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FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/13

SPONSOR Cisneros LAST UPDATED _____ HB _____

SHORT TITLE San Antonio Land Grant Political Status SB 5

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	To Be Determined*	To Be Determined*	To Be Determined*		Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Impact.

Relates to HB 35, which amends same section of law differently.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Department of Finance & Administration (DFA)

SUMMARY

Synopsis of Bill

Senate Bill 5 adds a new subsection E to the relevant section of law to bring the San Antonio del Rio Colorado land grant under the authority of Sections 49-1 through 49-1-18, NMSA 1978, effectively granting the land grant political subdivision status.

FISCAL IMPLICATIONS

By granting this land grant political subdivision status, the land grant would be eligible for state appropriations and could receive emergency funding from the State Board of Finance.

SIGNIFICANT ISSUES

The existing provisions of law that govern the land grants specified in those laws and, among other things grants those land grants political subdivision status, are limited and apply only to those land grants listed in those laws or confirmed by the U.S. congress or the court of private land claims, or designated by the surveyor general and confirmed by the U.S. congress. The

AGO explains the import of SB 5 to this process:

Apparently, the Surveyor General recommended that the San Antonio del Rio Colorado land grant be confirmed in 1874 and then again in 1886. The United States Congress did not confirm the land grant in either instance. SB 5 seeks to bring the San Antonio del Rio Colorado land grant under the authority of Sections 49-1-1 through 49-1-18, NMSA 1978, effectively granting political subdivision status, by creating an exception to the language of limitation contained in Section 49-1-2(A), NMSA 1978.

There does not appear to be any basis upon which to confer political subdivision status to the San Antonio del Rio Colorado land grant without the proposed addition of subsection E. With the amendment, political subdivision status would be granted by legislative action. As a policy matter, it might be valuable to examine the reasons the U.S. Congress did not confirm the Surveyor General's recommendations in 1874 and 1886 and whether or not such status should be conferred by a state legislative act in the face of two determinations by the U.S. Congress to the contrary.

MD/bm