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## FISCAL IMPACT REPORT

**ORIGINAL DATE**  
**LAST UPDATED** \_\_\_\_\_ **HJM** 64

**SPONSOR** McCoy

**SHORT TITLE** Ranchito Grant as Part of Coronado Monument **SB** \_\_\_\_\_

**ANALYST** Baca

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Appropriation in the General Appropriation Act

### SOURCES OF INFORMATION

LFC Files

Responses Received From  
 Indian Affairs Department (IAD)

### SUMMARY

#### Synopsis of HJM

House Joint Memorial 64 requests that the Governor designate the Ranchito Grant as part of Coronado State Monument and that the Museum of New Mexico (MONM) be granted an interest in the property in order to protect the grant's archaeological resources.

### SIGNIFICANT ISSUES

HJM 64 addresses two major issues: 1) the request that the MONM be grant the University of New Mexico (UNM) an undivided half interest in the property (26 and ½ acres) in order to protect and preserve its archaeological resources, and 2) request that the university of New Mexico refrain from divesting itself of the Ranchito Grant property for any commercial uses and that the governor be requested to designate the Ranchito Grant as part of Coronado State Monument.

**OTHER SUBSTANTIVE ISSUES**

The IAD submits the following observations:

HJM 64 is premised (See page 3, lines 6 and 11) on the assumption that the Pueblo of Santa Ana (“Pueblo”) is currently seeking to purchase, or otherwise acquire, lands that it had previously exchanged with UNM. This Department has no tangible evidence that the Pueblo seeks to purchase any of the land in question. As such, HJM 64 may not be timely or relevant as regard to the Pueblo.

Further, HJM 64 appears to erroneously designate the Ranchito properties as “grant properties.” Pursuant to the land histories set out in *U.S. v. University of NM*, 731 F.2d 703 (10<sup>th</sup> Cir. 1984) and P.L. 99-575, (Act of October 28, 1986), [both relating to the 1985 land exchange mentioned on Page 2, Line 14 of HJM 64] the Ranchito property is not a true “land grant” as defined in New Mexico; rather, that property was created through a series of purchases by the Pueblo from Spanish settlers during the period of 1709-1763. As such, those laws relating to land grants in New Mexico do not necessarily apply to this property. It would appear that when the Pueblo’s title to the property was confirmed in 1898 by the Court of Private Land Claims, that the Court used the term “grant.”

Finally, in the first “Be it Resolved” paragraph (page 3, lines 22-24), there is a request “that the governor be requested to designate the Ranchito grant as part of Coronado state monument.” Significantly, UNM owns only a small portion of the entire property known as the Ranchito property; the Pueblo owns the vast majority of the same (some 5000 acres). The language of the memorial would purport to allow the Governor to designate the entire property as part of the State monument. The Governor does not now have the authority to unilaterally appropriate tribal properties.

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

The requested actions may not take place.

LRB/mt