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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/6/07

SPONSOR Rodella LAST UPDATED \_\_\_\_\_ HB 468

SHORT TITLE Tome Land Grant 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  
Office of the Attorney General (OAG)

### SUMMARY

#### Synopsis of Bill

House Bill 468 amends Section 49-1-2 NMSA 1978 to require the town of Tome land grant-merced to be governed by the provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

The sections referred to in this bill govern the management of land grants-merced which are not governed by specific statutes. They generally provide that land grants are political subdivisions of the state, and establish boards of trustees and designate their rights and responsibilities.

### FISCAL IMPLICATIONS

There is no fiscal impact.

### SIGNIFICANT ISSUES

The Town of Tome Land Grant-Merced is not specifically recognized in current state law provisions. However, the Town of Tome Land Grant was recognized as a valid land grant in a report issued by the United States General Accounting Office to the United States Congress in September 2001.

The report acknowledges that the land grant was established in 1739, in what is now known as Valencia County.

In 1955, the Tome Land Grant attempted to begin operating as a community land grant corporation by virtue of the establishment of the Tome Land & Improvement Company in 1955. Apparently land grant common land was transferred to the corporation. However, the New Mexico Supreme Court in *Apodaca v. Unknown Heirs of Following Persons Who Are Adjudged to Be Owners and Proprietors of Tome Land Grant*; 98 N.M. 620 (1982), stated: “Inasmuch as the appellee [Tome] had no authority to convert itself into a private corporation in 1955, the action is invalid. It may not now be used to confirm that ownership of the land vested in Tome Company and the shareholders”. Public Regulation Commission records indicate that the “Tome Land & Improvement Company is “inactive due to voluntary dissolution”. It appears that the Tome Land Grant-Merced is therefore not a “community land grant” governed by NMSA Sections 42-2-1 to 42-2-18. This bill will therefore apply other state law provisions to that land grant. of the

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