

**MINUTES
of the
FIRST MEETING
of the
LAND GRANT COMMITTEE**

**June 11, 2018
State Capitol, Room 322
Santa Fe**

The first meeting of the 2018 interim of the Land Grant Committee was called to order by Senator Elizabeth "Liz" Stefanics, chair, on June 11, 2018 at 10:07 a.m. in Room 322 of the State Capitol.

Present

Sen. Elizabeth "Liz" Stefanics, Chair
Rep. Miguel P. Garcia, Vice Chair
Sen. Gregory A. Baca
Sen. Linda M. Lopez
Rep. Sarah Maestas Barnes
Sen. Bill B. O'Neill
Rep. Debbie A. Rodella
Sen. Sander Rue
Rep. Tomás E. Salazar
Rep. Christine Trujillo

Absent

Rep. David M. Gallegos
Rep. Jimmie C. Hall
Sen. Richard C. Martinez
Sen. Cliff R. Pirtle

Advisory Members

Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Harry Garcia
Rep. D. Wonda Johnson
Rep. Matthew McQueen
Rep. Jim R. Trujillo
Sen. James P. White

Sen. Carlos R. Cisneros
Sen. Stuart Ingle
Sen. Gay G. Kernan
Rep. Derrick J. Lente
Rep. Patricia A. Lundstrom

Guest Legislators

Sen. Nancy Rodriguez
Rep. Linda M. Trujillo

Staff

Mark Edwards, Drafter, Legislative Council Service (LCS)
Anthony Montoya, Drafter, LCS
Michelle Jaschke, Researcher, LCS

Guests

The guest list is in the meeting file.

Handouts

Handouts and other written testimony are in the meeting file.

Monday, June 11**Summary of Recent Committee Legislation**

Mr. Edwards provided a brief review of bills that have been endorsed by the committee in recent years but that have not yet been enacted into law. He stated that due to the number of issues that the committee will likely review in 2018, the committee might decide to re-endorse the bills without further presentations.

The first previously endorsed bill relates to land grant partitions. This bill would authorize the recognition of certain existing partitioned land grants as independent land grants-mercedes. These partitioned grants would be required to meet certain confirmation requirements to receive recognition. This bill, House Bill 35, passed both chambers in 2017 but was ultimately pocket vetoed.

The second bill would provide funding for the development of public interest lawyers dedicated to land grant and acequia issues. It would create a competitive grant program in which students would apply for the grant prior to their third year of law school. Based on a commitment to work for two years with land grant and acequia communities, the grant would pay for the cost of students' third year of law school and a portion of their initial salary during the first two years of public interest employment. This was a committee-endorsed bill that passed in 2018 but was pocket vetoed.

The third bill would provide independent land use and planning authority for land grants-mercedes. Currently, if there are conflicts regarding land use plans for land grants, the conflict must be resolved by the Department of Finance and Administration (DFA). However, the DFA has stated that it does not have the expertise, nor the desire, to take on this responsibility. This bill would place land grants-mercedes on the same footing as municipalities, thereby allowing conflicts to be resolved in district court. This bill was last introduced as Senate Bill 119 during the 2017 session.

The last bill regards the Town of Atrisco Land Grant-Merced. Currently, all land grants only hold jurisdiction over the lands they own. This bill would remove a redundant clause in the statutes that reiterates this requirement. This bill was last introduced as House Bill 66 during the 2017 session.

The chair asked if any members had objections to not revisiting the above-discussed bills. There were no objections. The chair stated that members wishing to raise issues with the bills should inform the committee.

Land Grant Council: Role and Functions

The chair welcomed Arturo Archuleta, program manager, Land Grant Council, who provided the committee with an update, including the role of the council, accomplishments to date and future goals. Mr. Archuleta provided the members with an in-depth document discussing all of the issues highlighted below, including the budget. This document is provided in the committee handouts as attachment one.

Mr. Archuleta provided a brief overview of the Land Grant Council's creation statute, Section 49-11-3 NMSA 1978. The general purpose of the council is to provide advice and serve as a liaison between land grants and other governmental entities. He said that land grants are recognized as political subdivisions and are required to be on file with the New Mexico Community Land Grant Registry. Land grants that are not recognized as political subdivisions may file these documents with the registry, but filing is not statutorily required. The registry itself does not differentiate between these groups. The purpose of the registry is to collect and store these documents. Maintenance of the registry had been a function of the Secretary of State's Office, but in 2013, maintenance of the New Mexico Community Land Grant Registry was transferred to the Land Grant Council.

Mr. Archuleta said the Land Grant Council began operation in 2010. The council provides technical support to land grants, including assistance with budgeting, financial reporting, elections, general governance, capital improvement plans and preserving historical records. The council also manages a land grant support fund that has provided over \$80,000 in funding. Since 2014, the council has allocated some funding to provide legal services to land grants, and it has recently begun working with the University of New Mexico (UNM) School of Law to expand legal services. The council provides training for land grant board members on how to govern, manage and improve land grants. The council works to advance both state and federal policy to benefit land grants. It has also developed and produced numerous publications relating to land grant issues.

