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FISCAL IMPACT REPORT

ORIGINAL DATE 1/21/19
LAST UPDATED 1/21/19 **HB** 33

SPONSOR Garcia, M

SHORT TITLE Expand Authority of Guadalupe-Hidalgo Treaty **SB** _____

ANALYST Torres

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate	Indeterminate	Indeterminate	Indeterminate	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bills 32 and 36.

SOURCES OF INFORMATION

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

HB 33 expands the authority of the Treaty of Guadalupe Hidalgo Division within the Office of the Attorney General (“OAG”) to “provide assistance to the land grant council and land grants-mercedes.”

FISCAL IMPLICATIONS

HB 33 does not define what constitutes assistance, and as such, the fiscal impact to the NMAG is unclear. The NMAG reports that it is unable to determine the operating budget impact because its effects are unclear as to “whether assistance entails legal representation or other forms of support.” Furthermore, NMAG accounts that “providing assistance to the land grant council and land grants-mercedes will entail staff, including attorney, time and resources. Depending on the number of land grants-mercedes to which the OAG will provide assistance, the amount of agency time and resources could be significant.”

SIGNIFICANT ISSUES

The NMAG highlights the potential constitutional conflicts of the bill because HB 33 does not specify whether it is to provide assistance to all land grants-mercedes or only those that are political subdivisions of the state. Providing assistance to land grants-mercedes that are not political subdivisions of the state may present an issue under the antidonation clause of the New Mexico Constitution (N.M. Const. art. IX, § 14).

IT/gb