

**MINUTES
of the
FIRST MEETING
of the
LAND GRANT COMMITTEE**

**June 11, 2013
Room 317, State Capitol
Santa Fe**

The first meeting of the Land Grant Committee was called to order by Representative Miguel P. Garcia, chair, on Tuesday, June 11, 2013, in Room 317, State Capitol, in Santa Fe, New Mexico.

Present

Rep. Miguel P. Garcia, Chair
Rep. Eliseo Lee Alcon
Rep. Alonzo Baldonado
Rep. David M. Gallegos
Rep. Jimmie C. Hall
Sen. Daniel A. Ivey-Soto
Sen. Richard C. Martinez
Rep. Debbie A. Rodella
Sen. Sander Rue
Rep. Tomás E. Salazar

Absent

Sen. Jacob R. Candelaria, Vice Chair
Sen. Gerald Ortiz y Pino

Advisory Members

Rep. Phillip M. Archuleta
Rep. W. Ken Martinez
Rep. Christine Trujillo

Sen. Carlos R. Cisneros
Sen. Timothy M. Keller
Rep. Patricia A. Lundstrom

Guest Legislator

Sen. Nancy Rodriguez

Staff

Douglas Carver, Staff Attorney, Legislative Council Service (LCS)
Peter Kovnat, Staff Attorney, LCS
John M. Butrick, Law School Intern, LCS

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts are in the meeting file.

Tuesday, June 11

Introductions

Representative Garcia asked each of the members, staff and members of the audience to introduce themselves.

Anton Chico Land Grant Election Dispute

Secretary of State Dianna J. Duran and Bureau of Elections Director Bobbi Shearer discussed their intervention in the Anton Chico Land Grant election dispute. Secretary Duran provided a handout of the petitions for a restraining order and motion to intervene. Secretary Duran gave a chronology of the dispute. She filed a motion to litigate this dispute so that private parties would not have to spend their own money. The parties are currently awaiting the naming of a district court judge to the case, as all of the judges in the judicial district where it was filed have recused themselves or been excused.

Secretary Duran noted in response to a question from a member of the committee that there may be a need for legislation in order to provide a better framework for land grant elections and that she intends to work with the committee on this issue. Ms. Shearer indicated that a significant issue concerns the voter rolls. There was further discussion among Secretary Duran, Ms. Shearer and members of the committee concerning the mechanics of elections and the differences and challenges faced in land grant elections.

Interim Committee Procedures

John Yaeger, assistant director for legislative affairs, LCS, gave a presentation on interim committee procedures.

Historical Overview of Land Grants and the LGC — Jon Boller, LCS

Mr. Boller gave a primer on significant legislation endorsed by the committee since its beginning in 2003 and discussed various reports that have been published pertaining to the state's land grants. He also discussed the committee's support for the Land Grant Studies Program at the University of New Mexico (UNM) and the creation of the Land Grant Council.

Committee-Endorsed Legislation During the 2013 Session

Mr. Carver gave an overview of the committee-endorsed legislation introduced during the 2013 session and presented the committee with a sheet that shows the disposition of the committee's bills and other land grant-related legislation.

2013 Interim Work Plan and Meeting Schedule Development

Mr. Carver and Juan Sanchez, chair of the Land Grant Council and president of the Merced del Pueblo de Chilili, discussed the proposed work plan for the 2013 interim. The following work plan items were proposed to the committee:

1. overview of land grant history (a continuing item throughout the interim);
2. Tierra Amarilla Land Grant follow-up;
3. updates from and discussion with the United States Forest Service (USFS) on:

- a. strikeforce initiative (New Mexico is a pilot state);
 - b. Nuestra Señora del Rosario San Fernando y Santiago Land Grant (Truchas) and Abiquiu Land Grant boundary disputes;
 - c. update on Phase 2 of the memorandum of understanding with the USFS and land grants (master stewardship plans); and
 - d. U.S. Department of Agriculture programs available to assist land grants and rural development;
4. Bureau of Land Management presentation on land disposal — San Antonio de las Huertas (Placitas);
 5. Incitor — progress update;
 6. Mount Taylor — update on New Mexico Supreme Court decision (when it is handed down);
 7. training of New Mexico's lawyers and judges in land grant issues — possible discussion with Hispanic Bar Association;
 8. Conflicts and problems with land grant elections — recent examples of the San Miguel del Vado Land Grant and Anton Chico Land Grant. Input to be requested from the Office of the Attorney General and the Office of the Secretary of State;
 9. native plant use and traditional use of forest resources — a discussion;
 10. the relationship between the Land Grant Council and the Department of Finance and Administration and the New Mexico Finance Authority;
 11. quiet title actions: Ojo Caliente — Arroyo Hondo — San Cristobal de la Serna;
 12. continuing dialogue on taxation issues — exploring exemption of taxes for land grants or intercepting part of an already collected tax, such as mill levy or property taxes;
 13. revisiting the definition of a land grant heir;
 14. examination of a need for any changes to Chapter 49 NMSA 1978;
 15. training for boards of trustees of land grants;
 16. cemetery access at San Joaquin del Rio Chama;
 17. colonias infrastructure development funds: geographic restrictions; and

18. update on issues regarding state adherence to the Treaty of Guadalupe Hidalgo — summary of findings by the U.S. Government Accountability Office study and relevant state issues.

Mr. Carver and Mr. Sanchez went through the items and addressed questions on particular items posed by committee members. The committee also discussed proposed visits to the Tajique Land Grant, the Tecolote Land Grant, the Juan Bautista Baldes Land Grant and the Tome Land Grant. The committee agreed to the 18 proposed items and added the following items to the work plan:

- acquisition of surplus properties in the Tome Land Grant from El Cerro de Tome;
- update on efforts to involve land grants with the film industry;
- examination of the feasibility of creating a land grant infrastructure fund, perhaps modeled on the existing colonias infrastructure funds;
- examination of state-owned property that was once land grant land;
- coordination of capital outlay requests by land grants; and
- examination of the situation of subgrants in the land grant community and how they might be assisted.

Motion 1

A motion to adopt the work plan was made by Representative Baldonado and seconded by Representative Rodella. The motion passed with no dissenting votes.

Historical Overview of Land Grants and the LGC

Dr. Manuel Garcia y Griego, director, Land Grant Studies Program, UNM, presented an historic overview of land grants. He discussed the history of the grants from 1689 to the present, key institutions pertaining to the land grant community and challenges facing the land grant community.

Public Comment

Joe Archuleta and Jim Coryat of La Merced del Carmel discussed problems that have occurred with a resident of their community, which has led to the loss of common lands of their subgrant and the bulldozing of the community's morada. The committee asked staff to investigate and gather more information.

Motion 2

Senator Martinez made a motion, seconded by Senator Rue, for the committee to work with and assist the Carmel merced, including possibly drafting a letter that could be sent to the landowner or other parties in the dispute in their community. The motion passed with no dissenting votes.

Adjournment

There being no further business before the committee, the committee adjourned at 2:00 p.m.