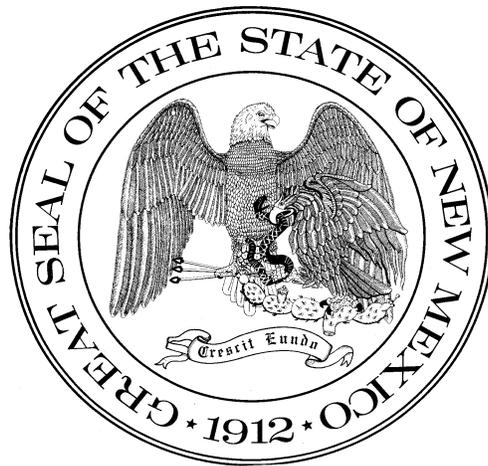


LAND GRANT COMMITTEE

2013 INTERIM
FINAL REPORT



New Mexico Legislative Council Service
Santa Fe, New Mexico
January 2014

LAND GRANT COMMITTEE

2013 INTERIM
FINAL REPORT

New Mexico Legislative Council Service
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January 2014

**Land Grant Committee
2013 Interim Final Report
Table of Contents**

- I. Summary of 2013 committee work
- II. 2013 approved work plan and meeting schedule
- III. Agendas
- IV. Minutes
- V. Endorsed legislation

Land Grant Committee Summary of 2013 Interim

The interim legislative Land Grant Committee held six meetings during the 2013 interim. Aside from its first and last meetings at the State Capitol in Santa Fe, the committee was hosted by the Tome Land Grant, the newly organized Tajique Land Grant, the Juan Bautista Baldes Land Grant and the Tecolote Land Grant. In each of these communities, committee members were able to learn the distinctive history of the land grant and were informed of challenges faced by and successes celebrated by the host communities. In addition, the committee was privileged to be given tours of these communities and see firsthand the richness of life in the state's land grants.

The committee revisited many subjects that had been addressed in the 2012 interim and prior interims and addressed new challenges that have manifested in the state's land grant communities. The committee heard a number of updates on the controversial mineral rights agreement between the former Tierra Amarilla Land Grant board and the Wind River Energy Corp, including an update from representatives of the Office of the State Auditor on the progress of its investigation of the payment that was transmitted to the Tierra Amarilla Land Grant board. Members of that land grant community who are working to reinstate the land grant's board of trustees also updated the committee on their progress. Additionally, the committee received updates from the United States Forest Service (USFS) and the Abiquiu Land Grant and the Nuestra Señora del Rosario San Fernando y Santiago Land Grant (Truchas) on the resolution of boundary disputes between those land grants. The USFS also discussed the progress of the memorandum of understanding that has been drawn up with the Land Grant Council, which will pave the way to better cooperation and communication between the USFS and the land grant community, and the related master stewardship agreement. The USFS also addressed reports of problems with USFS employees exercising police powers in certain areas of the state. The committee celebrated the restoration of access to the cemetery of the San Joaquin del Rio Chama Land Grant. The cemetery sits on land that the USFS had claimed as part of the Chama River Canyon Wilderness. In addition to its work with the USFS, the committee also heard from the Bureau of Land Management, and members were able to express concerns that the land grant community has with the bureau and learn about the bureau's land disposal process.

Throughout the interim, the committee heard from the Land Grant Council and the Land Grant Consejo on the needs of the land grant community. Of particular interest were the discussions of training workshops undertaken by the Land Grant Council and proposed changes to the land grant statutes. The Land Grant Council also kept the committee informed of developments regarding federal legislation that would affect land grants. Representatives from the Land Grant Studies Program at the University of New Mexico presented their concerns and successes. The committee also heard from the New Mexico Acequia Association, inaugurating what the committee hopes will be an annual update from the acequia community. The committee served as a sounding board for disputes in certain land grants, including the continuing election controversies in the Anton Chico Land Grant and the San Miguel del Bado Land Grant, and a land dispute in the Merced de la Comunidad de El Carmel. The committee also engaged in a discussion with the Department of Finance and Administration concerning its relationship with the Land Grant Council.

There was a particular focus in the 2013 interim on learning the long and varied history of New Mexico's land grants. To that end, the committee heard presentations from established and upcoming historians on a variety of topics: an historical overview of land grant history; a discussion of modern legislation affecting land grants; a presentation on the original Spanish legal rights to common lands in the Spanish land grants in New Mexico; a new approach to reconstructing historic surveys and traditional-use boundaries for community land grants; and a discussion of the modern history of the land grant movement. These presentations gave the committee a strong sense of the depth and complexity of the history of New Mexico's land grants.

The committee endorsed the following bills for the 2014 legislative session:

1. allowing land grant funds to be deposited in a credit union; allowing expenditure of land grant funds with approval of a majority of the board and with support by invoice or receipt;
2. allowing land grant boards of trustees to approve comprehensive plans;
3. requiring land grant boards of trustees' annual reports to be filed with the Land Grant Registry;
4. incorporating land grants into the Colonias Infrastructure Act;
5. requesting an appropriation to the Department of the Environment to fund the removal of solid waste, liquid waste and hazardous waste from land grant common lands; and
6. a joint memorial requesting the congressional delegation to work with the Bureau of Land Management to return lands under bureau control to land grants.

**2013 APPROVED
WORK PLAN AND MEETING SCHEDULE
for the
LAND GRANT COMMITTEE**

Members

Rep. Miguel P. Garcia, Chair	Sen. Daniel A. Ivey-Soto
Sen. Jacob R. Candelaria, Vice Chair	Sen. Richard C. Martinez
Rep. Eliseo Lee Alcon	Sen. Gerald Ortiz y Pino
Rep. Alonzo Baldonado	Rep. Debbie A. Rodella
Rep. David M. Gallegos	Sen. Sander Rue
Rep. Jimmie C. Hall	Rep. Tomás E. Salazar

Advisory Members

Rep. Phillip M. Archuleta	Rep. Patricia A. Lundstrom
Sen. Carlos R. Cisneros	Rep. W. Ken Martinez
Sen. Timothy M. Keller	Rep. Christine Trujillo

Work Plan

The Land Grant Committee was created by the New Mexico Legislative Council on April 30, 2013. The committee proposes to focus on the following topics:

1. overview of land grant history, including contemporary history (a continuing item throughout the interim);
2. Tierra Amarilla Land Grant follow-up;
3. updates from and discussion with the United States Forest Service (USFS) on:
 - a. the Strikeforce Initiative (New Mexico is a pilot state);
 - b. Nuestra Señora del Rosario San Fernando y Santiago Land Grant (Truchas) and Abiquiu Land Grant boundary disputes;
 - c. an update on phase 2 of the memorandum of understanding with the USFS and land grants (master stewardship plans);
 - d. United States Department of Agriculture programs available to assist land grants and rural development; and
 - e. traditional use rights once granted to Las Trampas Land Grant;
4. Bureau of Land Management presentation on land disposal — San Antonio de las Huertas

(Placitas);

5. Incitor — progress update and economic development opportunities on land grants;
6. Mount Taylor — update on New Mexico Supreme Court decision (when it is handed down);
7. training of New Mexico's lawyers and judges in land grant issues — discussion with the Hispanic Bar Association and University of New Mexico School of Law;
8. conflicts and problems with land grant elections — recent examples from the San Miguel del Vado Land Grant and Anton Chico Land Grant. Input to be requested from the Office of the Attorney General and the Office of the Secretary of State;
9. native plant use and traditional use of forest resources — a discussion;
10. the relationship between the Land Grant Council and the Department of Finance and Administration and the New Mexico Finance Authority;
11. quiet title actions: Ojo Caliente, Arroyo Hondo and San Cristobal de la Serna;
12. continuing dialogue on taxation issues — exploring exemption of taxes for land grants or intercepting part of already collected taxes, such as mill levy or property taxes;
13. revisiting the definition of a land grant heir;
14. examination of the need for any changes to Chapter 49 NMSA 1978 (land grants);
15. training for boards of trustees of land grants;
16. cemetery access at San Joaquin del Rio Chama;
17. colonias infrastructure development funds — geographic restrictions;
18. update on issues regarding state adherence to the Treaty of Guadalupe Hidalgo — summary of findings by federal Government Accountability Office study and relevant state issues;
19. acquisition of surplus properties in Tome Land Grant from El Cerro de Tome;
20. update on efforts to involve land grants with the film industry;
21. examination of the feasibility of creating a land grant infrastructure fund, perhaps modeled on the existing colonias infrastructure funds;

22. examination of state-owned property that was once land grant land;
23. coordination of capital outlay requests by land grants; and
24. examination of the situation of subgrants in the land grant community and how they might be assisted.

**Land Grant Committee
2013 Approved Meeting Schedule**

<u>Date</u>	<u>Location</u>
June 11	State Capitol, Santa Fe
July 11-12	Juan Bautista Baldes Land Grant
August 8-9	Tajique Land Grant
September 18-19	Tome Land Grant
October 24-25	Tecolote Land Grant
November 19	State Capitol, Santa Fe

AGENDAS

Revised: June 10, 2013

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
LAND GRANT COMMITTEE**

**June 11, 2013
Room 317, State Capitol
Santa Fe**

Tuesday, June 11

- 10:00 a.m. **Call to Order/Introductions**
—Representative Miguel P. Garcia, Chair, and Senator Jacob R.
Candelaria, Vice Chair
- 10:15 a.m. (1) **[Committee-Endorsed Legislation in 2013 Session — Summary](#)**
—Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
- 10:30 a.m. (2) **[Secretary of State Motion to Intervene in Anton Chico Land Grant
Election Dispute — Summary](#)**
—Bobbi Shearer, Director, Bureau of Elections, Office of the Secretary of
State
- 10:45 a.m. (3) **[Interim Committee Procedures](#)**
—Raúl E. Burciaga, Director, LCS
- 11:00 a.m. (4) **[2013 Interim Work Plan and Meeting Schedule Development](#)**
—Douglas Carver, Staff Attorney, LCS
—Juan Sanchez, Chair, Land Grant Council, and President, Merced
del Pueblo de Chilili
- 11:30 a.m. (5) **[Historical Overview of Land Grants and the Committee](#)**
—Dr. Manuel García y Griego, Director, University of New Mexico
Land Grant Studies Program
—Jon Boller, Staff Attorney, LCS
- 12:15 p.m. **Public Comment**
- 12:30 p.m. **Adjourn**

Revised: July 3, 2013

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
LAND GRANT COMMITTEE**

**July 11-12, 2013
Tome Land Grant Community Center
Tome Land Grant**

Thursday, July 11

- 10:00 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. (1) **Welcoming Remarks and History: Tome Land Grant**
—Lawrence Sanchez, President, Tome Land Grant
- 10:30 a.m. (2) **Tome Common Lands and the Valley Improvement Association**
—Professor Antoinette Sedillo Lopez, President, Valley Improvement Association
—Paul Baca, Chief Executive Officer, Valley Improvement Association
- 11:15 a.m. (3) **Training Workshops for Land Grant Boards**
—Juan Sanchez, Chair, Land Grant Council, and President, Merced del Pueblo de Chilili
—Dr. Manuel García y Griego, Director, University of New Mexico Land Grant Studies Program
- Action Item*
—Approval of Minutes from June 2013 Meeting
- 12:00 noon **Lunch**
- 1:00 p.m. (4) **Report from the United States Forest Service: Strikeforce Initiative; Nuestra Señora del Rosario San Fernando y Santiago Land Grant (Truchas) and Abiquiu Land Grant Boundary Disputes; Phase 2 of Memorandum of Understanding with Land Grants; United States Department of Agriculture Programs**
—James Melonas, New Mexico State Liaison, United States Forest Service Southwestern Region
—TBD

3:00 p.m. (5) [The Legal Rights to Common Lands in the Spanish Land Grants of New Mexico](#)
—James Dory-Garduño, Ph.D.

4:30 p.m. (5) [Public Comment](#)

5:00 p.m. **Recess**

Friday, July 12

9:00 a.m. **Tour of Tome Land Grant**

12:00 noon **Adjourn**

Revised: August 6, 2013

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
LAND GRANT COMMITTEE**

**August 8-9, 2013
Tajique Land Grant**

Thursday, August 8

- 10:00 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. **Welcoming Remarks and History: Tajique Land Grant**
—Venessa Chavez-Gutierrez, Interim Board Member, Tajique Land Grant
—Javier Sanchez, Historian
—Senator Phil A. Griego
—Representative Stephen P. Easley
- 11:00 a.m. (1) **Proposed Recurring Funding Source for Land Grant and Acequia Water Infrastructure Projects**
—Juan Sanchez, Chair, Land Grant Council, and President, La Merced del Pueblo de Chilili
—Paula Garcia, Executive Director, New Mexico Acequia Association
- Action Item:*
—Approval of Minutes from July 2013 Meeting
- 12:00 noon **Lunch**
- 1:00 p.m. (2) **Reconstructing Historic Surveys and Traditional Use Boundaries for Community Land Grants: A New Approach**
—Emanuel Storey, Geographic Technician, University of New Mexico (UNM) Land Grant Studies Program
- 1:30 p.m. (3) **Payment to Tierra Amarilla Land Grant by Wind River Energy Corp.**
—Arturo Archuleta, Land Grant Council
—Norbert Lopez, Tierra Amarilla Land Grant
—Patrick Stewart, Bureau Chief, Special Investigations Division, Office of the State Auditor

2:30 p.m. (4) **Modern History of the Land Grant Movement: Land Grant Activism from the Courthouse Raid to the Present**

—Jacobco D. Baca, Ph.D. Candidate, UNM

—Lieutenant Governor Roberto Mondragon, Treasurer, Anton Chico Land Grant

—Mike Scarborough, Historian

4:30 p.m. **Public Comment**

5:00 p.m. **Recess**

Friday, August 9

9:30 a.m. **Tour of Tajique Land Grant**

12:00 noon **Adjourn**

Revised: September 10, 2013

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**September 18-19, 2013
Juan Bautista Baldes Land Grant**

Wednesday, September 18

- 10:00 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 10:15 a.m. (1) **Welcoming Remarks and History: Juan Bautista Baldes Land Grant**
—Higinia Gallegos, President, Juan Bautista Baldes Land Grant
- 11:00 a.m. (2) **Tierra Amarilla Land Grant — Reorganization of the Land Grant**
—Arturo Archuleta, Land Grant Council
—TBD
- Action Item*
—Approval of minutes from August 2013 meeting
- 12:00 noon **Lunch**
- 1:00 p.m. (3) **Abiquiu Land Grant New Board**
—Alfredo García, President, Abiquiu Land Grant
- 2:00 p.m. (4) **Bureau of Land Management (BLM) Land Disposal Processes**
—Lisa Morrison, Deputy Chief, Office of Communications, BLM
—Debby Lucero, State Realty Lead, BLM
- 3:00 p.m. (5) **History of Tierra Amarilla Land Grant Expropriation**
—Professor David Correia, University of New Mexico
- 4:30 p.m. **Public Comment**
- 5:00 p.m. **Recess**

Thursday, September 19

- 9:30 a.m. **Tour of Juan Bautista Baldes Land Grant**
- 12:00 noon **Adjourn**

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
LAND GRANT COMMITTEE**

**October 24-25, 2013
Tecolote Land Grant**

Thursday, October 24

- 9:00 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 9:15 a.m. (1) **Welcoming Remarks and History: Tecolote Land Grant**
—TBD
- 10:00 a.m. (2) **Update from the Land Grant Consejo**
—Leonard Martinez, President, Land Grant Consejo
- 10:30 a.m. (3) **Update from the Land Grant Council**
—Juan Sanchez, President, Land Grant Council
—Arturo Archuleta, Land Grant Council
- Action Item*
—Approval of Minutes from September 2013 Meeting
- 12:30 p.m. **Lunch**
- 1:30 p.m. (4) **Update from the Land Grant Studies Program**
—Dr. Manuel García y Griego, Director, University of New Mexico Land
Grant Studies Program
- 2:15 p.m. (5) **Possible Changes to Chapter 49 NMSA 1978 (Land Grants Statutes)**
—Juan Sanchez, President, Land Grant Council
—Arturo Archuleta, Land Grant Council
- 4:15 p.m. (6) **Dispute over Encroachment and Destruction of the Morada at Merced de
la Comunidad de El Carmel**
—Jose Archuleta, President, El Carmel Land Grant
—Jim Coryat, Vice President, El Carmel Land Grant
- 5:15 p.m. **Public Comment**
- 5:30 p.m. **Recess**

