete = →bold, red, highlight, strikethrough←

minerals and natural resources department relating to the Rio Grande trail commission and establishment of the Rio Grande trail shall remain in effect until repealed or amended.

HAFC→~~SECTION SFC→3.←SFC SFC→4.←SFC~~ APPROPRIATION.--Two hundred twenty-five thousand dollars (\$225,000) is appropriated from the general fund to the economic development department for expenditure in fiscal year 2024 for personnel and operational expenses needed to support the development of the Rio Grande trail and management of the Rio Grande trail commission. Any unexpended or unencumbered balance remaining at the end of fiscal year 2024 shall revert to the general fund.←HAFC