

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

**June 14, 2010
Room 309, State Capitol
Santa Fe**

The first meeting of the interim Land Grant Committee was called to order at 10:20 a.m. on Monday, June 14, 2010, by Senator Richard C. Martinez, chair, in Room 309 of the State Capitol in Santa Fe.

Present

Sen. Richard C. Martinez, Chair
Rep. Miguel P. Garcia, Vice Chair
Sen. Rod Adair
Rep. Thomas A. Garcia
Rep. Jimmie C. Hall
Sen. Gerald Ortiz y Pino
Rep. Debbie A. Rodella
Sen. Sander Rue
Sen. Bernadette M. Sanchez

Absent

Rep. Paul C. Bandy
Rep. Andrew J. Barreras
Rep. Eleanor Chavez

Advisory Members

Rep. Eliseo Lee Alcon
Sen. Carlos R. Cisneros
Rep. Brian F. Egolf, Jr.
Rep. Richard D. Vigil

Sen. Dianna J. Duran
Rep. Ben Lujan

Guest Legislator

Sen. Nancy Rodriguez

Staff

Jon Boller
Peter Kovnat

Guests

The guest list is in the meeting file.

Handouts

Copies of all handouts and written testimony are in the meeting file.

Monday, June 14

Senator Martinez welcomed the committee and asked members of the committee, staff and the audience to introduce themselves.

Crest of Montezuma Land Transfer

Senator Martinez recognized Tony Lucero, president of the San Antonio de las Huertas Land Grant, who outlined the provisions of a bill, H.R. 5388, sponsored by United States Representatives Martin T. Heinrich and Ben Ray Lujan. The bill, Mr. Lucero explained, would provide for the purchase and transfer of some private lands, along with a tract of Bureau of Land Management (BLM) land known as the Crest of Montezuma, to the Cibola National Forest. Unfortunately, in its present form the bill does not adequately address the concerns of the land grant, and it may also negatively affect existing rights of access for maintenance of local acequias, he explained. He also noted that the names of the local acequias in the bill were incorrect. Mr. Lucero said he would not object to the transfer of the Crest of Montezuma to the U.S. Forest Service under certain conditions, but that given the history of the land in question, which was once part of the common lands of the land grant, transferring that land without addressing the land grant's concerns would be a missed opportunity. Mr. Lucero noted the availability of approximately 560 acres of other BLM lands in Placitas, and he suggested that adding provisions to the bill to allow the eventual transfer of those other BLM lands (also former common lands) to the San Antonio de las Huertas Land Grant would help compensate the land grant for the thousands of acres of land it lost due to an erroneous federal survey and erroneous confirmation of the Tejon grant.

Senator Sanchez and Representative Miguel P. Garcia moved to request staff to draft a letter to Representatives Heinrich and Lujan stating that the committee has concerns with and opposes the bill in its present form and that discussions with the Land Grant Council and others are taking place on how to address those concerns and asking that no action be taken on the bill until these concerns are addressed. After a discussion of whether all committee members should first approve the letter in its final form, the committee voted 8-1 to let the chair approve the details of the letter, with Representative Thomas A. Garcia voting against the motion.

Government Restructuring Task Force and 2010 Interim Committee Briefing

Raúl E. Burciaga, director of the Legislative Council Service, briefly outlined the work of the Government Restructuring Task Force and noted that because the Land Grant Committee does not oversee operation of any of the large executive departments, it would not be asked to focus on the restructuring issue this interim. Mr. Burciaga went on to explain that due to the current budget crisis, the New Mexico Legislative Council reduced the number of meeting days for interim committees this year and has requested that all meetings be held in Santa Fe, if possible. If a committee feels that a meeting outside Santa Fe is necessary, the legislative council will consider such requests at its June 29 meeting.

Report on the 2010 Legislative Session

Mr. Boller reported that the committee had endorsed four pieces of legislation for the 2010

session, two of which passed unanimously. Senate Bill 41 (Laws 2010, Chapter 6) requires notice of any boundary surveys conducted in or bordering on any of the four land grants governed by Chapter 49, Article 6, 7, 8 or 10 NMSA 1978. Senate Bill 94 (Laws 2010, Chapter 22) gives land grants that are political subdivisions of the state the right to purchase tort liability coverage through the Risk Management Division of the General Services Department. Two other pieces of endorsed legislation, House Bill 28 and Senate Joint Memorial 16, did not receive hearings. Both proposals dealt with the classification of land grant common lands as state lands for the purposes of the Cultural Properties Act, the Cultural Properties Protection Act and the New Mexico Prehistoric and Historic Sites Preservation Act. Mr. Boller noted, however, that a related memorial, House Memorial 74, did pass. That memorial requests that the interim committees that deal with land grant issues and Indian affairs meet during the interim to hear issues of concern to the land grant and Native American communities. Mr. Boller said that this request arose from negotiations between proponents and opponents to the passage of Senate Joint Memorial 16 regarding the legislature's intent in making land grants political subdivisions of the state.

Work Plan and Meeting Schedule for the 2010 Interim

The committee adopted, without objection, to include the following topics in the committee's work plan:

1. funding for staff for the Land Grant Council (fiscal year 2012) and extending the council's mission to cover all community land grants (not just Chapter 49, Article 1 NMSA 1978 grants);
2. the treatment of common lands as state lands;
3. changing the location of the land grant registry from the Office of the Secretary of State to the Land Grant Council;
4. the consideration of land grants requesting governance under Chapter 49, Article 1 NMSA 1978 (possible candidates: Tecolote, Manzano and Atrisco);
5. the appropriate manner of investing in and the appropriate expenditure of income from common lands of land grants that are political subdivisions of the state;
6. an update on the University of New Mexico land grant studies program;
7. recognizing land grants that were not confirmed by Congress;
8. the approval process for long-term leases of common lands;
9. land grant eligibility for conservation easement tax credits (carried over from last year);

10. the amount of property tax collected on the common lands of community land grants statewide; and

11. an update on issues from previous interims, including the Questa dam construction, the BLM Taos management plan designation of "Fun Valley" and land grant access to the W.A. Humphries Wildlife Area.

The committee also accepted an invitation from the San Miguel del Vado Land Grant (approximately 45 miles east of Santa Fe) to hold its July meeting at the land grant. Members noted that this is one of the few community land grants that the committee has not had an opportunity to visit and that a core function of the committee is to meet with members of the various community land grants throughout the state and provide them with at least one opportunity to meet with legislators without having to travel to Santa Fe to do so. In response to House Memorial 74 (2010), the committee requested that its members be eligible for per diem and mileage to attend one day of the Indian Affairs Committee meeting in Gallup to address the issues raised by House Bill 28 and Senate Joint Memorial 16 from the 2010 legislative session.

The committee adjourned at 12:20 p.m.