

LFC Requester:	Marty Daly
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**AGENCY BILL ANALYSIS
2015 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:

LFC@NMLEGIS.GOV

and

DFA@STATE.NM.US

{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 Prepared: 2/4/2015

Bill No: HB 46

Sponsor: Rep. Tomás E. Salazar

Agency/Code: Attorney General's Office

Partitions as Autonomous

Person Writing Analysis: Betsy Glenn, CDAG

Short Title: Land Grants

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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)

	FY15	FY16	FY17	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(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:

The HJC amendment requires, in order for a partition to qualify as an autonomous land grant-merced, that (1) the conveyance of the partition be affirmed by a court of competent jurisdiction and (2) the partition be certified by the Guadalupe Hidalgo treaty division of the attorney general’s office as having been managed as common lands for partition heirs for at least 25 years before HB 46’s enactment.

FISCAL IMPLICATIONS

The Guadalupe Hidalgo treaty division of the attorney general’s office does not currently have funding or staff. Absent an appropriation, the Attorney General’s Office would have to divert existing staff and funding from the Office’s existing functions.

SIGNIFICANT ISSUES

PERFORMANCE IMPLICATIONS

See comment above under “Fiscal Implications.”

ADMINISTRATIVE IMPLICATIONS

The amended bill’s additional requirements for court affirmance and certification by the Guadalupe Hidalgo treaty division may cause delays in the process of qualifying partitions as autonomous land grant-mercedes. This would be most likely during the start up period as the division determines the best methods and procedures for carrying out its certification responsibilities.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

It is not clear whether it is necessary for the conveyance of a partition to be affirmed by a court of competent jurisdiction when the partition is conveyed by a state or federal court under Section 3 of the bill, as amended. Perhaps the requirement for court affirmance should apply only when a partition is conveyed by deed of title or indenture executed by the land grant-merced’s board of trustees.

OTHER SUBSTANTIVE ISSUES N/A

ALTERNATIVES N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL N/A

AMENDMENTS N/A