

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website (legis.state.nm.us). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Martinez DATE TYPED 1/30/04 HB

SHORT TITLE Transfer Land to Juan Tafoya Land Grant SB 84

ANALYST Wilson

REVENUE

Estimated Revenue		Subsequent Years Impact	Recurring or Non-Rec	Fund Affected
FY04	FY05			
		See Narrative		Federal Funds

(Parenthesis () Indicate Revenue Decreases)

Relates to SJM 10

SOURCES OF INFORMATION

LFC Files

Responses Received From

Game and Fish Department (GFD)

State Land Office (SLO)

SUMMARY

Synopsis of Bill

Senate Bill 84 directs the State Game Commission (SGC) to transfer title to the Board of Trustees of the Juan Tafoya land grant all lands currently owned by the SGC that were formerly part of the original grant of lands to such land grant.

Significant Issues

The GFD has raised the following concerns:

- The State's anti-donation clause may prohibit this transfer of lands.
- State property statutes may prohibit the transfer of lands without fair compensation.
- The property was purchased using Pittman-Robertson Act dollars through the Federal Aid Program in which 75% of the purchase price was reimbursed to the SGC. Operation and maintenance cost are also reimbursable at a 75-25 cost ratio.

GFD states title searching appears to show that the Marquez Wildlife Area was a part of the Seboyeta Land Grant. This grant was split into several tracts by court decree in 1904. Tract 5 was approximately 23,000 acres and included the approximate 14,500 acres of today's Marquez Wildlife Area. This tract was deeded to Frank W. Clancy and others per court decision of November 3, 1904 and a plat map filed January 20, 1905. Part of the Clancy Tract eventually became the Marquez WMA when purchased by the SGC in 1967. Tract 7b apparently became the Peoples Tract for the Juan Tafoya Land Grant under the same court decree of 1904. Thus it is unclear the SGC lands ever belonged to the Juan Tafoya Land Grant.

FISCAL IMPLICATIONS

Without Federal Aid Program approval, the direct transfer of lands owned by the SGC could jeopardize more than \$8 million in annual funding received by the GFD from the U.S. Fish and Wildlife Service (USFWS). Without fiscal compensation, the GFD could not purchase replacement land elsewhere and may have to pay 75% of the property value back to the Federal Aid Program.

ADMINISTRATIVE IMPLICATIONS

The GFD could potentially have to devote significant amount of staff time for title work, appraisals, contracts, federal aid approvals and acquisition of replacement land, if funds were provided.

RELATIONSHIP

SB84 relates to SJM10 which requests the Office of Cultural Affairs to determine the extent to which the State owns lands that previously were common lands of a Spanish or Mexican land grant-merced.

DW/dm:yr