Mr. Archuleta said there are still services that land grants need but that the council does not provide at this time. He said the need for legal services far surpasses what the council is able to provide. The council currently works with New Mexico Legal Aid and hopes to obtain the funds to hire a full-time attorney. In addition, the council plans to further the relationship with the UNM School of Law Clinical Program. He said encroachment on land grant common lands is a serious issue facing many land grants, and these land grants are in need of updated land surveys. He stated that adding a surveyor to the council staff would be the best solution. He also said land grants need assistance in community and economic development and resource management, which would require staff with expertise in these issues. Land grants have limited resources, which makes it difficult to obtain insurance coverage. This could be alleviated by

providing land grants with a guaranteed revenue stream. Land grant communities are also facing substance abuse issues and a lack of opportunities for youth. One important component to alleviating some of these issues would be the creation of youth development programs.

Mr. Archuleta said that a threshold issue is that no government body currently exists to evaluate the governance status of land grants as political subdivisions. This creates uncertainty among the land grants because it is unclear what compliance with some state statutes means and what the consequences are of noncompliance. The council believes that clarifying the laws regarding compliance for land grants and regulatory oversight will improve the current understanding of the laws and improve compliance.

Mr. Archuleta briefly discussed the budget of the Land Grant Council. He provided the current operating budget of the council, a comparison to the budget of similar existing state agencies and future budget proposals. The current budget for the Land Grant Council is \$221,900. Mr. Archuleta said that considering the services the council provides and its limited staff, a more appropriate budget should fall between the budget received by the Office on African American Affairs and the Indian Affairs Department. He said that if the Land Grant Council and the UNM Land Grant Studies Program were combined, resources could be more efficiently used.

The chair opened up the meeting to questions from members. The committee raised a question regarding the existence of land grants within the borders of two states. Mr. Archuleta said there are two active land grants that fall within the borders of New Mexico and Colorado: the Sangre de Cristo Land Grant and the Tierra Amarilla Land Grant-Merced. In the past, there have been boards of directors on both sides of the border of the Sangre de Cristo Land Grant. On the New Mexico side, the former common lands are managed by the Rio Costilla Cooperative Livestock Association, which was created to manage the lands. The lands are not managed as a land grant but rather as a livestock cooperative. In the San Luis Valley, the Sangre de Cristo Land Grant Council operated in the past to obtain use of common lands. In Tierra Amarilla, there is no community on the Colorado side, which is all federal land. The heirs on the New Mexico side have been working with the U.S. Forest Service (USFS) to ensure access to their lands in Colorado's Rio Grande National Forest. A member raised a follow-up question regarding how the Conejos Land Grant is connected to this. Mr. Archuleta explained that it was his understanding that the land grant is entirely on the Colorado side; however, he said he will investigate exactly where the borders fall and get back to the committee.

Committee members raised the issue of accurate surveying for land grants and inquired about having independent surveys performed and how the issue is received among surveyor associations. Mr. Archuleta stated that he has provided presentations to surveyor associations, and they seem supportive of ensuring that land grants are notified when surveys occur near land grant boundaries.

The committee discussed the Land Grant Council's budget. Committee members noted that a list of valuable literature on land grants could be helpful to policymakers and the general

public. The committee also discussed the need for a legal fund or permanent legal services for land grants.

Responding to a question regarding legislation that would allow government entities to seize and maintain abandoned cemeteries and the relation of these bills to land grants, Mr. Archuleta stated that cemetery abandonment is not an issue for land grants. Rather, he said, the issue is retaining access to cemeteries that are now on USFS lands. Even though the USFS owns those lands, communities want access to maintain the lands.

Public Comment

There were no public comments.

2018 Interim Work Plan and Meeting Schedule

Mr. Edwards presented the proposed work plan for the 2018 interim and raised the possibility of extending meeting times on the second day of future committee meetings.

The proposed work plan for the interim breaks the topics for review into four categories.

The first category is strengthening the governance capacity of land grants. Mr. Edwards noted that election processes have caused problems for some land grants. Some election results have been held up in litigation for years, making the land grants nonfunctional. The proposal includes examining the election codes of land grants for possible revision. It was also proposed to continue the dialogue with the UNM School of Law about holding seminars on governance issues.

The second category deals with land and water issues, including receiving updates on the traditional use policy at the Department of Game and Fish and the transfer of the Laguna del Campo stock pond property.

The third category is economic development and includes presentations on successful development models and development assistance programs through various universities.

The fourth category relates to reports from individual lands grants-mercedes and associated entities, which the committee plans on hearing throughout the interim.

Committee members discussed the progress of the attorney general's study of the lineas issues at Cristobal de la Serna Land Grant-Merced. The committee also asked staff to look into the feasibility of having a tour of the Taylor Mountain area in Colorado, which is part of the Sangre de Cristo Land Grant.

Motions

A motion was made and seconded to approve the proposed work plan. The motion passed.

Adjournment

There being no further business before the committee, the meeting adjourned at 12:12 p.m.