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## FISCAL IMPACT REPORT

SPONSOR Candelaria ORIGINAL DATE 01/30/17  
LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_  
SHORT TITLE Land Grant Approval of Comprehensive Plan SB 119  
ANALYST Daly

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		Minimal	Minimal	Minimal	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
Attorney General's Office (AGO)  
Department of Finance & Administration (DFA)

### SUMMARY

#### Synopsis of Bill

Senate Bill 119, for the Land Grant Committee, reassigns the duty to approve comprehensive plans determining zoning of common lands of land grant-mercedes from DFA to the board of trustees of each land grant-merced. In taking such an action, a board of trustees must now consider the health, safety and welfare of both the residents and the heirs of the land grant-merced.

This bill also removes language in existing law that requires DFA to arbitrate zoning conflicts between land grant-mercedes and neighboring counties and municipalities.

The effective date of SB 119 is July 1, 2017.

### FISCAL IMPLICATIONS

As SB 119 eliminates DFA's role as arbiter of zoning conflicts between land grant-mercedes and

neighboring counties and municipalities, the courts will be responsible for resolving any such disputes, which could lead to an increase in caseloads and may result in what LFC staff estimates to be a minimal fiscal impact on the State.

## **SIGNIFICANT ISSUES**

AOC provides this background and analysis of SB 119:

Section 19-1-3 was enacted in 1907 and the relevant provisions have not been updated since that time. SB 119 gives land grants boards of trustees more authority to determine zoning for their common lands, and removes an additional and arguably unnecessary layer of governmental authority. This may have the effect of making land grant administration more efficient and less costly.

The provision regarding who settles zoning conflicts (§ 49-1-3(J)) between the land grants and neighboring communities was deleted in SB 119 without any substitute provision. Presumably this indicates that any conflicts that arise after the passage of the amendment will be resolved in the courts. This provision dates back to the original statute passed in 1907 and seems to reflect an antiquated view of land grants that limits boards of trustees' power to choose a conflict resolution venue best suited for their purposes. Adopting SB 119 would essentially modernize the performance of conflict resolution, and perhaps make land grant administration more efficient and less costly.

DFA reports that it does not have the staff or the expertise to approve land grant comprehensive plans or to act as an arbitrator for zoning conflicts between land grants-mercedes and neighboring municipalities and counties.

MD/jle/al