

<b>LFC Requester:</b>	<b>Jonas Armstrong</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)

*and*

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*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

Check all that apply:  
**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date:** 1/13/15  
**Bill No:** HB 46-305

**Sponsor:** Rep. Tomás E. Salazar  
**Short**        Partitions as Autonomous  
**Title:**        Land Grants

**Agency Code:** Attorney General's Office  
**Person Writing Analysis:** Betsy Glenn  
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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

**ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)**

	<b>FY15</b>	<b>FY16</b>	<b>FY17</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**BILL SUMMARY**

Synopsis:

HB 46 amends the definition of “land grant-merced” for purposes of Sections 49-1-1 through 49-1-18 NMSA 1978 to include a grant of land that:

(a) was made by a community that received a land grant from the government of Spain or Mexico,

(b) was partitioned from the first land grant for the purpose of establishing a separate community, and

(c) has had its boundaries: (1) confirmed by the United States court of private land claims, (2) designated as a land grant-merced in any report or list of land grants prepared by the U.S. surveyor general and confirmed by Congress, or (3) designated by deed of title or indenture executed by the board of trustees of “that land grant-merced.”

HB 46 makes Sections 49-1-1 through 49-1-18 applicable to a partition of a land grant-merced conveyed to heirs of the land grant-merced for purposes of establishing common lands for a separate land grant-merced.

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

HB 46, Section 1. The current language of the proposed amendment to the definition of “land grant-merced” makes it difficult to understand the characteristics of a partitioned land grant-merced. Particularly ambiguous is the language in the last two lines of the definition, which refers to “deed of title or indenture executed by the board of trustees of that land grant-merced.” It is unclear whether “that land grant-merced” refers to the original land grant or the partitioned land grant.

HB 46, Section 2. It is not clear whether the proposed amendment in Section 2 of the bill, which makes Sections 49-1-1 through 49-1-18 applicable to partitioned land grants, refers to the same partitioned land grants described in Section 1 of the bill.

## **ALTERNATIVES**

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

## **AMENDMENTS**