

LAND GRANT COMMITTEE

2004
REPORT

REPORT TO THE
FORTY-SEVENTH LEGISLATURE
FIRST SESSION



Santa Fe, New Mexico
December 2004
File No. 205.207-04

**2004 APPROVED WORK PLAN and BUDGET
for the
LAND GRANT COMMITTEE**

The Land Grant Committee was originally created by statute for the 2003 interim, but was renewed as a Legislative Council-created committee in 2004. The committee consists of the following members:

Committee Members:

Sen. Bernadette M. Sanchez, Chair
Rep. Miguel P. Garcia, Vice Chair
Sen. Rod Adair
Sen. Richard C. Martinez
Rep. Debbie A. Rodella
Rep. Don Tripp

Advisory Members:

Sen. Joseph J. Carraro
Rep. Ben Lujan
Rep. Bengie Regensberg
Rep. Eric Youngberg

Work Plan

The Land Grant Committee proposes to follow up on the work it began last interim by addressing several issues that were raised with the passage of Senate Bill 142 and Senate Joint Memorials 10 and 11 during the 2004 legislative session. These issues include clarification of the responsibility for legal representation of land grants; the definition of common lands; political subdivision status; the verification of land grant status; ejection and delinquent heir issues; review of statutes affecting individual community grants; and the status of negotiations between the Juan Tafoya Grant and the State Game Commission. In addition, the committee would like to invite the authors of the recently released GAO study entitled "Treaty of Guadalupe Hidalgo: Findings and Possible Options Regarding Longstanding Community Land Grant Claims in New Mexico" (GAO-04-59) to present their findings to the committee and allow the attorney general and New Mexico's congressional delegation an opportunity to respond to that report. Finally, the committee proposes to hear testimony on the economic development plans of various community land grants.

Approved Meeting Schedule, Estimated Budget and Actual Expenditures

June 28	Santa Fe	\$1,540.00	\$1,497.25
July 26	Santa Fe	1,540.00	meeting canceled
August 16 & 17	Grants	3,295.50	3,168.50
September 2 & 3	Carnuel	2,758.25	1,790.00
October 21 & 22	Taos	3,195.75	1,013.25
November 30	Santa Fe	1,540.00	426.00
TOTAL		*\$13,869.50	\$7,895.00**

* This total does not include \$11,890.38 for advisory members.

**This total does not include the \$488 for advisory members.

AGENDAS

**TENTATIVE AGENDA
for the
FIRST MEETING
of the
LAND GRANT COMMITTEE**

**Monday, June 28, 2004
Room 311
State Capitol**

Monday, June 28

- 10:00 a.m. CALL TO ORDER
—Senator Bernadette M. Sanchez, Chair
- 10:15 a.m. PRELIMINARY ANALYSIS OF THE GAO FINDINGS AND
POSSIBLE OPTIONS REGARDING LAND GRANTS
—David Benavides, New Mexico Legal Aid
- 11:15 a.m. DISCUSSION OF WORK PLAN AND ITINERARY FOR 2004
INTERIM
- 12:30 p.m. ADJOURN

Revised: August 12, 2004

**TENTATIVE AGENDA
for the
SECOND MEETING
of the
LAND GRANT COMMITTEE**

**August 16 - 17 , 2004
Cibola County Convention Room
515 West High St.
Grants**

Monday, August 16

- 10:00 a.m. CALL TO ORDER
—Senator Bernadette M. Sanchez, Chair
- 10:15 a.m. JUAN TAFOYA LAND CORPORATION — ACCESS TO WATER IN
THE MARQUEZ WILDLIFE AREA AND DISCUSSION OF SENATE
BILL 84 CONCERNING TRANSFER OF LANDS
—James Martinez, Juan Tafoya Land Corporation
—Jim Karp, General Counsel, Department of Game and Fish
- 12:00 noon LUNCH
- 1:30 p.m. CEBOLLETA LAND GRANT
—Sarah Maestas, Cebolleta Land Grant
- 2:00 p.m. GOVERNOR'S CONCERNS REGARDING SENATE BILL 142
—Hilary Tompkins, Chief Deputy Counsel, Office of the Governor
—Ned Farquhar, Environmental Advisor, Office of the Governor
- 3:30 p.m. BATTLE OF EMBUDO SITE PROTECTION
—Jose Alberto Baros, Rio Arriba County Planning and Zoning Dept.
- 4:00 p.m. PUBLIC COMMENT
- 5:00 p.m. RECESS

