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FISCAL IMPACT REPORT



SPONSOR: Cisneros DATE TYPED: 02/12/02 HB _____

SHORT TITLE: Land Grant Investigations & Information SB SJM 68

ANALYST: Gonzales

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
		(See Narrative)			

(Parenthesis () Indicate Expenditure Decreases)

Duplicates HJM26 (before HJC amendment); Relates to HB279, HB317, and HJM25

SOURCES OF INFORMATION

LFC Files
 Office of Cultural Affairs
 State Commission of Public Records
 State Land Office

SUMMARY

Synopsis of Bill

Senate Joint Memorial 68 requests the New Mexico congressional delegation to reestablish special diplomatic ties with Spain and Mexico for the exchange of information regarding land grants made by Spain and Mexico and to solicit the support of Spain and Mexico in these land grant investigations and readjudications. Additionally, this memorial requests the United States, Spain and Mexico through legal and educational institutions to form a joint venture with local governments and local nonprofit organizations for the exchanging of information relating to land grant laws, customs and traditions. Furthermore, this memorial requests that copies of this memorial be transmitted to the members of the New Mexico congressional delegation, each member of the United States congress, the president of the United States, the ambassador of Spain to the United States and the ambassador of Mexico to the United States.

Significant Issues

The State Commission of Public Records notes the following:

- land grant documents are currently held by the Commission of Public Records in the State Archives (a.k.a. State Records Center and Archives);
- research in Spanish and Mexican Archives is costly and is not easily accomplished by, nor available to, the average New Mexican; and
- collection of documents preceding the 1680 Pueblo Revolt would complete the State's collection of these records that document citizens' property rights.
- Making the State's public records accessible to our citizens (creating an authoritative public record locator service), ties directly to the Commission of Public Records' strategic plan as does advocating understanding and appreciation for New Mexico History. The Commission of Public Records' State Archives is the official repository for state government records and is considered one of the premier research institutions on Southwest and Borderland Studies in the United States.

The Office of Cultural Affairs included the following significant issues in its analysis of these land grant issues:

Prior to the United States occupation of New Mexico (1846), Spain and Mexico granted lands to individuals, pueblos, and communities to promote development and security in this region north of the Rio Grande del Norte. The grantees were to follow Spanish law, especially the 1680 Recopilación de las Leyes de los Reynos de las Indias, in settling and fulfilling their grants. However, local laws, customs, and circumstances often dictated how grants were given and confirmed.

Upon annexation of New Mexico, the United States guaranteed to recognize these land grants in the Treaty of Guadalupe Hidalgo (1848). To verify claims of land grants, the United States charged first the Office of Surveyor General of New Mexico and subsequently the Court of Private Land Claims with verifying/adjudicating land grants. Both institutions only adjudicated a small portion of claims.

The historical and legal research to date is for the most part critical about the verification process. Research based on materials in archives in Mexico (mainly Archivo General) and Spain (mainly Archivo General de Indias), in US government and state archives and in university archives, indicates irregularities (both innocent and deliberate) in the documentation and adjudication process of land grants.

Although much of the Spanish and Mexican documentation is available in reproduction form in US government archives and university archives (due to efforts of scholars like Eleanor Adams and France Scholes [University of New Mexico] and Herbert Bolton [University of California]), the establishment of special ties with the Governments of Spain and Mexico should be encouraged as it might help shed light on New Mexico land grants investigations and readjudications.

The State Land Office notes that future investigations and readjudications of land grant claims could have implications for the State Land Office and state trust lands if any land grant claims extend to state trust lands.

PERFORMANCE IMPLICATIONS

The State Commission of Public Records included the following performance implications:

Government records held in the State Archives include the Spanish and Mexican Archives of New Mexico, which contain original land grants, Surveyor General reports and Court of Private Land Claim case files. The records of the Surveyor General of New Mexico (1854-1891) and the Court of Private Land Claims (1891-1904) are part of the Spanish Archives of New Mexico maintained in the State Archives. These offices were charged with investigating claims of property ownership in New Mexico and reporting to the U.S. Congress in order to adjudicate land titles pursuant to the terms of the Treaty of Guadalupe Hidalgo. Also within the collection is the Vigil Index, an inventory of documents in the custody of Donaciano Vigil, Secretary the Territory of New Mexico. These original records are in the custody of the State Records Center and Archives and are available to the public for research. The records have been microfilmed and are at the present being converted from microfilm to digital images. An index to this collection is available online through the agency's website <http://www.nmcpr.state.nm.us/> or through the Online Archives of New Mexico at <http://elibrary.unm.edu/oanm/NmAr/nmar%231972-002/>.

FISCAL IMPLICATIONS

The Land Records of New Mexico a.k.a. Spanish Archives of New Mexico, Series I, are currently available for resale in two formats, microfilm (\$16/roll - 66 rolls) and digital images (**approximately** \$25/CD - 7 CDs. These costs only include the cost of duplication.

According to the State Commission of Public Records, if repositories in Mexico and Spain have documents available that are microfilmed or digitized, they may be willing to sell or exchange copies. If repositories in Mexico and Spain wish copies of the Spanish and Mexican Archives, the Commission of Public Records could work out an exchange that would be mutually beneficial.

If the intent is to send someone to Spain and Mexico to locate documents that have not been filmed or digitized, then the Legislature will need to appropriate money to fund a research expedition - this could be quite costly. As the official state repository for records of current and prior governments, any copies of documents obtained during such an expedition should be deposited in the State Archives.

If copies of documents are to be purchased, the Commission of Public Records would require an appropriation to purchase these documents.

ADMINISTRATIVE IMPLICATIONS

The State Commission of Public Records provided the following information:

Although the memorial specifically addresses sharing information, the bill appears to intend to facilitate the research process for New Mexicans who wish to research land grant records in Mexico and Spain. Many archival facilities in Spain and Mexico will only allow scholarly research. Researchers much have credentials such as a doctorate, or have a letter of introduction from a research facility in the United States, before they are allowed access to collections. I don't believe there are many researchers in Spain or Mexico who are interested in New Mexico land grants.

Many New Mexicans who are interested in researching land grants are unaware that the State Archives has land grant records, and believe all records are held by Spain and Mexico. Documentation of land grants made prior to the Pueblo Revolt (which are missing from our collections) may, perhaps, be found in Mexico and Spain. However I believe that before New Mexicans plan trips to Mexico and Spain, they should be made aware of the records held by their own State Archives. They should also know they can search indexes to these records online, and they may also purchase copies of specific documents or entire collections.

Copies of documents obtained directly from repositories in Spain and Mexico would be arranged and described just as they are in the originating repositories. The finding aid would simply note that they are copies and the originals are held by another repository (we have several collections in our custody, which are strictly photocopies.) . The Commission of Public Records has properly trained staff (4 certified archivists) that can arrange, describe, and provide access to the materials to all New Mexicans. Requests for access or copies would be handled in the same manner as any other request.

DUPLICATION/RELATIONSHIP

This duplicates HJM26 and relates to HB 279, Guadalupe Hidalgo Treaty Division and HB 317, Land Grant Committee since these organizations would be charged with acquiring information related to land grants in New Mexico and relates to HJM-25 is related in that it requests pardons for certain individuals caught up in land grant disputes

OTHER SUBSTANTIVE ISSUES

Page 2 makes reference to the actions of two adjudication tribunals. Although the actions of the tribunals have been contested, the merit of those decisions has not yet been fully tested.

JMG/njw