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FISCAL IMPACT REPORT



SPONSOR: Romero DATE TYPED: 02/06/02 HB _____

SHORT TITLE: Create Guadalupe Hidalgo Treaty Department SB 15/aSFC/aSFI#1

ANALYST: Sandoval

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
	\$100.0			Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC files

Responses Received

Attorney General

SUMMARY

Synopsis of SFI#1 Amendment

The Senate Floor Amendment strikes the SFC amendment and restores Senate Bill 15 as originally presented.

Synopsis of SFC Amendment

The Senate Finance Committee amendment strikes the \$100.0 appropriation and changes the word "department" to "division" in the Attorney General's office.

Synopsis of Original Bill

Senate Bill 15 appropriates \$100.0 from the general fund to the Office of the Attorney General for the purpose of creating the Guadalupe Hidalgo Treaty Department. The department's duty would be to review, oversee and address concerns relating to the provisions of the Treaty of Guadalupe Hidalgo that have not been implemented or observed. The Attorney General is to report on the findings and recommendations of this department to the First Session of the Forty-Sixth Legislature.

Significant Issues

- Article 2, Section 5 of the New Mexico Constitution insures the rights, privileges and immunities, civil, political and religious guaranteed to the people of New Mexico by the Treaty of Guadalupe Hidalgo shall be preserved inviolate.
- Section 47-1-25 NMSA 1978 provides for the protection of real property rights originally acquired pursuant to Spanish and Mexican land grants recognized by the Treaty of Guadalupe Hidalgo.
- According to the Office of the Attorney General, various disputes over legal ownership of real property within Spanish and Mexican land grants have never been fully resolved. This bill is an attempt to have an evaluation of the scope of claims and controversies conducted by the Attorney General.
- This bill does not allow for an increase in FTE.

FISCAL IMPLICATIONS

The appropriation of \$100.0 contained in this bill is a non-recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY03 shall revert to the general fund. Since the bill creates a new department, additional funding may be required in subsequent years.

ADMINISTRATIVE IMPLICATIONS

Once the appropriation is available the Attorney General will have less than one year to complete an evaluation and report to the Legislature on the review of this issue. This appropriation may provide resources to the continued effort of the Attorney General to provide administrative support to the Guadalupe Hidalgo Land Grant Task Force and assistance to the General Accounting Office of the federal government in it's three year study of community land grant problems in New Mexico. Appropriate experts may be needed to determine the history, origin, chain of title, current location, ownership and dispositions of specific land grants. These investigations will require professional service contracts, travel, research and copy expenses which may be large.

OTHER SUBSTANTIVE ISSUES

The Attorney General states that the resolution of disputes concerning real property originating from Spanish and Mexican land grants is very difficult and expensive for private individuals to undertake. There are substantial problems inherent in these issues, including the length of time that these controversies have continued. It should not be expected that passage of this bill would solve the controversies; however, passage of this bill may result in an important definition of the scope of the land grant controversies and suggest possible solutions.

POSSIBLE QUESTIONS

1. How is the Office of the Attorney General currently involved in the issues surrounding the Treaty of Guadalupe Hidalgo?
2. What progress has the Guadalupe Hidalgo Land Grant Task Force made since its creation?

3. What is the involvement of the General Accounting Office of the federal government in the Treaty of Guadalupe Hidalgo?
4. Exactly how does the Attorney General plan on using the appropriation in this bill?

JFS/ar