Friday, October 25

9:30 a.m. **Tour of Tecolote Land Grant**

12:00 noon **Adjourn**

Revised: November 18, 2013

**TENTATIVE AGENDA
for the
SIXTH MEETING
of the
LAND GRANT COMMITTEE**

**November 19-20, 2013
Room 311, State Capitol
Santa Fe**

Tuesday, November 19

- 9:30 a.m. **Call to Order and Introductions**
—Representative Miguel P. Garcia, Chair
- 10:00 a.m. (1) **Update from the United States Forest Service (USFS)**
—James Melonas, New Mexico State Liaison, USFS Southwestern
Region
- 11:00 a.m. (2) **Update from State Auditor on Tierra Amarilla
Investigation/Reorganization Update/Oil and Gas Lease Issues**
—Evan Blackstone, Chief of Staff, Office of the State Auditor
—Steve Polaco, Tierra Amarilla Land Grant
- Action Item*
—Approval of Minutes from September and October 2013 Meetings
- 12:00 noon **Working Lunch**
- 1:00 p.m. (3) **Discussion with Bureau of Land Management (BLM)**
—Jesse Juen, State Director, BLM New Mexico State Office
—Lisa Morrison, Deputy Chief, Office of Communications, BLM
—Juan Sanchez, Chair, Land Grant Council, and President, Merced del
Pueblo de Chilili
—Leonard Martinez, President, Land Grant Consejo
- 2:30 p.m. (4) **Relationship Between the Land Grant Council and the Department of
Finance and Administration (DFA)**
—Juan Sanchez, Chair, Land Grant Council, and President, Merced
del Pueblo de Chilili
—Arturo Archuleta, Land Grant Council
—Wayne Sowell, Division Director, Local Government Division, DFA

- 3:30 p.m. (5) [Update on Land Grant Board Elections in Anton Chico Land Grant](#)
—TBD
- 4:00 p.m. (6) [Update on Land Grant Board Elections in San Miguel del Bado Land Grant](#)
—TBD
- 4:30 p.m. **Public Comment**
- 5:00 p.m. **Recess**

Wednesday, November 20

- 9:30 a.m. **Call to Order**
—Representative Miguel P. Garcia, Chair
- 9:45 a.m. (7) [Concept Paper on Revenue for Land Grants and Acequias](#)
—Juan Sanchez, Chair, Land Grant Council, and President, Merced del Pueblo de Chilili
- 10:45 a.m. (8) [Consideration of Proposed Legislation](#)
—TBD
- 12:00 noon **Adjourn**

MINUTES

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

**June 11, 2013
Room 317, State Capitol
Santa Fe**

The first meeting of the Land Grant Committee was called to order by Representative Miguel P. Garcia, chair, on Tuesday, June 11, 2013, in Room 317, State Capitol, in Santa Fe, New Mexico.

Present

Rep. Miguel P. Garcia, Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. David M. Gallegos
Rep. Jimmie C. Hall
Sen. Daniel A. Ivey-Soto
Sen. Richard C. Martinez
Rep. Debbie A. Rodella
Sen. Sander Rue
Rep. Tomás E. Salazar

Absent

Sen. Jacob R. Candelaria, Vice Chair
Sen. Gerald Ortiz y Pino

Advisory Members

Rep. Phillip M. Archuleta
Rep. W. Ken Martinez
Rep. Christine Trujillo

Sen. Carlos R. Cisneros
Sen. Timothy M. Keller
Rep. Patricia A. Lundstrom

Guest Legislator

Sen. Nancy Rodriguez

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
John M. Butrick, Law School Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Tuesday, June 11

Introductions

Representative Garcia asked each of the members, staff and members of the audience to introduce themselves.

Anton Chico Land Grant Election Dispute

Secretary of State Dianna J. Duran and Bureau of Elections Director Bobbi Shearer discussed their intervention in the Anton Chico Land Grant election dispute. Secretary Duran provided a handout of the petitions for a restraining order and motion to intervene. Secretary Duran gave a chronology of the dispute. She filed a motion to litigate this dispute so that private parties would not have to spend their own money. The parties are currently awaiting the naming of a district court judge to the case, as all of the judges in the judicial district where it was filed have recused themselves or been excused.

Secretary Duran noted in response to a question from a member of the committee that there may be a need for legislation in order to provide a better framework for land grant elections and that she intends to work with the committee on this issue. Ms. Shearer indicated that a significant issue concerns the voter rolls. There was further discussion among Secretary Duran, Ms. Shearer and members of the committee concerning the mechanics of elections and the differences and challenges faced in land grant elections.

Interim Committee Procedures

John Yaeger, assistant director for legislative affairs, LCS, gave a presentation on interim committee procedures.

Historical Overview of Land Grants and the LGC — Jon Boller, LCS

Mr. Boller gave a primer on significant legislation endorsed by the committee since its beginning in 2003 and discussed various reports that have been published pertaining to the state's land grants. He also discussed the committee's support for the Land Grant Studies Program at the University of New Mexico (UNM) and the creation of the Land Grant Council.

Committee-Endorsed Legislation During the 2013 Session

Mr. Carver gave an overview of the committee-endorsed legislation introduced during the 2013 session and presented the committee with a sheet that shows the disposition of the committee's bills and other land grant-related legislation.

2013 Interim Work Plan and Meeting Schedule Development

Mr. Carver and Juan Sanchez, chair of the Land Grant Council and president of the Merced del Pueblo de Chilili, discussed the proposed work plan for the 2013 interim. The following work plan items were proposed to the committee:

1. overview of land grant history (a continuing item throughout the interim);
2. Tierra Amarilla Land Grant follow-up;
3. updates from and discussion with the United States Forest Service (USFS) on:

- a. strikeforce initiative (New Mexico is a pilot state);
 - b. Nuestra Señora del Rosario San Fernando y Santiago Land Grant (Truchas) and Abiquiu Land Grant boundary disputes;
 - c. update on Phase 2 of the memorandum of understanding with the USFS and land grants (master stewardship plans); and
 - d. U.S. Department of Agriculture programs available to assist land grants and rural development;
4. Bureau of Land Management presentation on land disposal — San Antonio de las Huertas (Placitas);
 5. Incitor — progress update;
 6. Mount Taylor — update on New Mexico Supreme Court decision (when it is handed down);
 7. training of New Mexico's lawyers and judges in land grant issues — possible discussion with Hispanic Bar Association;
 8. Conflicts and problems with land grant elections — recent examples of the San Miguel del Vado Land Grant and Anton Chico Land Grant. Input to be requested from the Office of the Attorney General and the Office of the Secretary of State;
 9. native plant use and traditional use of forest resources — a discussion;
 10. the relationship between the Land Grant Council and the Department of Finance and Administration and the New Mexico Finance Authority;
 11. quiet title actions: Ojo Caliente — Arroyo Hondo — San Cristobal de la Serna;
 12. continuing dialogue on taxation issues — exploring exemption of taxes for land grants or intercepting part of an already collected tax, such as mill levy or property taxes;
 13. revisiting the definition of a land grant heir;
 14. examination of a need for any changes to Chapter 49 NMSA 1978;
 15. training for boards of trustees of land grants;
 16. cemetery access at San Joaquin del Rio Chama;
 17. colonias infrastructure development funds: geographic restrictions; and

18. update on issues regarding state adherence to the Treaty of Guadalupe Hidalgo — summary of findings by the U.S. Government Accountability Office study and relevant state issues.

Mr. Carver and Mr. Sanchez went through the items and addressed questions on particular items posed by committee members. The committee also discussed proposed visits to the Tajiue Land Grant, the Tecolote Land Grant, the Juan Bautista Baldes Land Grant and the Tome Land Grant. The committee agreed to the 18 proposed items and added the following items to the work plan:

- acquisition of surplus properties in the Tome Land Grant from El Cerro de Tome;
- update on efforts to involve land grants with the film industry;
- examination of the feasibility of creating a land grant infrastructure fund, perhaps modeled on the existing colonias infrastructure funds;
- examination of state-owned property that was once land grant land;
- coordination of capital outlay requests by land grants; and
- examination of the situation of subgrants in the land grant community and how they might be assisted.

Motion 1

A motion to adopt the work plan was made by Representative Baldonado and seconded by Representative Rodella. The motion passed with no dissenting votes.

Historical Overview of Land Grants and the LGC

Dr. Manuel Garcia y Griego, director, Land Grant Studies Program, UNM, presented an historic overview of land grants. He discussed the history of the grants from 1689 to the present, key institutions pertaining to the land grant community and challenges facing the land grant community.

Public Comment

Joe Archuleta and Jim Coryat of La Merced del Carmel discussed problems that have occurred with a resident of their community, which has led to the loss of common lands of their subgrant and the bulldozing of the community's morada. The committee asked staff to investigate and gather more information.

Motion 2

Senator Martinez made a motion, seconded by Senator Rue, for the committee to work with and assist the Carmel merced, including possibly drafting a letter that could be sent to the landowner or other parties in the dispute in their community. The motion passed with no dissenting votes.

Adjournment

There being no further business before the committee, the committee adjourned at 2:00 p.m.

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

**July 11-12, 2013
Tome Land Grant Community Center
Tome Land Grant**

The second meeting of the Land Grant Committee (LGC) was called to order at 10:07 a.m. on July 11, 2013 by Representative Miguel P. Garcia, chair, in the Tome Land Grant Community Center.

Present

Rep. Miguel P. Garcia, Chair
Sen. Jacob R. Candelaria, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. David M. Gallegos
Rep. Jimmie C. Hall (7/12)
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue

Absent

Sen. Daniel A. Ivey-Soto
Sen. Richard C. Martinez
Rep. Tomás E. Salazar

Advisory Members

Rep. Phillip M. Archuleta
Sen. Carlos R. Cisneros
Rep. Patricia A. Lundstrom (7/11)
Rep. W. Ken Martinez (7/11)
Rep. Christine Trujillo (7/11)

Sen. Timothy M. Keller

Guest Legislators

Rep. Kelly K. Fajardo
Rep. Patricia Roybal Caballero (7/11)

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS
John M. Butrick, Law School Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Thursday, July 11

Call to Order

Representative Garcia welcomed everyone. Members of the committee, staff and audience were asked to introduce themselves.

Tome Land Grant History

Lawrence Sanchez, president of the Tome Land Grant; Rita Padilla-Gutierrez, vice president; and Rosemary Romero, treasurer, provided the committee with an introduction to the history of the land grant. Mr. Sanchez stated that the Tome Land Grant has over 300,000 acres and described the geographic boundaries. He talked about the history of losing the land and gaining it back, including the court battles involved and the building of the community center. The goal of the Tome Land Grant has always been to preserve: the history and agriculture of the land; holy sites (including churches and cemeteries); and the people. Tome was described as a small, but proud, land grant. Mr. Sanchez mentioned that a farmers market will be started in the local community this fall.

Discussions regarding frontier communities, migration of people and the need for appropriations to help preserve this and other land grants took place.

Tome Common Lands and the Valley Improvement Association (VIA)

Professor Antoinette Sedillo Lopez of the University of New Mexico (UNM) School of Law and president of the VIA, along with Paul Baca, chief executive officer of the VIA, talked about the history of the common lands and the role of the VIA. Most of the VIA land is privately owned. The biggest issue facing the owners of these lands and the VIA is the payment of back taxes. The two presenters suggested exempting these taxes as a solution. According to the presenters, the original purpose of the VIA was economic development, including manufacturing jobs, and investment in local, community-based businesses.

Motion 1

Representative Garcia made a motion for LCS staffers to draft legislation to waive back taxes if land is donated to a political subdivision of the state. Representative Baldonado seconded the motion, which passed unanimously.

Mr. Baca continued the presentation by stating that indentures were placed on the land when it was sold, providing the VIA with an annual fee from the landowners. These indentures are not in perpetuity but expire 40 years after the land is sold. Land lots are owned by people all around the world, but most of these lots are worthless. Many owners have not paid the assessment indenture or property taxes, causing the land to revert back to the VIA. The presenters stated that this land needs to be reclaimed and restored back to what it was originally. The transfer of Tome Hill to the parish and people of Tome was discussed as an option.

One member of the committee inquired about the annual indenture amounts. The presenters stated that \$40.00 is the average. According to the presenters, some landowners want to give the land to the VIA, but the VIA suggests giving it to the land grant and the people of Tome. The same member suggested that the VIA work with the United States Department of Agriculture Rural

Development regarding concerns of the effect that tax exemptions would have on those putting liens on the land and the constitutional issues involved.

In response to questions, the presenters explained that a majority of the land is undeveloped, while areas, including the UNM-Valencia campus, are well-developed. There are approximately 1,200 lots on the land grant, but environmental issues prevent more people from living on the land. Water is provided by utility companies; therefore, water is generally not an issue for the one-fourth acre lots. A member asked whether there is potential for a reapportionment or re-planning for lot consolidation. The presenters demonstrated on a large map of the area where lots are consolidated. Having multiple owners for these lots often prevents re-platting the area. The VIA is not considering condemning the land to get it away from the current owners.

One committee member talked about the VIA's role in developing the land in the area, including the UNM-Valencia campus. While access to utilities is not generally an issue, it can be a big issue when the lots are in remote locations. The committee member encouraged landowners to deed the land to their children or donate it to the land grant so that the land grant can take care of it. The member asked whether there is any grazing and revenue streams from that grazing. The presenters stated there is some grazing and revenue streams coming in from that grazing. The member then stated that eminent domain is not the answer and that one should be sensitive to private property rights. The member asked whether a foundation could be formed or a write-off created. No answer was provided. Finally, the member asked whether the VIA still maintains land by cutting weeds, etc., to which the presenters answered affirmatively.

Another committee member asked the members of the Tome Land Grant whether they are in a position to accept the land. Mr. Sanchez said that they would have to look at county law and use restrictions, but consolidating lots to garner more viable uses of the land is the biggest barrier. One member asked whether there is an incorporated town of Tome, to which Mr. Sanchez explained that there is not. The land grant is paying taxes on the land but does not pay taxes on the community center. Mr. Sanchez also stated that the VIA could trade lots to consolidate and that this is an ongoing process.

There was further discussion by committee members and presenters about the natural resources of the land grant, including the exploitation by entities such as Verizon. The suggestion was made by a member of the committee that the VIA look into federal sources of money to help preserve the area through community projects.

One member applauded the efforts of the VIA in getting land to the parish and people of Tome. The land grant can facilitate funding because of its political subdivision status, whereas the parish would not have that ability. The community and people have been the source of preserving the land. The member stated that the goal of the LGC is to return common lands to the appropriate land grant. Giving the land grant the right to match the highest bid is the law now. The VIA should have this kind of perspective, according to the committee member. It is about creating the process and a way to go about getting the land back to the land grants. Many communities in New Mexico trace their origins to the land grants. Mr. Baca and Professor Sedillo Lopez applauded the efforts of the land grant leadership.

Public Comment

Representative Garcia began the afternoon session by allowing a public comment period, at which time Toby Lyon of the Tome Land Grant addressed the committee. Mr. Lyon agrees with prior discussions of tax-exempt status and is open to taking members up Tome Hill. One member asked about the extent to which some of the areas of the land grant are marked. Mr. Lyon stated that the areas generally are not marked very well. Mr. Lyon informed the committee of the ongoing litter issue and problems with dumping trash on the Tome Land Grant.

Motion 2

A motion was made by Representative Baldonado to write a letter to the New Mexico Department of Environment to assess the environmental trash issues on the Tome Land Grant common lands. Representative Gallegos seconded the motion, which passed unanimously.

