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HOUSE MEMORIAL 72

49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010

INTRODUCED BY

Miguel P. Garcia

A MEMORIAL

INVITING REPRESENTATIVES OF SPANISH AND MEXICAN LAND GRANTS-MERCEDES, THE PUEBLOS OF ACOMA, LAGUNA AND ZUNI, THE NAVAJO NATION, THE HOPI TRIBE AND THE LAND GRANT COUNCIL TO CONDUCT MEETINGS TO ADDRESS CONCERNS RAISED BY THE DESIGNATION OF THE COMMON LANDS IN CERTAIN STATUTES AS STATE LANDS AND THE IMPLICATIONS ON THE ADMINISTRATION OF THE COMMON LANDS OF THE CEBOLLETA AND OTHER COMMUNITY LAND GRANTS IN NEW MEXICO.

WHEREAS, in 2004, the legislature enacted Senate Bill 142, which was signed into law as Laws 2004, Chapter 124; and

WHEREAS, Laws 2004, Chapter 124, Section 3 provides that Spanish and Mexican land grants-mercedes that are subject to Chapter 49, Article 1 NMSA 1978 are to be governed as political subdivisions of the state; and

WHEREAS, while it was not the intent of the legislature to
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1 classify the common lands of those land grants-mercedes as
2 state lands when it declared those land grants-mercedes to be
3 political subdivisions of the state, the definition of state
4 lands in the Cultural Properties Act and the Cultural
5 Properties Protection Act includes any land owned, controlled
6 or operated by a political subdivision of the state; and

7 WHEREAS, this definition does not account for the fact
8 that unlike state property, the common lands of all Spanish and
9 Mexican land grants-mercedes are treated as private property by
10 and are subject to property taxes pursuant to the constitution
11 of New Mexico; and

12 WHEREAS, the special status of these common lands is not
13 accounted for in the Cultural Properties Act, the Cultural
14 Properties Protection Act or the New Mexico Prehistoric and
15 Historic Sites Preservation Act; and

16 WHEREAS, more than nineteen thousand acres of the common
17 lands of the Cebolleta land grant have been designated as
18 traditional cultural property, which may affect the traditional
19 and other uses for which that land may be used and the economic
20 well-being of the land grant-merced; and

21 WHEREAS, the Pueblos of Acoma, Laguna and Zuni, the Navajo
22 Nation and the Hopi Tribe have expressed concerns about
23 proposed changes to the Cultural Properties Act, the Cultural
24 Properties Protection Act, the New Mexico Prehistoric and
25 Historic Sites Preservation Act and laws governing certain

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1 Spanish and Mexican land grants-mercedes that would change the
2 definition of state lands in those acts; and

3 WHEREAS, both the Spanish and Mexican land grant-merced
4 community and the Native American tribal community recognize
5 the importance of protecting traditional, historic and cultural
6 properties; and

7 WHEREAS, both communities recognize the importance of
8 self-determination; and

9 WHEREAS, both communities recognize the importance and
10 benefits of intergovernmental cooperation between Native
11 American tribal and Spanish and Mexican land grant-merced
12 governmental entities;

13 NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF
14 REPRESENTATIVES OF THE STATE OF NEW MEXICO that representatives
15 of the Pueblos of Acoma, Laguna and Zuni, the Navajo Nation and
16 the Hopi Tribe, the Cebolleta and other Spanish and Mexican
17 land grants-mercedes and the land grant council be invited to
18 meet, discuss and propose legislation that will assure land
19 grant heirs and land grants-mercedes that they have not lost
20 any rights and are not adversely affected by the act that made
21 certain Spanish and Mexican land grants-mercedes political
22 subdivisions of the state; and

23 BE IT FURTHER RESOLVED that the representatives
24 specifically address and resolve the issue of designating the
25 common lands of Spanish and Mexican land grants-mercedes as

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1 state lands; and

2 BE IT FURTHER RESOLVED that the parties report their
3 recommendations to a joint meeting of the appropriate interim
4 legislative committees dealing with land grant issues and
5 Indian affairs during the 2010 interim and that the committees
6 propose legislation that will assure land grant heirs and land
7 grants-mercedes that they have not lost any rights and are not
8 adversely affected by the act that made certain Spanish and
9 Mexican land grants-mercedes political subdivisions of the
10 state; and

11 BE IT FURTHER RESOLVED that copies of this memorial be
12 transmitted to the Pueblos of Acoma, Laguna and Zuni, the
13 Navajo Nation, the Hopi Tribe, the cultural affairs department,
14 the land grant council, the board of trustees of the Cebolleta
15 land grant and the New Mexico legislative council.

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