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FISCAL IMPACT REPORT

SPONSOR <u>HJC</u>	LAST UPDATED <u>3/12/23</u> ORIGINAL DATE <u>2/27/23</u>
SHORT TITLE <u>Arroyo Hondo Arriba Land Grant</u>	BILL NUMBER <u>CS/House Bill 268/HJCS/aSCONC/aSFI#1</u>
	ANALYST <u>Torres, J</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent version of this legislation.

Relates to House Bill 20; House Bill 33; and Senate Bill 87

Sources of Information

LFC Files

Responses Received From (For original bill*)
 State Land Office (SLO)
 Department of Finance and Administration (DFA)
 New Mexico Attorney General (NMAG)

*Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from agencies. This analysis could be updated if that analysis is received.

SUMMARY

Synopsis of SFI#1 Amendments to House Bill 268

The Senate Floor amendment strikes the SCONC amendment 2 and replaces it with a list of 20 land grant-merced parcels to be included.

Synopsis of SCONC Amendments to House Bill 268

The Senate Conservation Committee amendments include the “Los Vigiles, Lower Gallinas and San Augustin Partitions of the Las Vegas Grant” within the bill’s title and proposed Sections 49-1-2(I) through (K) NMSA 1978. Subsection (I) includes the Los Vigiles land grant-merced and specifies the manner in which it was partitioned from Las Vegas by a deed issued and approved by the fourth judicial district court in 1951. Subsection (J) includes the Lower Gallinas land

grant-merced that was partitioned from Las Vegas by deed and court approval in 1997. Finally, subsection (K) includes the San Augustin land grant-merced partitioned from Las Vegas by deed and court approval in 1929. All specified parcels are located in San Miguel county.

These amendments are essential for ensuring that all existing parcels within the Arroyo Hondo Arriba Land Grant are properly identified and included within House Bill 268.

Synopsis of HJC Substitute for House Bill 268

The House Judiciary Committee substitute for House Bill 268 amends Section 49-1-2(A) as follows:

- A. Chapter 49, Article 1 NMSA 1978 shall apply to all land grants-mercedes within the geographic boundaries of lands confirmed by the congress of the United States or by the court of private land claims or designated in any report or list of land grants prepared by the surveyor general in furtherance of meeting the obligations of the Treaty of Guadalupe Hidalgo and designated in this section but shall not apply to any land grant that is now managed or controlled pursuant to another section of Chapter 49 NMSA 1978.

Statutory cites are modified in subsections B through F.

Subsection F omits the prior language referring to Subsection A and commences with the sentence referencing: “The San Antonio del Rio Colorado land grant-merced.”

Similarly, revised Subsection H omits the prior language referring to Subsection A and commences with: “The Arroyo Hondo Arriba community land grant.”

The HJC substitute better identifies the lands covered by the design and intent of this bill, which is to provide requirements for designation of land grants within the specified geographical districts.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

None to responding state agencies.

SIGNIFICANT ISSUES

NMAG stated:

House Bill 268 seeks to bring the Arroyo Hondo Arriba land grant-merced under the authority of Chapter 49, Article 1, NMSA 1978, effectively granting political subdivision status by creating an exception to the language of limitation found in Section 49-1-2(A), NMSA 1978. Arroyo Hondo Arriba is a sub-grant that was partitioned from the original Arroyo Hondo land grant in 1823, and conveyed to its heirs for the purpose of establishing a separate community. HB268 notes the portion grant’s heirs were recognized as fee simple owners of the common lands by the Eighth Judicial District of

New Mexico in 1914. However, a number of name changes, transfers of land and quiet title suits have led to the current formal designation of Arroyo Hondo Arriba Community Land Grant. It may be valuable to examine the final degree of ownership to the Arroyo Hondo Arriba land grant-merced through research with its current Board of Trustees, the Taos Assessor and other county government departments.

SLO stated:

The Arroyo Hondo Arriba community land grant-merced was not confirmed by Congress, and while the Court of Private Land Claims initially confirmed the Arroyo Hondo grant in 1892, it reversed that decision in 1898. Therefore, the Arroyo Hondo Arriba community land grant-merced cannot benefit from the provisions of Chapter 49, Article 1, and would be limited by the Anti-donation Clause in receipt of state funds, without action of the Legislature. HB268 specifically designates the Arroyo Hondo Arriba community land grant-merced as governed by the provisions of Chapter 49, Article 1. The bill also makes minor stylistic changes. The boundaries of the Arroyo Hondo Arriba community land grant-merced do not appear to overlap with any state trust land.

As noted by NMAG, it may be valuable to examine land grant ownership. SLO notes the Arroyo Hondo Arriba community does not appear to overlap state trust land, but this may also require further clarification.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

NMAG stated:

Related to HB20 - Establish Certain Land Grants-Mercedes; HB33 - Cristobal de la Serna Land Grant; and SB87 - Land Grant Waste Removal.

OTHER SUBSTANTIVE ISSUES

SLO stated: “This bill does not affect SLO directly, however, it may support stronger and new partnership for collaborative work we currently do through community fuelwood projects.”

JT/rl/ne/al/JT/ne