Motion 3

Upon a motion by Representative Alcon, seconded by Senator Rue, the committee voted unanimously to approve the minutes of the June LGC meeting.

Training Workshops for Land Grant Boards

Juan Sanchez, chair, Land Grant Council, and Dr. Manuel Garcia y Griego, director, UNM Land Grant Studies Program, talked about the history of the UNM Land Grant Studies Program's land grant board training workshops, which were organized in 2011. Dr. Garcia y Griego detailed the workshops that the program offers and provided a corresponding handout to members. He stated that attendance at these workshops from the land grants generally is very good.

Members of the committee asked questions regarding the forms used by land grants to fund projects and how the Land Grant Council aids in this process. The presenters explained that these forms can be found online, making them accessible to people in a wider area. The presenters elaborated on the advantages of and participation in the certification process. The goal of the workshops is to get all of the land grants on the same page. Responding to a question from the committee, Dr. Garcia y Griego confirmed that training workshops are open to anyone interested in attending.

A member of the committee asked if any issues remained regarding Department of Finance and Administration (DFA) recognition of the land grants and what the land grants can and cannot do as a result. The presenters stated that there is still a little confusion, but the process is much better now than it has been in the past. The member added that this is an important point so that land grants get the money, as opposed to someone else, after it is appropriated. Mr. Carver informed the committee that the relationship between the DFA and the land grants is one of the items on the work plan during this interim.

Motion 4

Representative Rodella made a motion, seconded by Representative Baldonado, to have staff work on legislation to extend to land grants the benefits currently applied to colonias. The motion passed unanimously.

A member of the committee asked about the certification process. The presenters stated that to be on a board of trustees, the members of that board have to be certified so that they are aware of

the responsibilities. There was further discussion regarding the certification of board members, with comparisons made to training for school boards.

United States Forest Service (USFS) Report on Land Grant Boundary Disputes

James Melonas, New Mexico state liaison, USFS Southwestern Region, made a presentation to the committee on various matters concerning land grants and the USFS. Jerry Fuentes of Nuestra Senora del Rosario San Fernando y Santiago Land Grant (the Truchas Grant) joined Mr. Melonas for a discussion of the ongoing boundary dispute between the USFS and that land grant. Mr. Fuentes stated that USFS lands encroach on some of the land grant's land, with that encroachment varying from 10 feet to 100 feet in some areas. Mr. Fuentes stated that the goal of the land grant is to return the boundaries back to the original patented boundaries. Mr. Melonas stated that the USFS is looking at the survey markers and whether these markers are original. In some places, the markers are a mile or more from the fence. Mr. Melonas stated that the markers are likely township markers and not the land grant markers. Mr. Melonas stated that over the last year, progress has been made to resolve this dispute.

One member of the committee asked what is preventing the markers from reflecting the true boundaries. According to the presenters, there would need to be an agreement between property owners for this to happen. Mr. Fuentes talked about the land grants having a history of working with the USFS, and he talked about some other boundary disputes. There was a discussion concerning the authority of the USFS to move the fence if it is decided that the fence line is encroaching on land grant land. There was further discussion regarding the nature and location of the boundary markers.

Motion 5

A motion was made by Representative Rodella, seconded by Senator Candelaria, to have a letter sent by the committee to the local forest ranger expressing the wish that the boundary dispute between the USFS and the Truchas Grant be resolved in an expeditious manner. The motion passed unanimously.

Max Archuleta, range manager of the Abiquiu Land Grant, and David Lopez of the Abiquiu Land Grant joined Mr. Melonas in addressing the committee about boundary disputes between the USFS and the Abiquiu Land Grant. Mr. Lopez, who has done extensive research on the boundaries, stated that the Abiquiu Land Grant is in the same situation as the Truchas Grant. Cattlegrowers in the Abiquiu area are not responding to requests to work with the land grant, according to Mr. Lopez. Mr. Lopez would like the USFS to take responsibility for its fence line. There was also a discussion about the loss of land that the land grant has experienced. According to Mr. Archuleta and Mr. Lopez, there are still disputes about the original patented area. The fences themselves are a contention. The dispute over the location of the fences dates back to the late 1800s. Mr. Melonas indicated that he was not previously aware of the issues presented at the meeting but stated that the USFS is happy to work with land grants on issues within USFS capacity. A member of the committee commented that the prior board of the Abiquiu Land Grant had indicated that there are no outstanding issues between the USFS and the Abiquiu Land Grant. The member encouraged the new board to proceed as the Truchas Grant has done.

Mr. Melonas said that the USFS is working with the Land Grant Council and the DFA and that an agreement has been reached helping each side to work on these boundary disputes and other

projects, such as improving forest health and reducing fire danger. The USFS is also working on language in the agreement and administrative and legal issues.

Mr. Melonas also stated that access to the Chama cemetery is also an issue, specifically motorized vehicle access. Staff members of New Mexico's congressional delegation recently went on a field trip to the area. A member of the committee questioned whether the cemetery is in the wilderness area. According to Mr. Sanchez of the Land Grant Council, this is still at issue. Another attendee, Leonard Martinez of San Joaquin Del Rio Chama Land Grant, talked about the granting of an easement. Mr. Melonas suggested looking at the congressional record to see what it says about the ownership record and whether an area is in a designated wilderness. The USFS is working with the congressional delegation to find a long-term solution to this issue. A member of the committee requested a status report before the end of the interim.

Legal Rights to Common Lands in the Spanish Land Grants of New Mexico

Dr. James Dory-Garduño provided the committee with an historical presentation on Spanish land grant common lands claims. According to Dr. Dory-Garduño, Spanish (Castilian) law was brought over from Spain to the land grants. Some land grants, such as San Miguel del Vado, never left the Spanish domain. Common lands under the Castilian grants were not recognized by the courts of the United States, causing conflicts. The Treaty of Guadalupe Hidalgo does not explain how to adjudicate land. This law is still relevant to explain why acts of possession are a transfer of legal title, not equitable title. Dr. Dory-Garduño also provided an historical review to help explain how two villages could own the commons, and that land would not be part of the "Crown". In New Mexico, the argument with the commons is that the monarchy owned the land, and, therefore, the land became part of the United States under the treaty. By this historical understanding, commons are owned by the grantees. Members of the committee asked questions regarding the original usage of terms such as *ejidos* and leagues. Dr. Dory-Garduño explained the evolution of several terms and their application to land grants. Another member of the committee questioned the appropriate measures to address the losses of land. Dr. Dory-Garduño proposed that Congress could allow specific causes of action, small in scope, under certain conditions. Dr. Dory-Garduño was asked about the provisions in British law about communal lands. He explained that Boston did have a commons, but it was not that strong. The Spanish had stronger commons due to purposes of survival, agriculture, etc. The Anglo-American tradition does not have the same type of practice, he noted, and the tradition of land speculation was very strong in colonial times.

Recess

The committee recessed at 4:01 p.m.

Friday, July 12

Tour of Tome Land Grant

The committee reconvened at 9:00 a.m. for a tour of the Tome Land Grant. The tour included a walk to the land grant's cemetery and church and a hike up the pilgrimage route of Tome Hill, where members of the land grant pointed out boundaries and areas of interest.

Adjournment

There being no further business before the committee, the second meeting of the LGC adjourned at 12:30 p.m.

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

**August 8-9, 2013
Tajique Land Grant Community Center
Tajique Land Grant**

The third meeting of the Land Grant Committee (LGC) was called to order at 10:12 a.m. by Representative Miguel P. Garcia, chair, on August 8, 2013 at the Tajique Land Grant Community Center.

Present

Rep. Miguel P. Garcia, Chair
Sen. Jacob R. Candelaria, Vice Chair (8/8)
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. Jimmie C. Hall
Sen. Richard C. Martinez
Sen. Gerald Ortiz y Pino
Sen. Sander Rue
Rep. Tomás E. Salazar

Absent

Rep. David M. Gallegos
Sen. Daniel A. Ivey-Soto
Rep. Debbie A. Rodella

Advisory Members

Rep. Phillip M. Archuleta
Sen. Carlos R. Cisneros (8/8)
Sen. Timothy M. Keller
Rep. W. Ken Martinez

Rep. Patricia A. Lundstrom
Rep. Christine Trujillo

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Thursday, August 8

Call to Order

Representative Garcia welcomed everyone to the Taji que Land Grant and provided the audience with background on the committee. He continued by giving the committee and those present an update on the Valley Improvement Association (VIA) issue discussed at the July LGC meeting in Tome. The VIA is working on a resolution to transfer around 140 acres back to the Tome Land Grant following the county assessor declaring an exemption status. Progress on the transfer is set to be discussed at the LGC's September meeting.

Members of the committee were asked to introduce themselves, as were staff and members of the audience.

Welcoming Remarks and History: Taji que Land Grant

Venessa Chavez-Gutierrez, interim board member, Taji que Land Grant, greeted the committee and welcomed the members to Taji que. She provided the committee with the history of the land grant, explaining that it is one of four land grants in Torrance County. Established in 1834 as a Mexican grant, it was originally composed of 7,185 acres. Taji que currently does not have any common land. Ms. Chavez-Gutierrez informed the committee that the community center, built with community funds, is used for events such as weddings, elections and funerals. Due to sparse funding for repairs and upkeep, some members of the community asked the county to take possession of the community center. Torrance County currently owns the building. Ms. Chavez-Gutierrez added that the land grant will hold its first-ever election on August 18, 2013 — a major step toward organization.

Ms. Chavez-Gutierrez outlined the land grant's goals to the committee.

1. Cemetery. The current land grant cemetery is at capacity. The water association has agreed to give the land grant some land for the cemetery.
2. Community Center. The land grant wants to regain possession of the community center. The building requires several repairs along with continual routine maintenance.
3. Park. Taji que hopes to build a park to provide a safe place for the youth of the community to play.

Ms. Chavez-Gutierrez added that long-term-goals for Taji que include regaining lost land and achieving healthy forest management. Wood-cutting is a large source of income for members of the grant. The land grant hopes to partner with the federal government to conduct thinning projects in the area.

Javier Sanchez, a historian and the emergency manager for Torrance County, spoke about his involvement with the Taji que Land Grant. Mr. Sanchez, who is a published author of a book on land grants, talked about the value of written sources. He urged the committee and those present to support the continuation of history written by locals and the communities themselves. Jerry Montoya, a member of the Taji que Land Grant, described the boundaries of the original land grant for the committee members.

A committee member asked Ms. Chavez-Gutierrez to go into detail about how the land grant lost its common lands. Ms. Chavez-Gutierrez explained that it was mostly lost through debt. In particular, many people bought goods on credit from a local feed store, accruing more debt than they could pay. As a result, the owners of the feed store ended up with large portions of land.

In reference to the goals outlined by Ms. Chavez-Gutierrez, a member of the committee suggested that the land grant establish a list of capital improvement needs for the community center to be submitted to the LGC for members to request capital outlay funds, thus providing a bargaining chip for the land grant in approaching the county. The member added that these needs do not have to be limited to just the community center.

Motion 1

Senator Rue made a motion to draft a letter to the Torrance County Board of County Commissioners requesting that it work on the transfer of the community center back to the land grant. Senator Candelaria seconded the motion. The letter is to be drafted with the understanding that the legislature will back the land grant with capital outlay funding under the condition that the land grant establish itself with legitimate elections and seek political subdivision status. The motion passed unanimously.

A committee member stressed the importance of the Tajiue Land Grant following up with the LGC and keeping it updated, citing the Tome Land Grant as an example. Ms. Chavez-Gutierrez thanked the committee for its support on behalf of the Tajiue Land Grant, stating that the motion for the letter with the condition of the capital outlay is a gift to the land grant and is very much appreciated.

Proposed Recurring Funding Source for Land Grant and Acequia Water Infrastructure Projects

Juan Sanchez, chair of the Land Grant Council, and president of La Merced del Pueblo de Chilili, addressed the committee. He stressed the need for infrastructure, including building parks in the common lands and maintenance of the forests.

Paula Garcia, executive director of the New Mexico Acequia Association and an heir to the Mora Land Grant, addressed the committee about the importance of acequias and water to the land grants. She noted that land grants and acequias were historically paired. (Throughout her presentation, Ms. Garcia referred to a discussion draft of a bill, 202.190599.3, and a handout she provided to the committee.) Her presentation covered the role of the New Mexico Acequia Association, acequias in New Mexico, an overview of recent acequia funding requests, an analysis of acequia needs and several key policy recommendations. Ms. Garcia emphasized that New Mexico is home to an estimated 800 acequias and community ditches, each serving around 300 families. Acequias have limited options when seeking funding for infrastructure projects, and the New Mexico Acequia Association aims to provide technical assistance to the acequias.

A member of the committee clarified that discussion draft 202.190599.3 emerged as a result of last year's LGC meeting in Chilili, but the LGC wanted "buy-in" from more stakeholders. The member added that in regard to water projects, funding is needed to assist acequias and land grants in completing their audits. The failure to secure funding, in part, is due to not being up to date with project audits.

Another member noted that the reason the discussion draft was not introduced during the last legislative session was due to it not being heard before the LGC and the Water and Natural Resources Committee (WNRC). It was suggested by a member that the discussion draft be placed

on the WNRC agenda following LGC endorsement because an interim committee endorsement will aid in the bill's success before a standing committee and eventually lead to its passing.

Discussion regarding the bill draft took place, with Ms. Garcia answering inquiries from the committee. She suggested that language for a local preference be added because a lot of the work gets done by smaller contractors. According to Ms. Garcia, if the bill were passed, the Water Trust Board would aid in the management of the fund. A member opined that the fund might be better handled by the Interstate Stream Commission, thus moving the decisions closer to the land grants and the acequias.

The committee discussed with Ms. Garcia the challenges acequias face in acquiring funding for infrastructure and maintenance, specifically capital outlay funding. Most acequias are not able to compete for the \$1.4 million appropriated (out of the \$4 million requested) annually. The ones that receive capital outlay money are not complying with the audit rule, resulting in the reversion of the funds. Ms. Garcia expressed concerns over rule changes by the Water Trust Board.

A committee member suggested that the state auditor, Department of Finance Administration and New Mexico Finance Authority come before the LGC to discuss funding and solutions to streamline the funding process for acequias. The committee stressed the need for a nonpolitical entity to play a greater role in the auditing process for acequia associations, as well as the responsibility of the land grants to offer solutions for these issues when coming before the committee.

Motion 2

Upon a motion by Representative Hall, seconded by Senator Candelaria, the committee voted unanimously to approve the minutes of the July LGC meeting.

Reconstructing Historic Surveys and Traditional Use Boundaries for Community Land Grants: A New Approach

Dr. Manuel Garcia y Griego, director, University of New Mexico (UNM) Land Grant Studies Program, introduced Emanuel Storey, geographic technician from the UNM program, to the committee. Mr. Storey has worked on a project to map the historic boundaries of land grants, which he described as both controversial and geographically interesting. Using a handout of illustrations that he supplied to the committee, Mr. Storey walked the committee through the algorithm he designed to identify how descriptions relate to the titles of the land. Mr. Storey has compared the descriptions of traditional-use boundaries of the 35 active community land grants with the conclusion that they generally coincide with the patented boundaries. His "high points algorithm" determines where the ridge line is through the use of satellite imagery.

Dr. Garcia y Griego said that this system is a much less expensive way to map boundaries. This method is not as accurate as actual surveys, but it could still be very useful in identifying discrepancies.

The committee discussed with the presenters these technology advances and the impacts they will have on land grants and inquired about Mr. Storey's methodology. A committee member asked how a land grant would request having this done. The presenters clarified that they are not surveying any land grants but are doing mapping via satellites. Mr. Storey's work probably would not be

sufficient in any court dispute, but it is a step toward assessing the reliability and validity of boundary lines.

Payment to Tierra Amarilla Land Grant by Wind River Energy Corp.

