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FISCAL IMPACT REPORT

ORIGINAL DATE 1/22/15
LAST UPDATED 02/04/15 **HB** 46/aHJC

SPONSOR Salazar, T.

SHORT TITLE Partition as Autonomous Land Grants **SB** _____

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$60.0	\$60.0	\$120.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Department of Finance & Administration (DFA)
 Attorney General's Office (AGO)

SUMMARY

Synopsis of HJC Amendment

The House Judiciary Committee amendment to House Bill 46 clarifies the partitioned land-grant merced to which this bill, and the existing statutes which it amends, applies. It requires certain partitioned land-grant merced to be certified by the Guadalupe Hidalgo treaty division of the AGO to fall within the scope of those statutes, and authorizes that division to establish methods and procedures for certification.

Synopsis of Original Bill

House Bill 46 amends existing statutes governing land grants to recognize a grant of land that has been partitioned from certain land grant-merced to establish community land for a separate community, town or pueblo recognized as its own, independent land grant-merced, managed, controlled and governed as a political subdivision of the State. The effective date of HB 46 is July 1, 2015.

FISCAL IMPLICATIONS

DFA reports that once partitioned lands are recognized as political subdivisions of the State, they may apply for and receive state funding, which will increase DFA’s workload and cause a corresponding operating budget impact for its Local Government Division (LGD). DFA estimates it will need an additional FTE, at an annual cost of \$60 thousand; LFC staff assumes the impact beginning in FY 16, all as shown in the table above. Additionally, DFA notes HB 46 could increase demand for state funding.

SIGNIFICANT ISSUES

DFA advises that HB 46’s recognition of partitioned land grant-merced as political subdivisions of the State would allow them to apply for state funding, subject to the strictures of Executive Order 2013-006, which establishes uniform funding criteria and grant management and oversight requirements for grants of state capital outlay appropriations to state agencies and other entities.

DFA reports that currently there are four partitioned land grant-merced from the Las Vegas land grant-merced that would gain political subdivision status under HB 46: Los Vigiles, Lower Gallinas, San Geronimo and San Augustin.

ADMINISTRATIVE IMPLICATIONS

DFA anticipates an increase in oversight functions at LGD relative to the number of partitioned land grant-merced afforded political subdivision status under HB 46.

OTHER SUBSTANTIVE ISSUES

The AGO calls attention to the different descriptions of partitioned land grant-merced contained in Sections 1 and 2 of the bill, which raise the question whether the same partitioned land-grant merced are being described in those two sections.

AMENDMENTS

An amendment making the definition contained in Section 1 (B) (2) and the language of Section 2 (A) (1) (b) consistent would clear up the confusion discussed under other substantive issues.

MD/bb/je