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FISCAL IMPACT REPORT

ORIGINAL DATE 01/19/07
 LAST UPDATED 01/24/07 HB 120/aHGAC

SPONSOR M.P. Garcia

SHORT TITLE Confirm Tecolote Land Grant Status SB _____

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Attorney General's Office (AGO)

SUMMARY

Synopsis of HGAC Amendment

The House Health and Government Affairs Committee amendment removes language stating that general land grant statutes do not apply to land grants governed by specific statutes (such as the Tecolote Land Grant) and language applying general land grant laws to a land grant governed by a specific statute if a majority of the members of the board of trustees determines that those statutes are no longer beneficial to the land grant-merced. The board has the authority to request the legislature to repeal or to amend those statutes to conform with the governing statutes relating to any land grant-merced and to be governed by its bylaws or the conforming statutes.

The amendment removed and did not replace confusing language since it was unclear whether the intent of the language was to apply the general land grant statutes to land grants having specific statutes, if those land grants request the legislature amend their specific statutes to conform with the general laws, or whether the intent was to maintain separate general and specific laws.

Synopsis of Original Bill

House Bill 120 modifies, expands and repeals existing statutes relating to the management of the Tecolote Land Grant. The bill designates the Tecolote Land Grant as a political subdivision of the state; describes the powers of the Board of Trustees; sets qualifications for Board members; designates election dates, voter qualifications and registration; provides for meetings of the Board; imposes restrictions on the sale or mortgage of land grant lands; provides for court actions for ejecting and removal of people claiming lands within the land grant who have no right or title to that land “in the opinion of the board”; provides for removal of trustees; and generally elaborates on existing statutory rights, obligations, powers and duties of board members and land grant heirs.

SIGNIFICANT ISSUES

The Tecolote Land Grant, located near Las Vegas New Mexico, was granted a patent by Congress in 1858, which was filed in 1903. The patent recognized that the land grant was a community land grant containing common land for the use of all heirs of the original members of the Town of Tecolote.

According to minutes of the Legislature’s Land Grant Committee dated November 2-3, 2005, land grant heirs are concerned about provisions in current law that allow non-heirs to vote for and be elected to the Board of Trustees.

TECHNICAL ISSUES

The AGO provided the following:

Aside from amending statutes which specifically govern the Tecolote Land Grant, the bill also amends NMSA Section 49-1-2 which defines the applicability of “general” land grant statutes. If the bill is enacted, state law would continue to provide that the general land grant statutes do not apply to land grants governed by specific statutes (such as the Tecolote Land Grant), but would add language applying those general laws if the land grant “complies with the provisions of subsection B” and requests the legislature amend its specific statutes to conform to the general statutes. This amendment is confusing, since it is unclear whether the intent is to apply the general land grant statutes to land grants having specific statutes, if those land grants request the legislature amend their specific statutes to conform with the general laws, or whether the intent is to maintain separate general and specific laws.

DW/mt:csd