Mr. Carver and Arturo Archuleta, Land Grant Council, provided background on a Tierra Amarilla Land Grant dispute in which members of the land grant allegedly sold the mineral rights to the Wind River Energy Corp. in 2008 for its "Milagro Project". (For more background on this dispute, please see the minutes from the July 16-17, 2012 LGC meeting in Questa.)

Mr. Carver outlined his recent meeting with the Office of the State Auditor. According to Mr. Carver, the auditor's investigation of the dispute is still under way. Wind River Energy Corp. has a new president, and the Milagro Project is not a priority at the present time. Members of the Tierra Amarilla Land Grant voiced their concerns over this matter and emphasized the need for a legitimate board.

Members of the committee asked the presenters for specifics about the dispute and the composition of the Tierra Amarilla Land Grant board. Mr. Archuleta provided clarification, adding that the board is not in compliance with state statutes; with eight members, it exceeds the regulatory five-member maximum. There are conflicts of interest with members of the same family on the board.

A committee member voiced concern that Wind River is not being held accountable for any fallout from oil and gas exploration, adding that this has been a very frustrating issue for the committee and for the community. If, indeed, the contract with Wind River, signed by members of the Tierra Amarilla Land Grant board, is valid, then the right to raise future claims was given up by the land grant in exchange for \$230,000.

One member of the committee opined that the money from Wind River is likely gone and that the company has moved on. The best course of action for the Tierra Amarilla Land Grant is to reestablish itself as a legitimate voice for the land grant and proceed toward political subdivision status. Another member underscored the need for public notices and legitimate elections as the land grant moves forward.

Motion 3

Senator Rue made a motion to send a letter to the Office of the State Auditor urging a quick resolution to this dispute. Representative Alcon seconded the motion, which passed without objection.

The committee requested that a representative from the oil and gas industry be present the next time the LGC discusses the Tierra Amarilla issue.

Modern History of the Land Grant Movement: Land Grant Activism from the Tierra Amarilla Courthouse Raid to the Present

Jacobo D. Baca, Ph.D. candidate, UNM, addressed the committee regarding the land grant movement. Mr. Baca discussed land speculation and federal government land expansion during the early twentieth century as precursors for the land grant radicalism beginning in the 1960s. With the

aid of a handout, Mr. Baca outlined the major events in land grant activism, including the Tierra Amarilla courthouse raid, La Alianza and the formation of the Land Grant Forum.

Former Lieutenant Governor Roberto Mondragon, treasurer, Anton Chico Land Grant, provided background on the Amador Flores case in the 1980s. Lieutenant Governor Mondragon also mentioned the U.S. General Accounting Office (GAO) report on land grants, which addresses the fault of the United States government in the loss of land from the land grants. He noted the GAO report's five recommendations.

1. Do nothing.
2. Issue an official apology acknowledging deficiencies in the land grant confirmation process.
3. Establish a commission to re-examine claims.
4. Consider transferring federal lands to land grants.
5. Establish a trust fund for the land grants.

Lieutenant Governor Mondragon concluded his presentation by expressing his desire to see the UNM School of Law develop a land grant studies program.

Mike Scarborough, historian, has five years of study focused on land grants and addressed the committee with the following three points.

1. Preservation of Artifacts. Native American lands have to be combed for artifacts; however, nothing is being done for Spanish/Mexican land grant claims.
2. Federal Control. In New Mexico, the federal government controls 30 million acres with subsurface gas. The federal government exercises control over 40 million acres in seven states. In Texas, it controls only 38,000 acres. The money could remain in New Mexico to be used for education.
3. GAO Cover-Up. An integral sentence on the last page of the report is missing.

Members of the committee asked Mr. Scarborough questions about his book and how it could be acquired.

Public Comment

Daniel Antonio Herrera addressed the committee about water issues in Torrance County. Mr. Herrera is concerned about a big push for water rights to become privatized. He noted that not all parties have been included in the talks. He may be asking the committee for help in dealing with this issue.

Elmer Maestas voiced his concern about how the education system teaches New Mexico history.

A member of the community complained about the lack of notice for the meetings of the Torrance County Board of County Commissioners.

Recess

The committee recessed at 5:19 p.m.

Friday, August 9

Tour of Tajiue Land Grant

The committee reconvened at 9:30 a.m. for a tour of the Tajiue Land Grant. The tour included a visit to the mission church and a hike to the community water tank, the land grant's cemetery and one of its boundary lines.

Adjournment

There being no further business before the committee, the third meeting of the LGC adjourned at 12:00 noon.

**MINUTES
for the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**September 18-19, 2013
Juan Bautista Baldes Land Grant**

The fourth meeting of the Land Grant Committee (LGC) was called to order at 10:12 a.m. by Representative Miguel P. Garcia, chair, on September 18, 2013 at the Juan Bautista Baldes Land Grant Community Center.

Present

Rep. Miguel P. Garcia, Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Sen. Richard C. Martinez
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue (9/18)
Rep. Tomás E. Salazar

Absent

Sen. Jacob R. Candelaria, Vice Chair
Rep. David M. Gallegos
Rep. Jimmie C. Hall
Sen. Daniel A. Ivey-Soto

Advisory Members

Sen. Carlos R. Cisneros

Rep. Phillip M. Archuleta
Sen. Timothy M. Keller
Rep. Patricia A. Lundstrom
Rep. W. Ken Martinez
Rep. Christine Trujillo

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Wednesday, September 18

Call to Order

Representative Garcia welcomed everyone to the Juan Bautista Baldes Land Grant and provided a brief background of the committee's work. Members of the committee were asked to introduce themselves, as were staff and members of the audience.

Welcoming Remarks and History: Juan Bautista Baldes Land Grant

Higinia Gallegos, president, Juan Bautista Baldes Land Grant, welcomed committee members and thanked them for visiting the land grant for the second time. Ms. Gallegos informed the committee that the land grant has a lot of concerns, principally the availability of water. The community has been struggling with low-quality drinking water as a result of an old well system. Ms. Gallegos informed the committee that the land grant has been working on the water issue for about seven years and even received a grant to purchase a new water tank. The community now has the water tank, but it lacks the funds to complete the project. She stressed that the next generation will be the most affected by the actions of the current land grant members. Ms. Gallegos introduced the current board members of the land grant and provided a preview of the tour scheduled for the second meeting day.

Fidel Martinez, a member of the Juan Bautista Baldes Land Grant, expressed the desire of the land grant to have a community center of their own, as the community center in which the LGC was meeting belongs to Rio Arriba County.

Lorenzo Valdez, a member of the Juan Bautista Baldes Land Grant, provided some history and geographic information about the land grant for the committee. Portions of the land grant, including the cemetery, the morada and the church, are located on private property. According to Mr. Valdez, the land grant members are working together to solve past difficulties so that they can move forward. He told the committee that the land grant received its patent in 1913, but currently, the U.S. Forest Service (USFS) has taken possession of 90 percent of the original grant, preventing the community from accessing the land.

Moises A. Morales, Jr., Rio Arriba County clerk, addressed the committee regarding disputes with the USFS and the federal Bureau of Land Management (BLM). Mr. Morales detailed many situations during which he believes the two federal entities have overreached their authority. The community has had problems harvesting timber and exercising grazing rights. Mr. Morales stressed that USFS officials are not deputized, yet they attempt to issue tickets and impose fines on what they deem to be infractions.

A member of the committee asked if the Juan Bautista Baldes Land Grant has political subdivision status, and land grant members clarified that the land grant is a political subdivision. The committee and land grant members discussed funding methods for small projects, including a cemetery expansion and a survey of the land grant.

Recognizing USFS liaison James Melonas, committee members addressed concerns about the limits of the authority of the USFS and interactions between the USFS and the land grant and surrounding communities. Many members of the audience were upset with the degree of authority

that the USFS has been asserting in the area. A member of the committee explained that many people rely on wood harvesting for heating their homes and asked that Mr. Melonas relay this concern to USFS officials in an effort to reach an arrangement in the future.

Members of the committee discussed the community water system at length. Ms. Gallegos explained that one part of the community is not connected to the new system. The new water tank and pump have been installed, but the community still has to use the old system until the piping can be fully installed. The land grant lacks the funding to complete the project to make the new system fully operational. A member of the committee commented that the land grant must bring audits for the water association up to date before any funding requests can be made.

The committee discussed issues surrounding the land grant owning its own community center building and suggested that the land grant approach the county to see if the county would be willing to turn the community center over to the land grant, as other counties have done in a few instances. Mr. Valdez explained that the original intent of the community center was to provide services, and that intent exists. The current building was built by members of the community and is maintained by members with the support of the county through an appropriation from the legislature. Citing the transfer of land in Tome, a member of the committee urged the land grant to work with Rio Arriba County and the LGC to attain this goal, adding that Valencia County was able to issue a tax waiver on the common land.

Motion 1

Representative Rodella moved that the LGC send a letter to the New Mexico Association of Counties asking the association to make information available to county assessors regarding the discretion county assessors have to transfer land back to land grants and waive taxes on common lands. The motion was seconded by Senator Martinez and passed without objection. A committee member requested that a representative of the New Mexico Association of Counties be asked to attend the final meeting of the LGC in November to respond to the letter.

A member of the committee reminded the land grant representatives that it is imperative for them to have current audits. Until those audits are up to date, the Department of Finance Administration and the LGC cannot help them. Another committee member suggested that the land grant seek help from the Office of the State Auditor.

Federal Advisory Committee Update

Mr. Valdez, in his role as a representative of the Federal Advisory Committee (FAC) established by the Federal Advisory Committee Act, reviewed proposed changes to USFS regulations, updated the committee on the most current meetings of the FAC and furnished the LGC with a handout outlining FAC actions and goals. Mr. Valdez offered to provide a more in-depth presentation to the LGC in the future. A member of the committee requested that a presentation to the LGC by Mr. Valdez be scheduled before the end of the interim.

The committee discussed some of the advantages and disadvantages of land grants becoming political subdivisions of the state and cited specific examples. The LGC cautioned that every land grant should consider these advantages and disadvantages before deciding on the course that is best for that particular land grant.

Tierra Amarilla Land Grant — Reorganization of the Land Grant

Arturo Archuleta, Land Grant Council, updated the committee on the progress of the reorganization of the Tierra Amarilla Land Grant since the August 2013 LGC meeting. The Land Grant Council has been working with heirs from the land grant in moving forward with reorganization. The Office of the State Auditor has an ongoing investigation into the recent issues with the Tierra Amarilla Land Grant. The Tierra Amarilla Land Grant has since held community meetings to inform members about the investigation and the recommendations the land grant has received from the council and the LGC. The process for the reorganization could include hiring an attorney, obtaining a district court order to nullify the previous land grant board and the legitimate election of a new board. The council has appointed Mr. Archuleta and David Benavides, New Mexico Legal Aid, to assist the Tierra Amarilla Land Grant with the reorganization and the election of a new board. Mr. Archuleta answered questions about the land grant support program and added that a grant from the program could help to pay for the legal assistance necessary during the reorganization.

Members of the Tierra Amarilla Land Grant — Steve Polaco, Belarmino Archuleta, Pedro Archuleta and Leonel Rodella — were present at the meeting and addressed the committee with examples of discrimination that they had faced. They voiced concerns about mineral and grazing rights. Mr. Polaco was particularly concerned over whether contracts entered into by the previous land grant board will still be valid with the formation of a new board. A member of the committee requested that the LGC obtain an opinion from the Office of the Attorney General regarding the matter. Mr. Carver explained that once the state auditor's investigation is complete, the issue can then be referred to the attorney general. Since people are starting to look at what happened with the Tierra Amarilla Land Grant, Mr. Carver believes it will be prudent to get some guidance on the matter.

A member of the committee asked when the next elections for the Tierra Amarilla Land Grant are scheduled. Arturo Archuleta explained that there had only been one election in 2006, and because it was the first election, it appeared that it was legitimate. By statute, the Tierra Amarilla Land Grant was due for an election in 2010. A meeting was held, but no official elections took place. A member of the committee suggested that it might be best to wait until 2014 to hold new elections, in accordance with state statute. Mr. Archuleta believes that there is still potential for some issues with that approach, but it is an option. In the meantime, work can still be done by the heirs to sort through some of the organizational issues, including the process of registering heirs, which can be done while the case is still in the courts.

A committee member commented on land grants' uniqueness to New Mexico and the importance for land grant communities to be familiar with one another. If the land grant communities are able to get organized as a whole, they are less likely to encounter unfortunate situations such as the one in the Tierra Amarilla Land Grant. The committee member stressed the need for land grants to have access to top-notch legal support and support from the University of New Mexico (UNM) School of Law.

Motion 2

Representative Rodella moved, and Representative Baldonado seconded, a motion that a letter to be sent to the Department of Game and Fish to encourage collaboration with the Land Grant

Council regarding the clarification of traditional-use rights for land grant communities. The motion passed unanimously.

Abiquiu Land Grant New Board

Alfredo Garcia, president, Abiquiu Land Grant, introduced members of the recently elected board and provided the committee with a brief history of the land grant. The land grant is currently working with USFS surveyors and the newly appointed Boundary Committee to address boundary concerns and the lack of fences.

Joddie Valdez, Boundary Committee, Abiquiu Land Grant, was appointed to the Land Grant Consejo as a representative of the Merced del Pueblo Abiquiu. Mr. Valdez provided the LGC with a handout detailing the history of the Abiquiu Land Grant, along with historical maps. The maps illustrate the discrepancies between the original and current surveys.

A member of the committee asked Mr. Valdez to provide a concise, one-page document based on a current USFS map so that the LGC can more easily identify the points of contention. The committee suggested that David Lopez, chair, Boundary Committee, work quickly with Dr. Manuel Garcia y Griego, UNM Land Grant Studies Program, to compile a presentation for the final LGC meeting in November. Mr. Carver mentioned that Mr. Melonas is prepared to make a presentation on this issue at November's meeting.

Members of the committee, along with the presenters, discussed sovereignty issues and Abiquiu's pueblo origins. Mr. Valdez explained the history of what had occurred and why Abiquiu was not treated like other pueblos.

Motion 3

Upon a motion by Representative Rodella and seconded by Senator Martinez, the committee voted unanimously to approve the minutes of the August LGC meeting.

BLM Land Disposal Processes

Lisa Morrison, deputy chief, Office of Communications, BLM, and Debby Lucero, state realty lead, BLM, gave a presentation to the committee about the federal Recreation and Public Purposes Act. They provided the committee with a handout that detailed all of the options and qualifications for the land disposal process. The act applies to all public land, except land within national forests, national parks and monuments, national wildlife refuges, Indian lands and acquired land. The amount of land an applicant can purchase is set by law. Ms. Morrison and Ms. Lucero outlined the entities eligible for the program; the different costs, depending on proposed use; terms and conditions; application requirements; and how interested parties should proceed.

A member of the committee opined that the federal government has not taken enough action to address the injustices committed against the land grants. The member mentioned the steps the State of New Mexico has taken to benefit the land grants: 1) land grants now have first right of refusal for any state-owned property that is put up for sale; and 2) land grants are permitted to match the highest bid of land sold at property tax-delinquent auctions. Ms. Morrison responded that she is unable to speak to the past but that the BLM is moving forward with the intention of helping the land grants with the land disposal process.

A committee member added that the creation of a liaison is a step in the right direction for improving relations between land grants and the BLM. The member noted that the process outlined by the presenters represents federal guidelines and asked if there is any way to amend the rules to apply to New Mexico's situation or to speak specifically to land grants. It was suggested that the presenters report back to the BLM director regarding revision of these rules to apply more specifically to land grants. Ms. Morrison agreed to report back but clarified that she has no decision-making authority. As liaison to the land grants, her role is to identify issues and relay them to the people with the proper authority to make decisions.

A committee member suggested that the BLM compile a list of properties up for disposal to distribute to the land grants and requested that representatives from the U.S. congressional offices brief the leadership in Washington, D.C., on this topic. The committee discussed specific tracts of land that will be included in the 2014 final plan by the BLM.

