

1 SENATE JOINT MEMORIAL 16

2 **49TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2010**

3 INTRODUCED BY

4 Bernadette M. Sanchez

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8 FOR THE LAND GRANT COMMITTEE

9
10 A JOINT MEMORIAL

11 EXPRESSING THE LEGISLATURE'S INTENT IN AMENDING THE PROVISIONS
12 OF CHAPTER 49, ARTICLE 1 NMSA 1978 RECOGNIZING CERTAIN
13 COMMUNITY LAND GRANTS-MERCEDES AS POLITICAL SUBDIVISIONS OF THE
14 STATE.

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

18 WHEREAS, Laws 2004, Chapter 124, Section 3 provided that
19 certain land grants-mercedes were to be governed as political
20 subdivisions of the state; and

21 WHEREAS, it was not the intent of the legislature to
22 classify the common lands of land grants-mercedes as state
23 lands by declaring those land grants-mercedes to be political
24 subdivisions of the state; and

25 WHEREAS, because the common lands of all land grants-

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1 mercedes are treated as private property by and subject to
2 property taxes pursuant to the constitution of New Mexico,
3 neither the legislature nor any executive agency is authorized
4 to designate the common lands of land grants-mercedes as state
5 lands by statute or rule;

6 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
7 STATE OF NEW MEXICO that its intent in enacting Laws 2004,
8 Chapter 124 was not to treat the common lands of land grants-
9 mercedes as state lands; and

10 BE IT FURTHER RESOLVED that actions taken by the cultural
11 affairs department and the cultural properties review
12 committee, in carrying out the provisions of the Cultural
13 Properties Act, the Cultural Properties Protection Act and the
14 New Mexico Prehistoric and Historic Sites Preservation Act,
15 which resulted in nineteen thousand acres of the Cebolleta land
16 grant being treated as state land, were based on an incorrect
17 reading of the law; and

18 BE IT FURTHER RESOLVED that copies of this memorial be
19 transmitted to the cultural affairs department, the cultural
20 properties review committee, the land grant council and the
21 board of trustees of the Cebolleta land grant.

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