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## FISCAL IMPACT REPORT

**SPONSOR** Rue **ORIGINAL DATE** 1/28/2020  
**LAST UPDATED** 1/30/2020 **HB** \_\_\_\_\_  
**SHORT TITLE** Creating New Positions on Land Grant Council **SB** 55/aSCONC  
**ANALYST** Daly

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY20	FY21		
	\$1,000.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	FY20	FY21	FY22	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$200.0	\$200.0	\$400.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Finance and Administration (DFA)

New Mexico Attorney General (NMAG)

State Board of Licensure for Professional Engineers and Professional Land Surveyors (PELS)

### SUMMARY

#### Synopsis of SCONC Amendment

The Senate Conservation Committee amendment to Senate Bill 55 replaces the phrase “land surveyor position” with “New Mexico licensed professional surveyor” to make that phrase consistent with the licensing act that governs surveyors.

Synopsis of Original Bill

Senate Bill 55 appropriates \$1 million from the general fund to DFA for the Land Grant Council (LGC) to fund one land surveyor position and one property attorney position to assist land grants in defining and defending their common lands statewide.

**FISCAL IMPLICATIONS**

The appropriation of \$1 million contained in this bill is a recurring expense to the general fund, for expenditure in FY21 through FY25. Any unexpended or unencumbered balance remaining at the end of FY25 shall revert to the general fund.

Both the LFC and executive budget recommendations for FY21 include special appropriations from the general fund from DFA for LGC: The executive recommends \$356.3 thousand, and LFC recommends \$296.9 thousand.

The costs shown in the budget impact table are those provided by DFA, based on information received by a UNM contractor for the LG.

**SIGNIFICANT ISSUES**

DFA comments it is unclear if the positions are to be created within DFA and managed by DFA, or if the LGC, administratively attached to DFA, is responsible for hiring for and managing these two positions.

**RELATIONSHIP**

SB55 relates to HB111, which creates a new “land grant-merced assistance fund (Land grant-merced is the term used in state law for grants made by the government of Spain Mexico)”.

SB55 relates to SB79, which provides \$250 thousand for audit help for land grant-mercedes and acequias, and SB70, which provides \$2 million for audit services for land grant-mercedes, acequias, community ditch associations, and mutual domestic associations.

**TECHNICAL ISSUES**

PELS suggests that the phrase “land surveyor position” in line 20 be amended to read “New Mexico licensed professional surveyor position” to be consistent with the New Mexico Engineering and Surveying Practice Act.

**OTHER SUBSTANTIVE ISSUES**

DFA advises it currently has a FY20 contract with New Mexico Legal Aid for \$40 thousand to provide legal representation to the land grants regarding resolution of property disputes, compliance with federal and state laws and regulations, property acquisitions, titles on common lands, development of federal and state policy, water right declarations and water right adjudication proceedings.