Motion 4

A motion was made by Representative Rodella that a letter be drafted to the state director of the BLM expressing that the LGC would appreciate preference to be given to the land grants for the purchase of properties being disposed of that are within the communal areas of land grants. The motion was seconded by Senator Martinez and passed without objection.

A member of the committee asked if there is any BLM land near the Juan Bautista Baldes Land Grant. Ms. Gallegos confirmed that there is a baseball field that the community is no longer allowed to use. Ms. Gallegos also noted issues with hunters on BLM land. Ms. Morrison offered to set up a meeting with the Juan Bautista Baldes Land Grant and the BLM field manager for the area.

Felipe Martinez, county commissioner, Rio Arriba County, addressed the committee regarding special use permits from the county for public works, such as schools and community cemeteries. Mr. Martinez suggested that requests for community projects need to be put on a fast track so that land grant communities are not prevented from expanding. Lack of room for expansion in areas such as Cordova have forced communities to build on farm land, resulting in the loss of irrigated land. A member of the committee stated that it is important for the BLM to understand the needs of local communities.

Ms. Lucero reiterated that it is important for land grants to get involved in the resource management plan when it is being revised and updated. Ms. Morrison suggested that land grants call the field managers about these meetings and get involved during the early stages. A member of the committee requested that land grants be contacted about these meetings so that land grant communities can be included in the conversation.

History of Tierra Amarilla Land Grant Expropriation

The presentation by UNM Professor David Correia was canceled.

Public Comment

Virgil Trujillo, member of the Juan Bautista Baldes Land Grant, addressed the committee with some of his concerns.

- Watersheds located behind the land grant have been mismanaged by the federal government, preventing irrigation in Abiquiu for the past two months. This issue is fallout from the recent forest fires and flooding in the area.
- There is a need to quitclaim mineral rights back to the land grants. This would help spur economic growth within the land grants.
- There is a desire for multiple-use status on the Valles Caldera National Preserve, noting that the USFS has not been friendly to agriculture in the area.

Several members of the Juan Bautista Baldes Land Grant requested support in finishing the water system project discussed earlier. Land grant members described issues with foul-smelling water, low pressure and water that occasionally cuts off completely.

Motion 5

Arturo Archuleta talked to the Juan Bautista Baldes Land Grant members about their infrastructure capital improvement plans and some potential problems with a mutual domestic water system. Representative Rodella moved that a letter to be sent on behalf of the LGC to the New Mexico Department of Environment (NMED) to clarify this issue. Mr. Archuleta and Mr. Carver will draft the letter and will include a request that the NMED send representatives to future LGC meetings. The motion was seconded by Senator Ortiz y Pino and passed unanimously.

Jake Arnold, public affairs officer, Rio Arriba County Sheriff's Office, suggested a criminal investigation into the money in the Tierra Amarilla Land Grant case. The committee discussed the issue, and a member asked about referring the case to the Taxation and Revenue Department (TRD). Mr. Archuleta suggested having a representative from the TRD address the committee at a future LGC meeting.

Recess

The committee recessed at 5:45 p.m.

Thursday, September 19

Tour of the Juan Bautista Baldes Land Grant

The committee reconvened at 9:30 a.m. for a tour of the Juan Bautista Baldes Land Grant. The tour included a visit to the local church, the morada and the Monastery of the Holy Archangel Michael. Members of the committee also saw the new water tank, and the areas of the community where new water lines need to be installed were pointed out by members of the Juan Bautista Baldes Land Grant.

Adjourn

There being no further business before the committee, the fourth meeting of the LGC adjourned at 12:30 p.m.

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

**October 24-25, 2013
Tecolote Land Grant**

The fifth meeting of the Land Grant Committee (LGC) was called to order at 9:15 a.m. by Representative Miguel P. Garcia, chair, on October 24, 2013 at the Tecolote Land Grant Community Center.

Present

Rep. Miguel P. Garcia, Chair
Sen. Jacob R. Candelaria, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. David M. Gallegos
Sen. Richard C. Martinez
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue
Rep. Tomás E. Salazar

Absent

Rep. Jimmie C. Hall
Sen. Daniel A. Ivey-Soto

Advisory Members

Rep. Phillip M. Archuleta
Sen. Carlos R. Cisneros
Sen. Timothy M. Keller
Rep. Patricia A. Lundstrom
Rep. W. Ken Martinez
Rep. Christine Trujillo

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Thursday, October 24

Welcome and Introductions

Representative Garcia welcomed everyone to the Tecolote Land Grant and provided a brief background of the work of the LGC. Members of the committee, staff and those present in the audience were asked to introduce themselves.

Representative Garcia provided updates on the latest information from the Tome Land Grant and the Juan Bautista Baldes Land Grant, noting the latter's recent meeting with the Department of Game and Fish. The Juan Bautista Baldes Land Grant is one of only three land grants that receive annual elk hunting permits. After a complaint by an individual, the land grant lost its nine elk permits. The meeting with the Department of Game and Fish resulted in a reversal of the decision to revoke the elk permits. Representative Garcia added that hunting permits are a potential source of revenue for land grants, and he is hopeful that the Department of Game and Fish will look more closely into these issues in the future.

Welcoming Remarks and History: Tecolote Land Grant

Angela Herrera, member, Tecolote Land Grant, welcomed the LGC to the area and gave some of the history of the land grant. The Tecolote Land Grant was established in 1825 and was first surveyed in 1859 at 48,300 acres. The Tecolote Land Grant now sits at approximately 4,500 acres and contains no Bureau of Land Management (BLM) land. Tecolote is unique in that it was established as a Mexican land grant and many of its heirs have Mexican surnames. Prior to the founding of nearby Las Vegas, Tecolote was the site of stagecoach stops, the railroad and the U.S. Post Office when the United States first came into New Mexico. Despite a history of questionable land transfers and a few court battles, Ms. Herrera described the land grant as resilient and the community itself as being very much intact. The land grant has held on to its traditions and still celebrates its local fiestas and worships in its many chapels.

Ms. Herrera informed the committee of the Anasazi pueblo east of the land grant, known as La Placita de Abajo. Through events unclear to the land grant, Texas Tech University gained ownership of 10 acres in the location and excavated the Indian ruins in the early 1900s. Members of the LGC asked several questions regarding this issue, offering ideas on how to regain possession of artifacts taken during the excavation. The land itself has since been reverted to the land grant. The committee discussed sending a letter to Texas Tech University requesting it to return the artifacts to the custodianship of New Mexico Highlands University. A member of the land grant, Jerry Garzas, added that there was an exhibit at the Rough Riders Museum this past summer and that the museum may have more information on where the artifacts are now.

A member of the committee asked what the land grant is currently doing for economic development. Ms. Herrera answered that members are still harvesting sand and gravel from the area and that the grant receives royalties from those sales. In addition to leasing a cellular tower, the land grant is also discussing the possibilities of solar contracts. Historic Route 66 and the Santa Fe Trail pass through the Tecolote Land Grant. Members of the committee discussed what

the land grant could do to promote those famous routes.

The LGC discussed new requirements from the executive branch regarding capital outlay in reference to Ms. Herrera's comments on water issues and the need to rebuild the water tank in Tecolote. A member of the committee stressed the need for the land grant to identify the dollar amount required to repair the water system. Now that the Tecolote Land Grant has achieved political subdivision status, it will be easier for it to request capital outlay funds. The LGC urged the land grant to work with the Land Grant Council for help on necessary audits.

Update from the Land Grant Consejo

Leonard T. Martinez, president, Land Grant Consejo, provided background on the Land Grant Consejo and its work. Mr. Martinez reported that the consejo recently met with White House staff to discuss traditional use rights. The consejo will be working with the New Mexico congressional delegation on a traditional rights bill. Mr. Martinez added that the consejo supports modification on the definition of the term "heirs" in the context of land grants.

A member of the committee offered brief clarification on the difference between the Land Grant Council and the Land Grant Consejo. The consejo is a grass-roots organization that serves as a voice in dealing with federal agencies such as the United States Forest Service (USFS) and the congressional delegations. Land grants that are members of the consejo pay membership dues and are not required to have political subdivision status. Currently, there are 23 land grants that participate in the consejo, making it a statewide coalition. The Land Grant Council was created by state statute under the Land Grant Support Act. It is housed under the Department of Finance and Administration (DFA) and is mandated to help those land grants that have achieved political subdivision status. Members of the council are appointed by the governor and are required to have served on the board of trustees of a land grant.

A member of the committee asked about the consejo's funding sources. Mr. Martinez explained that the consejo has a nonprofit arm that can accept donations for legal cases. The consejo is also able to approach other entities to request money or technical assistance for land grants. The LGC discussed the possibility of earmarking funds specifically for use by land grants, in particular, funds to New Mexico Legal Aid.

Update from the Land Grant Council

Juan Sanchez, president, Land Grant Council, and Arturo Archuleta, Land Grant Council, addressed the committee with an update on the council's activity since its last update of the 2012 interim. The Land Grant Council has continued to provide support to community land grants throughout the state. This includes working as a liaison for community land grants between state and federal agencies; engaging in policy work at the federal and state levels; providing direct financial and technical assistance to land grants; and conducting several trainings and workshops for community land grants. The following key points were highlighted by the presenters (please see handout for full status report).

1. Master Stewardship Agreement — A master stewardship agreement with the USFS would have allowed the council to facilitate forest restoration and watershed health projects with local land grants on former common lands within the Cibola, Carson and Santa Fe national forests. The DFA determined that it did not believe it had the technical expertise to administer the fiscal requirements under the agreement and would therefore not sign off on the agreement as the fiscal agent of the council.
2. Community Land Grant Registry — The council worked with the secretary of state, the Attorney General's Office, the State Records Center and Archives and the University of New Mexico (UNM) to transfer and establish the Community Land Grant Registry under the Land Grant Council. The DFA refused to become the custodian of any of the existing or future documents relating to the Community Land Grant Registry, and, therefore, the council was required to seek alternate placement for the records. A memorandum of understanding between the Land Grant Council and the UNM Land Grant Studies Program has been reached, allowing the UNM Land Grant Studies Program to be the custodian of all new Community Land Grant Registry records.
3. Property Taxes — The council, through its contract staff, has been researching the amount of property taxes paid by land grants for common lands throughout the state in order to help inform policy decisions related to property taxes and common lands. For the 2012 tax year, data from 21 land grants have been collected; those land grants paid approximately \$32,150 in property taxes for approximately 161,500 acres of common land.
4. Issues with the DFA — The precise requirements and authority of both the council and DFA as administratively attached entities are not clear and may need a legislative fix to better define the roles and responsibilities of both the council and the DFA. The council representatives recalled several instances in which being administratively attached to the DFA hindered its operational ability.

Members of the LGC discussed some of the issues brought up by Mr. Sanchez and Mr. Archuleta. The members focused on the council's small budget (\$30,000) and lack of proper staffing. Mr. Sanchez explained that the council has five members appointed by the governor who receive mileage and per diem for their work. The council also has one staff member, Mr. Archuleta, who works on contract, but three staff members would be sufficient to better provide services for the Land Grant Council.

Members of the committee expressed interest in finding another entity to which to administratively attach the Land Grant Council, other than the DFA. Several members were disappointed to see that the master stewardship agreement had fallen through, thus passing up a great opportunity for generating revenue within land grant communities.

Motion 1

Senator Ortiz y Pino motioned for a letter from the committee to be sent to the congressional delegation, urging it to work on master stewardship agreements with the USFS. Senator Martinez seconded the motion, and it passed unanimously.

Update from the UNM Land Grant Studies Program

Dr. Manuel Garcia y Griego, director, UNM Land Grant Studies Program, provided a brief history on the program and its work. Founded in 2008, the UNM Land Grant Studies Program's mission is to provide research and services for land grants, as well as serving as a repository for information. The program seeks to add value to existing materials such as analysis and maps.

Dr. Garcia y Griego highlighted some of the recent accomplishments of the students from the UNM Land Grant Studies Program, including mapping projects, developing new methods to locate survey points, aiding in resolving election disputes and developing methodology to identify land grant heirs without having to go back to the original petitioners. The UNM Land Grant Studies Program participants traveled to Washington, D.C., with the Land Grant Council to present their project on the mapping of traditional use boundaries. Currently, the program is working with the State Records Center and Archives to scan all of the material relating to land grants, making it more readily available to the public.

Dr. Garcia y Griego detailed the new project by the program to look into the legal history and develop challenges to the *United States v. Sandoval* U.S. Supreme Court case, as the holding was based on a statutory interpretation and, thus, could be repealed by Congress. Dr. Garcia y Griego is developing roundtable discussions to examine the *Sandoval* decision. One question he is looking into is whether the *Tameling v. United States Freehold and Emigration Company* case makes *United States v. Sandoval* moot.

Members of the committee discussed the need and possibility of involving the UNM School of Law in land grant issues. The suggestion was also made to have the Hispanic Bar Association address the LGC during the next interim.

Possible Changes to Chapter 49 NMSA 1978 (Land Grant Statutes)

On behalf of the Land Grant Council, Mr. Sanchez and Mr. Archuleta presented numerous suggested changes to Chapter 49 NMSA 1978 for consideration as legislation to endorse in the upcoming session. They provided an explanation of each proposed change, noting that the suggestions came out of workshops and are not necessarily endorsed by the council (please see the handout detailing the proposed changes). Members of the committee and the presenters debated and discussed the proposals, voicing support and objections and suggesting modifications. The following are the proposed changes:

1. Section 49-1-1.1 NMSA 1978: amend the definition of "heir"; add a definition for "common land";
2. Section 49-1-3 (J) NMSA 1978: amend comprehensive plan requirements;

3. Section 49-1-4 NMSA 1978: amend language to exclude the reference to precinct and replace it with a reference to voting districts;
4. Section 49-1-5 NMSA 1978: add voting districts and procedures for cancellation of an election and for vote by acclamation;
5. Section 49-1-8 (A) and (C) NMSA 1978: amend language requiring deposit of land grant-merced funds in banks;
6. Section 49-1-9 NMSA 1978: allow for special meetings to be called by members of the board of trustees;
7. Section 49-1-12 (B) NMSA 1978: require an annual report to be filed with the Land Grant Council as part of the land grant registry; and
8. Section 49-1-14 (C) NMSA 1978: amend the written-check and voucher-use requirement.

In addition to the proposed changes to Chapter 49 NMSA 1978, the Land Grant Council also suggests amending Section 10-9-21 NMSA 1978 to clarify that land grants-mercedes boards of trustees are exempt from this provisions of the Personnel Act.

A member of the committee requested staff to research the Personnel Act and provide clarification on the definition of "partisan" in reference to the act. It was noted that all of the proposed changes would be drafted individually and presented for consideration for endorsement at the final LGC meeting in November. It was further requested that the Land Grant Council work with LCS staff to prioritize the changes by order of urgency and feasibility in a 30-day session.

Dispute over Encroachment and Destruction of the Morada at Merced de la Comunidad de El Carmel

Jim Coryat, vice president, El Carmel Land Grant, addressed the committee regarding the dispute over the destruction of property in El Carmel. Mr. Coryat provided some history of the land grant and the origins of the conflict. In 2000, the land grant was involved in several legal battles resulting in the loss of an easement that went through the local cemetery. In 2007, a bulldozer attempted to make a road through the cemetery. The two parties were ordered by a judge to resolve the issue by mediation. During the final stage of negotiations, Mr. Coryat alleged, the individual involved in the issue proceeded to bulldoze a road, resulting in the destruction of the morada. The morada was on the private property that was formerly in the land grant-merced, but it was lost in an adverse possession suit and contained the remains of two hermanos.

Mr. Coryat voiced a need to have attorneys educated on land grant issues. Even though El Carmel won the injunction, the district attorney might not pursue the issue because the morada was on private property. The Merced del la Comunidad de El Carmel is considered a subgrant and therefore does not have the same legal protections as other land grants. Mr. Coryat requested that legislation be drafted to address this issue as well as to create a strong protection for unmarked graves and protection for other religious sites.

