

NOTE: As provided in LFC policy, this report is intended only for use by the standing finance committees of the legislature. The Legislative Finance Committee does not assume responsibility for the accuracy of the information in this report when used for other purposes.

The most recent FIR version (in HTML & Adobe PDF formats) is available on the Legislative Website. The Adobe PDF version includes all attachments, whereas the HTML version does not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR: Romero DATE TYPED: 3/11/03 HB _____
 SHORT TITLE: Guadalupe Hidalgo Treaty Department SB 541/aSJC/aSFI#1/aHJC
 ANALYST: Wilson

APPROPRIATION

| Appropriation Contained | | Estimated Additional Impact | | Recurring or Non-Rec | Fund Affected |
|-------------------------|------|-----------------------------|------|----------------------|---------------|
| FY03 | FY04 | FY03 | FY04 | | |
| | | | NFI | | |

(Parenthesis () Indicate Expenditure Decreases)

Relates to: HB 74 and HJM 22

SOURCES OF INFORMATION

LFC files

No Response From
 Attorney General's Office (AGO)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment makes a technical correction. There is no substantive change.

Synopsis of SFI Amendment

Senate Floor Amendment #1 to SB 541/aSJC removes the entire appropriation of \$100,000.

Synopsis of SJC Amendment

The Senate Judiciary Committee amendment changes the Guadalupe Hidalgo Treaty Department to the Guadalupe Hidalgo Treaty Division.

Synopsis of Original Bill

Senate Bill 541 appropriates \$100,000 from the general fund to Office of the Attorney General for the purpose of creating the Guadalupe Hidalgo Treaty Department.

The Guadalupe Hidalgo Treaty Department shall review, oversee and address concerns relating to the provisions of the Treaty of Guadalupe Hidalgo that have not been implemented or observed in the spirit

of the Constitution and laws of New Mexico.

The AGO shall report the findings and recommendations of the department to the second session of the forty-sixth legislature.

Significant Issues

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.

FISCAL IMPLICATIONS

The appropriation of \$100.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2004 shall revert to the general fund.

ADMINISTRATIVE IMPLICATIONS

The AGO will have to determine personnel and designate appropriate duties.

RELATIONSHIP

SB 541 relates to HB 74, which creates a Land Grant Committee to study existing law regarding land grants and to develop legislation to improve existing law and HJM 22, which 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.

TECHNICAL ISSUES

SB 541 creates a “department” within the AGO, but an organization at this level should be a “division”.

OTHER SUBSTANTIVE 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.

DW/njw/lr:yr