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FISCAL IMPACT REPORT

ORIGINAL DATE 2/20/17

SPONSOR McQueen/Salazar, T LAST UPDATED _____ HJM 18

SHORT TITLE Cristobal de la Serna Land Grant Title Issues SB _____

ANALYST Downs

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY17	FY18	FY19	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$104.6	\$104.6	\$209.2	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Office of the Attorney General (OAG)

SUMMARY

Synopsis of Bill

House Joint Memorial 18 requests that the Treaty of Guadalupe Hidalgo division within the Office of the Attorney General work with the Taxation and Revenue Department, the Cristobal de la Serna land grant-merced, and the Taos County board of commissioners and assessor's office to research history and legality of a plat map created in 1941 of the Cristobal de la Serna land grant-merced, which is drawn in miles-long, three-foot-wide strips.

The memorial also requests the division, in conjunction with the other entities listed above, develop a proposal for how property titles and land boundaries may be rationalized, which is to be presented to a legislative committee by November 1, 2017.

FISCAL IMPLICATIONS

The Office of the Attorney General, Treaty of Guadalupe Hidalgo Division, currently only has one Assistant Attorney General assigned to review, oversee and address concerns relating to the provisions of the Treaty that have not been implemented or observed in the spirit of the constitution. The division would need an additional staff member for the project requested by House Memorial 18. The average cost per FTE at the Office of the Attorney General is \$104.6 thousand.

SIGNIFICANT ISSUES

The Office of the Attorney General stated it may not uncover additional avenues to solve the Cristobal de la Serna land grant-merced, stating, ‘House Joint Memorial 18 does not create or amend any law, but it does raise questions regarding what options, if any, may be available if it is found that “dividing the communal lands at Cristobal de la Serna may not have been a proper recognition of the property title protected by the Treaty of Guadalupe Hidalgo.’ In 2008, the Offices of the Attorney General reviewed and responded to inequities in the legal conclusions and reasoning of the federal general accounting office in its 2004 report on land grants. Previous research concluded that U.S. Supreme Court decisions applying governing Statute of Limitations law prevented bringing lawsuits to pursue claims under the Treaty and also indicated that the most viable option to pursue was requesting U.S. Congressional action regarding redress for the way the Treaty was implemented and complied with.”

JD/sb