Members of the committee asked questions about the case and what the land grant is seeking. Mr. Coryat responded that El Carmel just wants the protection of its cemetery and the monetary amount to have the 1,200 feet of land that was bulldozed restored.

Motion 2

Representative Rodella made a motion for a letter to be sent to the chief of the New Mexico State Police, requesting him to follow through on the investigation of the El Carmel case and to report back to the district attorney. A copy of that report was also requested to be given to the LGC. Representative Gallegos seconded the motion, and it passed without objection.

Public Comment

Lisa Quintana, member, San Miguel del Bado Land Grant, addressed the committee regarding the schoolhouse in San Miguel. According to Ms. Quintana, the schoolhouse was put up for sale in the paper for \$39,000. Ben Flores, member, San Miguel del Bado Land Grant, also spoke on the issue, provided some historic background and requested the LGC to help return the schoolhouse to the land grant.

Motion 3

A motion was made by Representative Garcia to draft a letter to the secretary of cultural affairs inquiring about the status of the Los Pueblos community center, highlighting the LGC's concern regarding the new statute on first right of refusal. Copies of the letter are to be sent to the General Services Department and the attorney general. Representative Rodella seconded the motion, and it passed unanimously.

Andres Valdez, Vecinos United, provided the LGC with an update on a letter sent to President Barack Obama in June 2009, requesting the USFS to return land grant lands. Mr. Valdez added that Vecinos United has received correspondence from the Office of Public Engagement, but it has been unable to schedule a meeting. Vecinos United is requesting a memorial on the issue, based on the one introduced by Senator Linda M. Lopez in the 2013 legislative session, as well as a letter requesting President Obama to respond to Vecinos United. After discussion by the committee, it was suggested that Mr. Valdez work with the Land Grant Consejo and the Land Grant Council.

Recess

The committee recessed at 5:21 p.m.

Friday, October 25

Tour of the Tecolote Land Grant

The committee reconvened at 9:30 a.m. for a tour of the Tecolote Land Grant. The tour included visits to several of the mission churches and cemeteries in the land grant, as well as the excavation site of the Anasazi pueblo.

Adjournment

There being no further business before the committee, the fifth meeting of the LGC adjourned at 12:20 p.m.

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

**November 19-20, 2013
State Capitol, Santa Fe**

The sixth meeting of the Land Grant Committee (LGC) was called to order at 9:45 a.m. by Representative Miguel P. Garcia, chair, on November 19, 2013 at the State Capitol in Santa Fe.

Present

Rep. Miguel P. Garcia, Chair
Sen. Jacob R. Candelaria, Vice Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. David M. Gallegos
Rep. Jimmie C. Hall
Sen. Richard C. Martinez
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue (11/20)
Rep. Tomás E. Salazar

Absent

Sen. Daniel A. Ivey-Soto

Advisory Members

Rep. Patricia A. Lundstrom
Rep. W. Ken Martinez (11/19)
Rep. Vickie Perea
Rep. Christine Trujillo

Rep. Phillip M. Archuleta
Sen. Carlos R. Cisneros
Sen. Timothy M. Keller

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
Alexandria Tapia, Research Assistant, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Tuesday, November 19

Welcome and Introductions

Representative Garcia provided a brief background of the work of the LGC. The committee members, staff and audience introduced themselves.

Update from the United States Forest Service (USFS)

James Melonas, New Mexico state liaison, USFS southwestern region, discussed working with the LGC on mutually beneficial projects, including work with the San Joaquin del Rio de Chama Land Grant to return the cemetery to the land grant and work with the Land Grant Council to address this issue administratively without the need for federal legislation, which is important since virtually no legislation is getting through the United States Congress currently.

The San Joaquin del Rio de Chama Land Grant held a trail-making and cleanup day in an attempt to support long-term use of the cemetery by the heirs. Ultimately, such use may require an easement, the securing of which will likely prove to be complicated. Until that occurs, it is possible for the USFS to provide a special use permit to allow access to the cemetery. The San Joaquin del Rio de Chama Land Grant wants that permit to be valid for as long as possible, and it appears the permit may be valid for about 20 years, but that information is still being verified. Despite the permit, San Joaquin del Rio de Chama Land Grant continues to seek a permanent easement.

The USFS continues to work with the Abiquiu Land Grant to identify boundary discrepancies between USFS land and land grant land, in order for the USFS district ranger to assess whether the fence is in the wrong place. Dr. Manuel García y Griego, director, University of New Mexico (UNM) Land Grant Studies Program, and the Land Grant Council have been helpful in working as a liaison between the Abiquiu Land Grant and the USFS.

Responding to a question, Mr. Melonas explained the USFS travel management project. The project directs that all national forests must designate roads and trails for motorized access. In the past, those roads were "open, unless closed". Now the roads are generally considered "closed, unless open". For example, the Camino Real Ranger District recently completed its travel management project and now has 1,800 miles of roads and 67 trails available.

In the past, firewood collection was limited to a distance of 300 feet from the edge of roads and trails. Now, specifically designated areas have been established for firewood collection, accessible with a firewood collection permit. So, fuel wood is available to local communities, but strategic thinning is under way. Notably, permits are activity-specific — one cannot use a firewood collection permit to hunt.

A discussion ensued about differing viewpoints among hunters regarding the travel management project. While some hunters like the improved habitat with the road closures, others, particularly disabled hunters and fishers, object to limiting access. One committee member noted that the Rocky Mountain Elk Foundation is unhappy about the road closures.

Another concern raised was the curtailing of cross country all-terrain vehicle and motorbike use that could affect traditional use. Mr. Melonas said that traditional use permits exempt holders from the limits placed upon others. The project set up a framework for travel management to be consistent nationwide but to be responsive to local needs.

A committee member recounted an instance where some firewood collection permit holders were stopped by a USFS employee, but it soon became clear that neither the holders nor the USFS employee knew the correct location for firewood collection that was approved by the permit. After leaving the firewood in place, the permit holders hiked back to their car and then were cited in the parking lot by a different USFS employee. The USFS official citing the permit holders had not seen what had happened, yet still issued a citation. Mr. Melonas said that the situation needs to be addressed through better communication and that abuse of power is taken very seriously by the USFS.

Representative Rodella said that she knows a family that was mistreated by a USFS law enforcement officer and that she wants the officer removed, and she requested a meeting with the special agent in charge.

In closing, Mr. Melonas said that the USFS can only act on administrative issues, but transferring ownership of land must be done by the United States Congress. So, it is imperative that communities work with the USFS to achieve success. While the USFS cannot change the past, it can work with land grants to improve the future.

Update from State Auditor on Tierra Amarilla Investigation/Reorganization Update/Oil and Gas Lease Issues

Evan Blackstone, chief of staff, Office of the State Auditor, discussed the suspected misuse of \$233,000 that was provided to a group of individuals who held themselves out to comprise the board of trustees of the Tierra Amarilla Land Grant. This issue was reported to the Office of the State Auditor in July 2013.

In response to a letter from the LGC to the state auditor, an investigation is under way. The first step has been the seeking of bank records to determine the disposition of the \$233,000 and of another payment made previously. Wind River Energy Corp, the company that paid the \$233,000, has yet to be contacted as part of the investigation, but Mr. Blackstone noted that would be within the scope of the investigation.

Mr. Blackstone said that he cannot reveal specific information because the investigation is ongoing but, under the Audit Act, a political subdivision such as a land grant must report its revenue and account for that revenue. The tier system of reporting, which allows small governmental entities to provide financial transparency in an affordable way, is state law and must be followed.

A resolution to the problem is at least a few months away, but a potential problem is confusion over how to punish the Tierra Amarilla Land Grant for past wrongdoing by a now-defunct board of trustees.

Steve Polaco, Tierra Amarilla Land Grant, asked for clarification about whether the current board can be held responsible for the past board's actions.

Update on the Tierra Amarilla Land Grant Reorganization

Mr. Polaco, Charlie Chacon and Pedro Antonio Archuleta, Tierra Amarilla Land Grant, and Arturo Archuleta, Land Grant Council, discussed the creation of a subcommittee of the Tierra Amarilla Land Grant board of trustees. The subcommittee was created because people were unhappy with and confused about the actions of the previous Tierra Amarilla Land Grant board of trustees.

The current Tierra Amarilla Land Grant board of trustees proposes to amend the land grant bylaws to prevent the board from signing documents on behalf of the land grant without the support of the heirs, as determined by a majority vote. Now, better notice of meetings is being provided to the heirs, and the most recent Tierra Amarilla Land Grant board meeting was noticed as far north as Chromo, Colorado. The subcommittee wants to hear from all of the heirs to know what they want. The new board wants to be accountable to the heirs.

For a land grant to reorganize, it usually takes inventory of the land it currently possesses. The land grant has a right to meet the highest bid for property on the original grant that has gone tax delinquent.

Approval of Minutes from the September and October 2013 Meetings

Upon a motion made by Representative Rodella, seconded by Representative Baldonado, the minutes for the September and October 2013 LGC meetings were approved without objection.

Discussion with the Bureau of Land Management (BLM)

Jesse Juen, state director, BLM New Mexico State Office, thanked Juan Sanchez, chair, Land Grant Council, and president, Merced del Pueblo de Chilili, and Leonard Martinez, president, Land Grant Consejo, and said that he looks forward to cultivating a relationship with them and with the LGC.

Mr. Juen said that land grants should have some direct dialogue with the BLM to iron out land management issues. An inventory of each land grant and its issues with the BLM needs to be compiled. A recommendation was made to have a workshop to get those relationships started. Then, the federal government could begin to rectify past inequities and assist land grant communities in getting back their land.

Lawrence Sanchez, president, Tome Land Grant, spoke about federal legislation to transfer BLM land bordering USFS land and private land to make it USFS land. Instead, he asked that the land be deeded to the Tome Land Grant.

John Chavez, board member, Santa Cruz de la Canada Land Grant board, said that the land grant was established in 1692, predating the formation of the United States and that some of the land in the grant is in BLM custody. All that is left of the grant is a riparian zone where land grant members grow some crops. Now, the land grant has no choice but to develop the irrigated land for housing for their children. There is no policing of the land, and there are all-terrain vehicles everywhere, creating erosion that is filling the acequias, leading to further loss of agriculture. Illegal dumping occurs on the land grant, which further pollutes the acequias. Mr. Chavez noted that the Santa Cruz de la Canada Land Grant is part of the Sandoval Seven, and that six of the seven are represented at the meeting.

Tony Lucero, San Antonio de las Huertas Land Grant, said that the land grant had land stolen by Thomas Catron, then the BLM took possession and now the Pueblo of San Ildefonso owns it. Currently, United States Senator Martin D. Heinrich is trying to get the land to the USFS, but the heirs want to get the land back to the land grant. The land grant does not have the money to mount a lawsuit to get the land back, and its members say they need a champion to take up their cause.

Oliver Perea, president, San Miguel del Bado Land Grant, discussed areas of land that the BLM fails to manage well and the land grant wants back. Specifically, he referred to some property that borders Villanueva State Park.

Higinia Gallegos, Juan Bautista Baldes Land Grant, said that since the LGC met at the land grant, she left a message with the BLM regarding the 10-acre recreation site that the land grant seeks to reclaim.

David Benavides, attorney, provided the committee with some history of the Embudo Land Grant, whose petition was rejected and the land was deemed federal land. Subsequently, the federal Color of Title Act was used to gain title to the land by some community members. Most of the people who applied did not meet the requirements, but those that did got their land.

Dr. García y Griego discussed the land grant land that has been mapped as part of a project he is heading. Over 50 percent of that land is currently designated as BLM land.

Mr. Juen reminded the committee and the audience that all of the BLM's authority is limited to the letter of the law, though many of the issues raised at the meeting could be addressed, at least in part, by working together.

Representative Rodella asked for a joint memorial to request that the New Mexico congressional delegation and the BLM work together to solve these issues.

In his closing comments, Mr. Juen committed to working with land grant communities and to looking at various mechanisms to help out when there is an opportunity to do so.

Relationship Between the Land Grant Council and the Department of Finance and Administration (DFA)

Mr. Juan Sanchez and Wayne Sowell, director, Local Government Division (LGD), DFA, discussed some concerns about the relationship between the Land Grant Council and the DFA.

Mr. Archuleta discussed the master stewardship agreement with the USFS that would allow individual land grants under the umbrella of the council, but it is still imperative that the DFA accept the terms of the agreement as the council's fiscal agent.

Questions that arose included: 1) How much power does the council have to act on its own behalf; and 2) What does "administratively attached" mean? As stated in Section 9-1-7 NMSA 1978:

"A. An agency attached to a department for administrative purposes only shall:

- (1) exercise its functions independently of the department and without approval or control of the department;
- (2) submit its budgetary requests through the department; and
- (3) submit reports required of it by law or by the governor through the department.

B. The department to which an agency is attached for administrative purposes only shall:

- (1) provide, if mutually agreed, the budgeting, recordkeeping and related administrative and clerical assistance to the agency; and
- (2) include the agency's budgetary requests, as submitted and without changes, in the departmental budget."

Mr. Sowell said that the DFA's obligation is administrative in nature, and he does not think that the master stewardship memorandum of understanding (MOU) was stalled by the DFA. He questioned whether the MOU would have made a difference. Mr. Juan Sanchez said that it would have made a difference, and the council is not looking for a fiscal agent — it just wants the same process for federal funding pass-through administration by the DFA as the Community Development Block Grant program. A member asked to see a copy of the master stewardship agreement to clarify the request.

Mr. Sowell said the LGD gets numerous requests to act as a fiscal agent, and there is not enough personnel to oversee the council, so the DFA does not want to be the fiscal agent. In short, if the Land Grant Council operates independently, then the DFA should not be the council's fiscal agent.

A committee member opined that, in light of this testimony, it makes sense to administratively attach the Land Grant Council to another agency, and the committee discussed which agency would be a viable option to provide oversight for the council so that it could receive federal money and expedite its work. It was noted that the council could be its own fiscal agent if it had adequate staffing.

Mr. Carver offered to work with the Land Grant Council after its meeting with Secretary of Finance and Administration Tom Clifford and to send out a summary to the LGC. If any committee members wish to seek legislation to administratively attach the Land Grant Council to another agency, of course, the committee member can do so.

As a final point, committee members were reminded that New Mexico is missing out on \$100,000 from the federal government due to this unresolved issue with the DFA.

Update on Land Grant Board Elections in Anton Chico Land Grant

Former Lieutenant Governor Roberto Mondragon, treasurer, Anton Chico Land Grant, discussed an article from the *Guadalupe County Communicator* that reported that the Anton Chico Land Grant election did not happen as planned.

Ernest Padilla, Anton Chico Land Grant attorney, said that no fewer than four different judges have been disqualified from adjudicating the election dispute. So, there has not been an election, and there is currently no judge to adjudicate the situation.

Update on Land Grant Board Elections in San Miguel del Bado Land Grant

Mr. Perea said that the issue with the 2012 San Miguel del Bado Land Grant election was the changing of district boundaries within the grant. As president, Mr. Perea voided the election and sent a letter to the person running the election about the situation. In turn, a judge charged with overseeing the situation reinstated the previous board and gave the board members some responsibilities. The court provided two special masters to help the San Miguel del Bado Land Grant run an election: Pete Aguilar and Mr. Archuleta.

Mr. Aguilar stated that the first order of business is to create the voter roll. This cannot be solely based on the county's voter rolls, because it would allow non-heirs to vote. The process has to be more discriminating and needs to use genealogical information to identify the heirs. A request was made for the last election's voter registry, but that information has not been forthcoming.

Lou Sena, San Miguel del Bado Land Grant, stating that he was speaking on behalf of the heirs, said that he does not know of any other land grants that have voting districts as part of their elections. He said that it would be hard to do and still maintain the requirement of proportional representation. Mr. Sena said that the community is disheartened. The 129 people who voted believe that their opinion was wasted by the stroke of a pen by the court. Because the court prefers non-involvement, there was no discovery, just some preliminary posturing by the litigants. The court said that it has no purview over land grant election voter rolls because land grant bylaws exist to permit the communities to address these issues on their own.

