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SENATE JOINT MEMORIAL 69

47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

INTRODUCED BY

Leonard Tsosi e

A JOINT MEMORIAL

REQUESTING A STUDY OF ALLEGATIONS OF UNAUTHORIZED USE OF STATE LANDS BY NATIVE AMERICANS WHO HAVE USED AND OCCUPIED CERTAIN LANDS FOR DECADES.

WHEREAS, the United States transferred ownership of certain lands granted or confirmed to the state by the act of congress of June 20, 1910, entitled "An act to enable the people of New Mexico to form a constitution and state government and be admitted into the union on an equal footing with the original states"; and

WHEREAS, at the time of the transfer of certain lands from the United States to New Mexico there was no survey done to determine whether such lands were being utilized or occupied; and

WHEREAS, at the time of the transfer of certain lands from 0.156048.1

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the United States to New Mexico some of those lands had been and were being used or occupied by Native Americans; and

WHEREAS, allegations have been asserted that certain lands that have been used or occupied for decades by Native Americans are lands owned by New Mexico and that Native Americans using or occupying those lands are doing so without authorization; and

WHEREAS, many Native Americans and their families will be adversely affected if there is an effort to dispossess them from lands allegedly owned by New Mexico;

NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO that it recognize the importance of the question of Native Americans using and occupying lands allegedly owned by New Mexico and the hardship that would be imposed as a result of any effort to dispossess Native Americans from lands they have used and possessed for decades; and

BE IT FURTHER RESOLVED that the state land office and the Indian affairs department be requested to work together to study the question of whether Native Americans may be using or occupying lands transferred by the United States to the state of New Mexico, including the extent of any such use or occupation, and provide recommendations for resolving potential claims of unauthorized use of state lands; and

BE IT FURTHER RESOLVED that no later than November 2005 . 156048. 1

the state land office and the Indian affairs department report to the appropriate interim legislative committees on their findings and recommendations, including any recommendations that require legislative approval or funding to implement; and

BE IT FURTHER RESOLVED that copies of this memorial be transmitted to the president of the Navajo Nation, the speaker of the Navajo Nation council, the president of the Mescalero Apache Tribe, the president of the Jicarilla Apache Nation, the commissioner of public lands and the secretary of Indian affairs.

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