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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/07

SPONSOR Rodella LAST UPDATED \_\_\_\_\_ HB 1257

SHORT TITLE Juan Baldes Land Grant Boundary Survey SB \_\_\_\_\_

ANALYST Propst

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	\$75.0	Non-Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)

### SUMMARY

#### Synopsis of Bill

House Bill 1257 proposes \$75.0 from the General Fund to the Local Government Division of the Department of Finance and Administration for a boundary survey of the Merced Comunitaria Juan Bautista Baldes land grant.

### FISCAL IMPLICATIONS

The appropriation of \$75.0 contained in this bill is a non-recurring expense to the General Fund. Any unexpended or unencumbered balance remaining at the end of FY08 shall revert to the General Fund.

### SIGNIFICANT ISSUES

According to the State Records and Archives: land grants were made to individuals and communities during the Spanish (1598-1821) and Mexican (1821-1846) periods of New Mexico's history. Because the Pueblo Revolt of 1680 destroyed nearly all of the Spanish documents in New Mexico, we can only be certain of land grants that were made after the Spanish Reconquest of New Mexico in 1693.

The land grants were to be honored by the U.S. under the Treaty of Guadalupe-Hidalgo that was signed at the end of the Mexican-American War in 1848. In 1854 the U.S. government established the office of the Surveyor General of New Mexico to ascertain "the origin, nature, character, and extent to all claims to lands under the laws, usages, and customs of Spain and Mexico." These duties included making recommendations to Congress concerning the validity of land grant claims. The Surveyor General considered approximately 180 claims (excluding Pueblo grants) and confirmed 46 of these non-Pueblo grants. In 1891 the US government established the Court of Private Land Claims to adjudicate land grant claims in New Mexico and other states. Over its thirteen-year history the Court considered 282 claims to land grants in New Mexico and confirmed 82 of these grants.

Throughout the 20th century, legal battles over land grant claims continued in New Mexico's district courts. In the late 1990s New Mexico's congressional delegation attempted to pass federal legislation that would establish an entity to reconsider the confirmation of New Mexican land grants and the validity of decisions previously made by the Surveyor General and the Court of Private Land Claims.

The beginning of the 21st century has seen the resurgence of interest in the validity of Spanish and Mexican period land grant adjudications by the Surveyor General and the Court of Private Land Claims.

The only way to justify if property is owned either by the heirs, the U.S. Forest Service (FS) or Bureau of Land Management (BLM) is to survey the land grants and determine the boundaries. The U.S. Government is urging Congress to transfer land currently being held by FS and BLM to the rightful heirs of the individual land grants.

## **OTHER SUBSTANTIVE ISSUES**

DFA notes that the Merced Comunitaria Juan Bautista Baldes land grant is currently registered with the Secretary of States office; however this land grant is not in compliance with the Audit Act since no budget has been submitted or approved by the Department of Finance and Administration. A county or municipality will need to act as a fiscal agent.

This appropriation would set precedent for the approximately 23 land grants that are currently registered with the Secretary of States office in seeking funding for the same purpose.

WEP/mt