Mr. Sena said that the voided election is not the major point. The major point is the board's management of the election process. Many laws were not followed. The board does not have the capacity required of it to carry out the fiduciary duties given to it by statute.

Public Comment

Joe Benito Chavez, heir, San Miguel del Bado Land Grant, chair of the genealogy committee, is a party to the action entered by Mr. Perea. Mr. Chavez said that the heirs were not represented in the case filed by Mr. Perea.

There are two sets of San Miguel del Bado Land Grant bylaws that were ratified in 2009 and 2010, respectively, but very few members were present to vote on them. The bylaws were given to the Secretary of State's Office at the last minute in an attempt to meet a deadline to qualify for state money.

A committee member said that each land grant should decide who is an heir and who gets to vote in an election. This is not for the LGC to decide. In response, another member noted the need for a consistent standard for who can vote in land grant elections.

Recess

The committee recessed at 5:21 p.m.

Wednesday, November 20

Call to Order

Representative Garcia called the second day of the LGC meeting to order at 9:44 a.m. Members of the committee briefed new member, Representative Perea, on some of the land grant issues covered during the interim, particularly those in her district. These issues include a corruption case in Torrance County and capital outlay; elk permits in the Juan Bautista Baldes Land Grant; and issues with double-assessing land for taxes in Chilili.

Concept Paper on Revenue for Land Grants and Acequias

Mr. Juan Sanchez presented to the committee the Land Grant Council's concept paper that arose out of the different presentations during the interim about funding sources for the acequias. (See handout.) Ideally, the Land Grant Council believes that the establishment of a combined acequia and land grant-merced infrastructure fund should be modeled after the already established Tribal Infrastructure Project Fund (Section 6-29-7 NMSA 1978) and the Colonias Infrastructure Project Fund (Section 6-30-8 NMSA 1978).

Mr. Archuleta shares the concerns of acequia associations and acknowledged the differences in infrastructure needs that acequias and land grants have. He added that acequia leadership feels that it is not ready to move forward with this at this time. Unlike the acequias, land grants do not have funds established for infrastructure needs.

Members of the committee and the presenters discussed some of the similarities between land grant communities and colonias. A member mentioned the work of the New Mexico Finance Authority Oversight Committee to create what the committee member referenced as the "everybody else" fund. The member noted that land grants are similar to colonias, but mostly fall outside of the 150-miles-of-the-border requirement.

Members of the committee also discussed the possibility of allowing third-party payments so that land grants would not have to pay out of pocket for infrastructure and other needs. Mr. Archuleta stressed the need for helping land grant communities establish reliable revenue streams.

Proposed Legislation

The following legislation was presented to the committee for endorsement for the 2014 legislative session.

Use of Credit Unions by Land Grants: 202.195036.2

This proposed bill would allow land grant-merced funds to be deposited in a credit union. Members of the committee discussed the benefits to amending the statute to allow land grants to use this option. Representative Hall moved for committee endorsement, and the motion was seconded by Representative Rodella. It was determined this proposed bill would be combined with 202.195039.1 and then put forth with a committee endorsement.

Allowing Expenditure of Funds by the Board of Trustees: 202.195039.1

This proposed bill would allow the board of trustees of a land grant-merced to spend land grant funds following the approval of the expenditure by a majority of the board and the support of the expenditure by an invoice or receipt. Mr. Archuleta provided some clarification on the need for this change and the desire to update statute with changing technology. Senator Candelaria moved for an amendment to the bill's language, beginning on page 2, line 9. The amendment was adopted, and it was determined that the bill would be combined with

202.195036.2. The combined bills will be carried by Senator Candelaria and Representative Baldonado.

District Residency Requirements for Candidates: 202.195034.1

This proposed bill would establish district residency requirements for candidates for a board of trustees position of a land grant-merced. After discussion by the committee, it was determined that action on this matter would be postponed until the 2014 interim.

Changes to Board of Trustees Elections: 202.195035.1

This proposed bill would establish voting districts and provide for the cancellation of elections for the board of trustees of a land grant-merced. After discussion by the committee, it was determined that action on this matter would be postponed until the 2014 interim.

Approval of Comprehensive Plans by Board of Trustees: 202.195033.1

This proposed bill would allow land grant boards of trustees to approve comprehensive plans. Mr. Archuleta provided clarification on the need for this legislation, adding that the DFA requested this legislation due to a lack of DFA staff to conduct the approvals. Senator Martinez moved for committee endorsement, Senator Ortiz y Pino seconded the motion and the motion was passed with Senator Candelaria voting against endorsement. The endorsed bill will be carried by Representatives Trujillo and Perea.

Calling Special Meetings of Board of Trustees: 202.195037.1

This proposed bill would expand the ability of land grants-mercedes boards of trustees to call special meetings. After discussion by the committee, it was determined that action on this matter would be postponed until the 2014 interim.

Filing of Annual Reports with the New Mexico Community Land Grant Registry: 202.195038.2

This proposed bill would require land grant-merced board of trustees annual reports to be filed with the New Mexico Community Land Grant Registry. After discussion of the legislation, Senator Rue moved for endorsement, and Representative Baldonado seconded the motion. The bill will be carried by Representative Salazar and Senator Rue.

Amending and Creating Definitions in the Land Grant Statutes: 202.195032.1

This proposed bill would amend the definition of "heir" and create a definition of "common land" as they are used in Chapter 49 NMSA 1978. After discussion by the committee, it was determined that action on this matter would be postponed until the 2014 interim.

Amending the Personnel Act: 202.195040.1

This proposed bill would amend the Personnel Act to add members of a board of trustees of a land grant-merced as an office not construed as a political office. After discussion by the committee, it was determined that action on this matter would be postponed until the 2014 interim.

A Joint Memorial Requesting Return of Land Grant Lands: 202.195094.1

This proposed joint memorial would request the federal government to negotiate with the State of New Mexico and representatives of displaced land grant heirs for the return of land grants. The Land Grant Council noted its opposition to this legislation. After discussion, the committee voted not to endorse the joint memorial.

Adding Land Grants-Mercedes to the Colonias Infrastructure Act: 202.195121.1

This proposed bill would incorporate land grants-mercedes into the Colonias Infrastructure Act and change the name of the act to the "Colonias and Land Grants-Mercedes Infrastructure Act". Senator Candelaria moved, and Senator Martinez seconded, a motion for committee endorsement of the bill, and the motion was approved, with Representatives Hall and Baldonado voting against the endorsement. The bill will be carried by Senators Martinez and Cisneros.

A Joint Memorial Requesting the BLM and the New Mexico Congressional Delegation to Work on the Return of Lands: 202.195163.1

This joint memorial would request the New Mexico Congressional delegation to work closely with the BLM to return land under the present control of the BLM to New Mexico's land grants. Representative Rodella moved for committee endorsement, and Representative Baldonado seconded the motion. Having received endorsement, the bill will be carried by Representative Rodella and Senator Martinez.

Appropriation for Removing Waste from Common Lands: 202.195150.1

This proposed bill would authorize an appropriation in the amount of \$1 million from the general fund to the Department of Environment for removal of solid waste, liquid waste and hazardous waste from the common lands of community land grants organized under the state. Senator Candelaria moved, and Senator Martinez seconded, a motion for committee endorsement. The bill was endorsed by the committee. Senator Martinez will carry the bill.

Adjournment

There being no further business before the committee, the sixth meeting of the LGC adjourned at 1:05 p.m.

ENDORSED LEGISLATION

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HOUSE BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; ALLOWING LAND GRANT BOARDS OF TRUSTEES
TO APPROVE COMPREHENSIVE PLANS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-3 NMSA 1978 (being Laws 1907,
Chapter 42, Section 3, as amended) is amended to read:

"49-1-3. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--
POWERS.--The management and control of all land grants-mercedes
and tracts of land to which Sections 49-1-1 through 49-1-18
NMSA 1978 are applicable is vested in a board of trustees, to
be known as the "board of trustees of the land grant-merced del
pueblo de _____" (designating the name of the town, colony,
pueblo or community), and the board shall have the power to:

A. control, care for and manage the land grant-
merced and real estate, prescribe the terms and conditions

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1 under which the common lands may be used and enjoyed and make
2 all necessary and proper bylaws, rules and regulations that
3 shall be in substantial compliance with applicable statutes for
4 the government thereof;

5 B. sue and be sued under the title as set forth in
6 this section;

7 C. convey, lease or mortgage the common lands of
8 the land grant-merced in accordance with the land grant-merced
9 bylaws;

10 D. determine the number of animals that may be
11 permitted to graze upon the common lands and determine other
12 uses of the common lands that may be authorized;

13 E. prescribe the price to be paid for the use of
14 the common lands and resources of the land grant-merced and
15 prohibit a person failing or refusing to pay that amount from
16 using a portion of the common lands while the person continues
17 in default in those payments; provided that the amount fixed
18 shall be in proportion to the number and kinds of livestock
19 pasturing upon the common lands or to other authorized use of
20 the common lands;

21 F. adopt and use an official seal;

22 G. appoint judges and clerks of election at all
23 elections provided for in Sections 49-1-1 through 49-1-18 NMSA
24 1978, subsequent to the first, and canvass the votes cast in
25 those elections;

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1 H. make bylaws, rules and regulations, not in
2 conflict with the constitution and laws of the United States or
3 the state of New Mexico as may be necessary for the protection,
4 improvement and management of the common lands and real estate
5 and for the use and enjoyment of the common lands and of the
6 common waters of the land grant-merced;

7 I. determine land use, local infrastructure and
8 economic development of the common lands of the land grant-
9 merced;

10 J. determine zoning of the common lands of the land
11 grant-merced pursuant to a comprehensive plan approved by the
12 [~~local government division of the department of finance and~~
13 ~~administration]~~ board of trustees that considers the health,
14 safety and general welfare of the residents and heirs of the
15 land grant-merced [~~The department of finance and administration~~
16 ~~shall act as arbitrator for zoning conflicts between land~~
17 ~~grants-mercedes and neighboring municipalities and counties];~~
18 and

19 K. enter into memoranda of understanding, contracts
20 and other agreements with a local, state or federal government
21 or a government of a federally recognized Indian nation, tribe
22 or pueblo, including but not limited to agreements concerning
23 the protection and maintenance of cultural resources."

24 **SECTION 2. EFFECTIVE DATE.**--The effective date of the
25 provisions of this act is July 1, 2014.

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SENATE BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; ALLOWING LAND GRANT-MERCED FUNDS TO BE DEPOSITED IN A CREDIT UNION; ALLOWING EXPENDITURE OF FUNDS BY THE BOARD OF TRUSTEES OF A LAND GRANT-MERCED UPON APPROVAL OF A MAJORITY OF THE BOARD AND SUPPORTED BY AN INVOICE OR RECEIPT.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-8 NMSA 1978 (being Laws 1907, Chapter 42, Section 8, as amended) is amended to read:

"49-1-8. ORGANIZATION OF BOARD--BONDS--VACANCIES.--

A. All members of the newly elected board of trustees shall meet no later than seven days after the votes are canvassed and organize themselves by the election of a president, secretary and treasurer. The treasurer shall perform such duties as may be required by the board and shall furnish to the board a good and sufficient surety bond in a sum

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1 as set forth in this section, to be conditioned as are the
2 bonds of other public officials handling public money. It is
3 the duty of the treasurer to deposit all the money coming [~~into~~
4 ~~his hands as~~] to the treasurer in a bank or credit union
5 organized and doing business in New Mexico.

6 B. In the event of the death or resignation of the
7 treasurer, the board shall fill the vacancy by appointing one
8 of the members of the board as treasurer, who shall, before
9 entering into the performance of [~~his~~] duties as treasurer,
10 execute and furnish to the board a good and sufficient surety
11 bond, similar to the bond entered into by [~~his~~] the predecessor
12 treasurer.

13 C. The amount of the bond required of the treasurer
14 and [~~his~~] the treasurer's successor shall at all times be for a
15 sum of at least double the amount received by and deposited in
16 the bank or credit union by the treasurer.

17 D. In the event that the board of trustees
18 delegates any other of its members to collect money due the
19 land grant-merced, that person shall be bonded in the same
20 manner as is provided in this section for the bonding of the
21 treasurer.

22 E. Those authorized to collect money shall give
23 receipts for the money collected, which receipts shall be in
24 the form prescribed by the board of trustees in the bylaws as
25 an official receipt."

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1 SECTION 2. Section 49-1-14 NMSA 1978 (being Laws 1907,
2 Chapter 42, Section 14, as amended) is amended to read:

3 "49-1-14. SALARIES OF TRUSTEES--RECORDS--EXPENDITURES.--

4 A. The board of trustees may fix in the land
5 grant-merced bylaws and pay to its members a salary not to
6 exceed two hundred dollars (\$200) to any member in one month.
7 The salary as fixed shall be in full as compensation for the
8 duties performed by the board or the individual members
9 within the exterior boundaries of the land grant-merced and
10 for attendance at regularly scheduled meetings. The
11 secretary of the board may be allowed a salary not to exceed
12 two hundred twenty-five dollars (\$225) in one month.

13 B. Board members may be authorized per diem and
14 mileage pursuant to the Per Diem and Mileage Act.

15 C. The board of trustees and the treasurer shall
16 keep permanent and legible records capable of audit, and no
17 money or funds shall be paid by the board of trustees or by
18 any person authorized to expend money [~~except by written~~
19 ~~check drawn upon vouchers~~] unless the expenditure is approved
20 by a majority of the board of trustees and in the form of a
21 written check or in such a form that the date, amount and
22 payee of the transaction are automatically recorded, and the
23 payment is supported by an invoice or receipt."

24 SECTION 3. EFFECTIVE DATE.--The effective date of the
25 provisions of this act is July 1, 2014.

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HOUSE BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; ALLOWING LAND GRANT-MERCED BOARD OF TRUSTEES ANNUAL REPORTS TO BE FILED WITH THE NEW MEXICO COMMUNITY LAND GRANT REGISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 49-1-12 NMSA 1978 (being Laws 1907, Chapter 42, Section 12, as amended) is amended to read:

"49-1-12. MEETINGS TO BE PUBLIC--ANNUAL REPORT.--

A. All meetings of the board of trustees shall be held in accordance with the Open Meetings Act. Executive sessions shall not be held except in accordance with the Open Meetings Act. All heirs of the land grant-merced shall have the right to be present at all times when the board is in session and to be heard on all matters in which they may be interested.

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B. The board of trustees shall annually make public a report of all its transactions for that year. The report shall include agendas, minutes, actions taken and all financial transactions. The report shall be maintained in a public place and available for public review; for the purposes of this subsection, filing the report with the land grant council to be kept with the New Mexico community land grant registry shall be considered filing the report in a public place.

C. The secretary of the board shall reduce to writing, in a book kept for that purpose, minutes of the business transacted at each meeting of the board."

SECTION 2. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2014.

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SENATE BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; INCORPORATING LAND GRANTS-MERCEDES INTO THE COLONIAS INFRASTRUCTURE ACT; CHANGING THE NAME OF THE COLONIAS INFRASTRUCTURE ACT TO THE "COLONIAS AND LAND GRANTS-MERCEDES INFRASTRUCTURE ACT".

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 6-30-1 NMSA 1978 (being Laws 2010, Chapter 10, Section 1) is amended to read:

"6-30-1. SHORT TITLE.--~~[Sections 1 through 8 of this act]~~ Chapter 6, Article 30 NMSA 1978 may be cited as the "Colonias and Land Grants-Mercedes Infrastructure Act"."

