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FISCAL IMPACT REPORT

ORIGINAL DATE 1/24/07
LAST UPDATED 2/15/07

SPONSOR B Sanchez HB _____

SHORT TITLE Confirm Chilili Land Grant Statutes SB 300/aSJC/aSFI#1

ANALYST Wilson

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY07	FY08		
	NFI		

Duplicates House Bill 340
Relates to House Bill 120

SOURCES OF INFORMATION

LFC Files

Responses Received From
Attorney General's Office (AGO)

SUMMARY

Synopsis of SFI#1 Amendment

The Senate Floor amendment #1 to Senate Bill 300 clarifies that the Chilili land grant-merced by-laws can't be in conflict with the State's laws governing land grant-merced or the treaty of Guadalupe Hidalgo.

The amendment also clarifies that the board of trustees of a land-grant –merced have jurisdiction only over their lands. The board of trustees shall determine zoning of the common lands of the land grant-merced pursuant to a comprehensive plan approved by the local government division of the Department of Finance and Administration (DFA) that considers the health, safety and general welfare of the residents of the land grant-merced. The department of finance and administration shall select a qualified arbitrator to arbitrate for zoning conflicts between the land grant-merced and neighboring municipalities and counties.

Furthermore, the amendment states that in a law suit between the board of trustees and a person who holds in possession or claims in private ownership, within the exterior boundaries of the land grant-merced, any tract, piece or parcel of land, the prevailing party the person shall be

entitled to recover costs and reasonable attorney fees.

The rest of the amendment is clarification and clean-up.

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment to Senate Bill 300 removes a section requiring Chilili to come under the general statutes; however Chilili must conform their special statutes to general statutes regarding procurement, open meetings, etc.

Synopsis of Original Bill

Senate Bill 300 repeals statutes relating to the governance of the Chilili Land Grant, and enacts new sections of state law which will set forth detailed provisions for the governance of that land grant.

The bill also amends NMSA Section 49-1-2 which provides that the general land grant sections of state law do not apply to land grants governed by specific acts. The bill appears to substantially adopt, in specific statutory provisions, the governing scheme set forth in the general land grant provisions.

The bill will provide for a five member board of trustees; set forth their election procedures, qualifications, salaries; duties and removal; define certain terms relating to the land grant; provide for sale of land grant property; provide for removal and eviction proceedings against persons possessing land grant property without holding title; and provide for the rights of person purchasing property within the land grant.

FISCAL IMPLICATIONS

This bill has no fiscal impact.

SIGNIFICANT ISSUES

The AGO states the bill will amend NMSA 49-1-2 to provide that land grants governed by specific laws will not be subject to the general land grant governing statutes unless the land grant requests the legislature to repeal or amend its specific statutes to “conform” with the general statutes.

DUPLICATION/ RELATIONSHIP

Senate Bill 300 duplicates House Bill 340 and relates to House Bill 120 which also amends NMSA Section 49-1-2 but the amendments appear to be identical.

TECHNICAL ISSUES

The title of the bill implies that its intent is to “conform” the Chilili land grant statutes to the general land grant provisions, and therefore apply the general land grant provisions. However, it is unclear whether the intent of the bill is to apply the general land grant statutes and the new specific provisions applicable to the Chilili Land Grant. If so, it should be noted that there are

differences between the specific statutes as amended by this bill and the general land grant statutes and they may not “conform” to each other. It does not appear necessary to apply general land grant provisions to a land grant which is governed by more specific and elaborate specific state laws.

DW/mt:csd