SECTION 2. Section 6-30-2 NMSA 1978 (being Laws 2010, Chapter 10, Section 2) is amended to read:

"6-30-2. FINDINGS AND PURPOSE.--

A. The legislature finds that:

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1 (1) colonias and land grants-mercedes lack
2 basic infrastructure resulting in poor social, health and
3 economic conditions;

4 (2) adequate infrastructure such as water and
5 wastewater systems, solid waste disposal facilities, flood and
6 drainage control, roads and housing infrastructure are
7 essential to improved health, safety and welfare of all New
8 Mexicans, including residents of the colonia and land grant-
9 merced communities;

10 (3) local efforts and resources have been
11 insufficient to develop and maintain a consistent and adequate
12 level of infrastructure;

13 (4) addressing the urgent need of replacing,
14 improving and developing infrastructure through the use of an
15 alternative financing mechanism is a long-term cost savings
16 benefit to both the state and the communities; and

17 (5) adequate infrastructure development allows
18 colonia and land grant-merced residents to achieve the basic
19 conditions necessary to improve the quality of their lives.

20 B. The purposes of the Colonias and Land Grants-
21 Mercedes Infrastructure Act are to:

22 (1) ensure adequate financial resources for
23 infrastructure development for colonia and land grant-merced
24 recognized communities;

25 (2) provide for the planning and development

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1 of infrastructure in an efficient and cost-effective manner;
2 and

3 (3) develop infrastructure projects to improve
4 quality of life and encourage economic development."

5 SECTION 3. Section 6-30-3 NMSA 1978 (being Laws 2010,
6 Chapter 10, Section 3) is amended to read:

7 "6-30-3. DEFINITIONS.--As used in the Colonias and Land
8 Grants-Mercedes Infrastructure Act:

9 A. "authority" means the New Mexico finance
10 authority;

11 B. "board" means the colonias and land grants-
12 mercedes infrastructure board;

13 C. "colonia" means a rural community with a
14 population of twenty-five thousand or less located within one
15 hundred fifty miles of the United States-Mexico border that:

16 (1) has been designated as a colonia by the
17 municipality or county in which it is located because of a:

- 18 (a) lack of potable water supply;
- 19 (b) lack of adequate sewage systems; or
- 20 (c) lack of decent, safe and sanitary
21 housing;

22 (2) has been in existence as a colonia prior
23 to November 1990; and

24 (3) has submitted appropriate documentation to
25 the board to substantiate the conditions of this subsection,

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1 including documentation that supports the designation of the
2 municipality or county;

3 D. "financial assistance" means providing grants or
4 loans on terms and conditions approved by the authority;

5 E. "land grant-merced" means a community land grant
6 organized and governed pursuant to Chapter 49, Article 1 or 4
7 NMSA 1978 and operating as a political subdivision of the
8 state;

9 [~~E.~~] F. "project fund" means the colonias and land
10 grants-mercedes infrastructure project fund;

11 [~~F.~~] G. "qualified entity" means a county,
12 municipality or other entity recognized as a political
13 subdivision of the state;

14 [~~G.~~] H. "qualified project" means a capital outlay
15 project selected by the board for financial assistance that is
16 primarily intended to develop colonias or land grants-mercedes
17 infrastructure. A qualified project may include a water
18 system, a wastewater system, solid waste disposal facilities,
19 flood and drainage control, roads or housing infrastructure;
20 but "qualified project" does not include general operation and
21 maintenance, equipment, housing allowance payments or mortgage
22 subsidies; and

23 [~~H.~~] I. "trust fund" means the colonias and land
24 grants-mercedes infrastructure trust fund."

25 SECTION 4. Section 6-30-4 NMSA 1978 (being Laws 2010,

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1 Chapter 10, Section 4) is amended to read:

2 "6-30-4. COLONIAS AND LAND GRANTS-MERCEDES INFRASTRUCTURE
3 BOARD CREATED.--

4 A. The "colonias and land grants-mercedes
5 infrastructure board" is created.

6 B. The board shall consist of seven voting members
7 as follows:

8 (1) the secretary of finance and
9 administration or the secretary's designee from the department
10 of finance and administration;

11 (2) the secretary of environment or the
12 secretary's designee from the department of environment;

13 (3) the chief executive officer of the
14 authority or the chief executive officer's designee from the
15 authority;

16 (4) one member appointed by the president pro
17 tempore of the senate;

18 (5) one member appointed by the minority
19 leader of the senate;

20 (6) one member appointed by the speaker of the
21 house of representatives; and

22 (7) one member appointed by the minority
23 leader of the house of representatives.

24 C. The members appointed pursuant to Paragraphs (4)
25 through (7) of Subsection B of this section shall be appointed

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1 with the advice and consent of the senate, serve at the
2 pleasure of the appointing authority, be residents of the
3 colonias area or a member of a land grant-merced and have
4 experience in capital project development or administration,
5 and they may receive per diem and mileage as provided for
6 nonsalaried public officers in the Per Diem and Mileage Act but
7 shall receive no other compensation, perquisite or allowance.

8 D. There shall be [~~five~~] seven advisory, nonvoting
9 members of the board as follows:

10 (1) the executive director of the south
11 central council of governments or the director's designee;

12 (2) the executive director of the southwest
13 New Mexico council of governments or the director's designee;

14 (3) the executive director of the southeastern
15 New Mexico economic development district or the director's
16 designee;

17 (4) the executive director of the north
18 central New Mexico economic development district or the
19 director's designee;

20 (5) the chair of the land grant council or the
21 chair's designee;

22 [~~(4)~~] (6) the executive director of the New
23 Mexico association of counties or the director's designee; and

24 [~~(5)~~] (7) the executive director of the New
25 Mexico mortgage finance authority or the director's designee.

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1 E. The board shall choose a chair and vice chair
2 from among its members and such other officers as it deems
3 necessary. A majority of members constitutes a quorum for the
4 transaction of business. The affirmative vote of at least a
5 majority of a quorum shall be necessary for an action to be
6 taken by the board. The board shall meet whenever a voting
7 member submits a request in writing to the chair, but not less
8 than quarterly.

9 F. All meetings of the board shall be open to the
10 public and subject to the Open Meetings Act and, at each
11 meeting, the board shall provide an opportunity for public
12 comment."

13 SECTION 5. Section 6-30-7 NMSA 1978 (being Laws 2010,
14 Chapter 10, Section 7) is amended to read:

15 "6-30-7. COLONIAS AND LAND GRANTS-MERCEDES INFRASTRUCTURE
16 TRUST FUND--CREATED--INVESTMENT--DISTRIBUTION.--

17 A. The "colonias and land grants-mercedes
18 infrastructure trust fund" is created in the state treasury.
19 The trust fund shall consist of money that is appropriated,
20 donated or otherwise allocated to it. Money in the trust fund
21 shall be invested by the state investment officer in the manner
22 that land grant permanent funds are invested pursuant to
23 Chapter 6, Article 8 NMSA 1978. Income from investment of the
24 trust fund shall be credited to the fund. Money in the trust
25 fund shall not be expended for any purpose, but an annual

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1 distribution from the trust fund shall be made to the project
2 fund pursuant to this section.

3 B. On July 1 of each year in which adequate money
4 is available in the trust fund, an annual distribution shall be
5 made from the trust fund to the project fund in the amount of
6 ten million dollars (\$10,000,000) until the distribution is
7 less than an amount equal to four and seven-tenths percent of
8 the average of the year-end market values of the trust fund for
9 the immediately preceding five calendar years. Thereafter, the
10 amount of the annual distribution shall be four and seven-
11 tenths percent of the average of the year-end market values of
12 the trust fund for the immediately preceding five calendar
13 years."

14 SECTION 6. Section 6-30-8 NMSA 1978 (being Laws 2010,
15 Chapter 10, Section 8) is amended to read:

16 "6-30-8. COLONIAS AND LAND GRANTS-MERCEDES INFRASTRUCTURE
17 PROJECT FUND-CREATED--PURPOSE--APPROPRIATIONS.--

18 A. The "colonias and land grants-mercedes
19 infrastructure project fund" is created in the authority and
20 shall be administered by the authority.

- 21 B. The project fund shall consist of:
- 22 (1) distributions from the trust fund;
 - 23 (2) payments of principal and interest on
 - 24 loans for qualified projects;
 - 25 (3) other money appropriated by the

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1 legislature or distributed or otherwise allocated to the
2 project fund for the purpose of supporting qualified projects;

3 (4) the proceeds of severance tax bonds
4 appropriated to the fund for qualified projects; and

5 (5) income from investment of the project fund
6 that shall be credited to the project fund.

7 C. Except for severance tax bond proceeds required
8 to revert to the severance tax bonding fund, balances in the
9 project fund at the end of a fiscal year shall not revert to
10 any other fund.

11 D. The project fund may consist of subaccounts as
12 determined to be necessary by the authority.

13 E. The authority may establish procedures and adopt
14 rules as required to:

15 (1) administer the project fund;

16 (2) originate grants or loans for qualified
17 projects recommended by the board;

18 (3) recover from the project fund the costs of
19 administering the fund and originating the grants and loans;
20 and

21 (4) govern the process through which qualified
22 entities may apply for financial assistance from the project
23 fund."

24 **SECTION 7.** Section 7-27-12.5 NMSA 1978 (being Laws 2010,
25 Chapter 10, Section 9) is amended to read:

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1 "7-27-12.5. AUTHORIZATION FOR SEVERANCE TAX BONDS--
2 PRIORITY FOR INFRASTRUCTURE PROJECTS FOR COLONIAS AND LAND
3 GRANTS-MERCEDES.--

4 A. After the annual estimate of severance tax
5 bonding capacity pursuant to Subsection A of Section 7-27-10.1
6 NMSA 1978, the board of finance division of the department of
7 finance and administration shall allocate five percent of the
8 estimated bonding capacity each year for colonias and land
9 grants-mercedes infrastructure projects, and the legislature
10 authorizes the state board of finance to issue severance tax
11 bonds in the annually allocated amount for use by the colonias
12 and land grants-mercedes infrastructure board to fund the
13 projects. The colonias and land grants-mercedes infrastructure
14 board shall certify to the state board of finance the need for
15 issuance of bonds for colonias and land grants-mercedes
16 infrastructure projects. The state board of finance may issue
17 and sell the bonds in the same manner as other severance tax
18 bonds in an amount not to exceed the authorized amount provided
19 for in this subsection. If necessary, the state board of
20 finance shall take the appropriate steps to comply with the
21 federal Internal Revenue Code of 1986, as amended. Proceeds
22 from the sale of the bonds are appropriated to the colonias and
23 land grants-mercedes infrastructure project fund for the
24 purposes certified by the colonias and land grants-mercedes
25 infrastructure board to the state board of finance.

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1 B. Money from the severance tax bonds provided for
2 in this section shall not be used to pay indirect project
3 costs. Any unexpended balance from proceeds of severance tax
4 bonds issued for a colonias or land grants-mercedes
5 infrastructure project shall revert to the severance tax
6 bonding fund within six months of completion of the project.
7 The colonias and land grants-mercedes infrastructure board
8 shall monitor and ensure proper reversions of the bond proceeds
9 appropriated for the projects.

10 C. As used in this section, "colonias or land
11 grants-mercedes infrastructure project" means a qualified
12 project under the Colonias and Land Grants-Mercedes
13 Infrastructure Act."

14 **SECTION 8. EFFECTIVE DATE.**--The effective date of the
15 provisions of this act is July 1, 2014.

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SENATE BILL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENT FOR
REMOVING SOLID WASTE, LIQUID WASTE AND HAZARDOUS WASTE FROM THE
COMMON LANDS OF COMMUNITY LAND GRANTS ORGANIZED UNDER STATE
LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. APPROPRIATION.--One million dollars
(\$1,000,000) is appropriated from the general fund to the
department of environment for expenditure in fiscal year 2015
to contract for the removal of solid waste, liquid waste and
hazardous waste illegally deposited on the common lands of
community land grants organized under state law. Any
unexpended or unencumbered balance remaining at the end of
fiscal year 2015 shall revert to the general fund.

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SENATE JOINT MEMORIAL

51ST LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2014

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

A JOINT MEMORIAL

REQUESTING THAT THE NEW MEXICO CONGRESSIONAL DELEGATION WORK CLOSELY WITH THE UNITED STATES BUREAU OF LAND MANAGEMENT TO RETURN LANDS UNDER THE CURRENT CONTROL OF THE BUREAU OF LAND MANAGEMENT TO NEW MEXICO'S HISTORIC LAND GRANTS.

WHEREAS, from the seventeenth century, grants of land were made throughout what is now the state of New Mexico, first by the king of Spain, then by the Republic of Mexico; and

WHEREAS, the lands that now constitute New Mexico were incorporated from Mexico into the territory of the United States under the Treaty of Peace, Friendship, Limits and Settlement of 1848, more commonly known as the Treaty of Guadalupe Hidalgo; and

WHEREAS, the Treaty of Guadalupe Hidalgo promised to recognize the ownership of property of every kind in the areas

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1 ceded by Mexico to the United States; and

2 WHEREAS, in the intervening one hundred sixty-five years,
3 land grants have lost millions of acres of their original
4 common lands, not least through fraud, chicanery, faulty
5 surveying and punitive taxation; and

6 WHEREAS, the vast majority of land that once belonged to
7 land grants is now in control of the United States forest
8 service and the United States bureau of land management; and

9 WHEREAS, the state of New Mexico has recognized the
10 importance of land grants not only to its history and heritage,
11 but to rural economic development; and

12 WHEREAS, the state manifested its recognition of the land
13 grants' importance through legislation that provided for the
14 creation of the land grant council and the ability of land
15 grants to become political subdivisions of the state and other
16 legislation designed to empower land grant communities and give
17 them a measure of self-government; and

18 WHEREAS, many land grants are hemmed in by bureau of land
19 management and United States forest service land and cannot
20 expand as they would have done traditionally, by building new
21 homes for the new generation on dry land not suitable for
22 farming, and thus have to build new homes on invaluable
23 riparian lands or agricultural plots; and

24 WHEREAS, many land grant communities are effectively
25 "land-locked", cut off from regular access by bureau of land

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1 management or United States forest service lands; and

2 WHEREAS, the bureau of land management cannot properly
3 manage or monitor the lands under its control, resulting in
4 erosion, trash dumping and other abuses to the land, with
5 consequent deleterious effects on neighboring land grants; and

6 WHEREAS, House Bill 490 has been introduced in the United
7 States congress, a bill that would transfer over eight hundred
8 acres of land that once belonged to the Tome land grant to the
9 United States forest service, to be designated a wilderness
10 area; and

11 WHEREAS, the bureau of land management in New Mexico has
12 shown a willingness to work with land grant communities to
13 develop creative solutions to problems that have accumulated
14 among the land grants over the decades; and

15 WHEREAS, there is a limit to what actions the bureau of
16 land management can take administratively, particularly with
17 regard to the transfer of land; and

18 WHEREAS, in accordance with requests made over the years
19 by the New Mexico congressional delegation, the state has
20 created the legal structures, particularly granting of
21 political subdivision status, in order that land grant
22 communities might receive land transfers; and

23 WHEREAS, the general accounting office's report of June
24 2004, "Treaty of Guadalupe Hidalgo: Findings and Possible
25 Options Regarding Longstanding Community Land Grant Claims in

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1 New Mexico", recognized the long-standing nature of land grant
2 claims in New Mexico and included among its recommendations
3 that congress consider that former common lands be returned to
4 land grants;

5 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
6 STATE OF NEW MEXICO that the New Mexico congressional
7 delegation be requested to work assiduously with the bureau of
8 land management to develop strategies to assist New Mexico's
9 traditional land grants; and

10 BE IT FURTHER RESOLVED that the New Mexico congressional
11 delegation be requested to introduce legislation in the United
12 States congress to return lands currently in possession of the
13 bureau of land management that were once part of land grant
14 common lands to the land grants; and

15 BE IT FURTHER RESOLVED that the New Mexico congressional
16 delegation be requested not to support legislation that would
17 transfer lands currently under bureau of land management
18 control that were once part of land grant common lands to the
19 United States forest service; and

20 BE IT FURTHER RESOLVED that copies of this memorial be
21 transmitted to all members of New Mexico's congressional
22 delegation.