Tuesday, August 17

- 9:00 a.m. TOUR OF CEBOLLETA LAND GRANT
- 12:00 noon ADJOURN

Revised: August 31, 2004

**TENTATIVE AGENDA
for the
THIRD MEETING
of the
LAND GRANT COMMITTEE**

**September 2 - 3, 2004
Cañón de Carnue Land Grant Hall
Carnuel**

Thursday, September 2

- 10:00 a.m. CALL TO ORDER AND WELCOME
—Senator Bernadette M. Sanchez, Chair
—Michael Brasher, Bernalillo County Commissioner (invited)
—Alan Armijo, Bernalillo County Commissioner (invited)
- 10:15 a.m. CARNUEL LAND GRANT; MANZANO LAND GRANT; TORREÓN
LAND GRANT; LAS HUERTAS LAND GRANT
—Moises Gonzales, Carnuel Land Grant
—George Ramirez, Manzano Land Grant (invited)
—Jose Perea, Torreón Land Grant
—Tony Lucero, San Antonio de las Huertas Land Grant
- 12:00 noon LUNCH
- 1:30 p.m. GOVERNOR'S CONCERNS REGARDING SENATE BILL 142;
COMMON LANDS DEFINITION; COUNTY ATTORNEY ISSUES
—Hilary Tompkins, Deputy Chief Counsel, Office of the Governor
—Ned Farquhar, Environmental Advisor, Office of the Governor
—Ed Roybal, Executive Director, New Mexico Land Title Association
—Association of Counties (invited)
- 2:30 p.m. ECONOMIC DEVELOPMENT PLANNING FOR COMMUNITY
LAND GRANTS
Arturo Archuleta — North Central Economic Development District
Steve Gonzales — New Mexico Economic Development Dept.
Moises Gonzales — Mexicano Land Trust
Frank Padilla — New Mexico Planning Director, HUD
- 4:00 p.m. PUBLIC COMMENT
- 5:00 p.m. RECESS

Friday, September 3

9:00 a.m. TOUR OF CHILILI LAND GRANT

1:00 p.m. ADJOURN

**TENTATIVE AGENDA
for the
FOURTH MEETING
of the
LAND GRANT COMMITTEE**

**October 21-22, 2004
El Taoseno Room
Taos Convention Center
Taos**

Thursday, October 21

- 10:00 a.m. CALL TO ORDER AND WELCOME
—Senator Bernadette M. Sanchez, Chair
- 10:15 a.m. DEPARTMENT OF TRANSPORTATION ISSUES; SENATE JOINT
MEMORIAL 11 REPORT
—Moises Gonzales, Mexicano Land Trust
—William T. Moyers, Department of Transportation
- 11:15 a.m. CLARIFICATION OF LAND GRANT GENERAL STATUTES
REGARDING PRIVATE PROPERTY; LAND GRANT REGISTRY
REPORT
—Hilary Tompkins, Deputy Chief Counsel, Office of the Governor
—Ed Roibal, Executive Director, New Mexico Land Title Assoc.
—Juan Sanchez, Chilili Land Grant
—Ernesto Ortega, Office of the Secretary of State
- 12:15 p.m. LUNCH
- 1:45 p.m. ATTORNEY GENERAL PRELIMINARY LAND GRANT REPORT;
SENATE JOINT MEMORIAL 10 REPORT
—David Benavides, New Mexico Legal Aid
—Sandra Jaramillo, Director of State Records and Archives
- 3:00 p.m. TAOS LAND GRANT; AREA LAND GRANTS
—Frank Trujillo, Taos Land Grant
—Other speakers TBA
- 4:15 p.m. PUBLIC COMMENT
- 5:00 p.m. RECESS

Friday, October 22

9:00 a.m. TOUR OF AREA LAND GRANTS (tentative)

1:00 p.m. ADJOURN

Revised: November 24, 2004

**TENTATIVE AGENDA
for the
FIFTH MEETING
of the
LAND GRANT COMMITTEE**

**November 30, 2004
Room 309, State Capitol**

Tuesday, November 30

- 10:00 a.m. CALL TO ORDER AND WELCOME
—Senator Bernadette M. Sanchez, Chair
- 10:15 a.m. DEPARTMENT OF TRANSPORTATION ISSUES
—Andres Aragon-Viamonte, Deputy Secretary, DOT
—Rey Romero, General Counsel, DOT
- 11:00 a.m. REVIEW OF PROPOSED LEGISLATION
—Changes to Chapter 49, Article 1 NMSA 1978
—Illegal Dumping Appropriation
—Authorize Official Land Grant Registry
—Tax Sale Procedures for Former Grant Lands
—Local Economic Development District Appropriation for Planning
 Assistance to Article 1 Land Grants
—Memorial Urging Support of Federal Land Grant Legislation
- 12:30 p.m. LUNCH
- 1:30 p.m. COMMITTEE BUSINESS
—Approve Minutes
—Letter to Attorney General
- 1:45 p.m. PUBLIC COMMENT
- ADJOURN

MINUTES

MINUTES
of the
FIRST MEETING
of the
LAND GRANT COMMITTEE
June 28, 2004
Room 311, State Capitol

The first meeting of the Land Grant Committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:20 a.m. in Room 311, State Capitol.

PRESENT

Sen. Bernadette M. Sanchez, chair
Rep. Miguel P. Garcia, vice chair
Sen. Rod Adair
Sen. Richard C. Martinez
Rep. Debbie A. Rodella

ABSENT

Rep. Don Tripp

Advisory Members

Rep. Ben Lujan

Sen. Manny M. Aragon
Sen. Joseph J. Carraro
Rep. Bengie Regensberg
Rep. James G. Taylor
Rep. Eric A. Youngberg

Staff

Jon Boller
Sheila Manzagol

Guests: A copy of the guest list is in the meeting file.

Senator Sanchez welcomed the public and introduced the committee and staff.

GAO REPORT

David Benavides, staff attorney for New Mexico Legal Aid, Inc., gave a preliminary overview of the recently released Governmental Accountability Agency (GAO) report entitled "Treaty of Guadalupe Hidalgo: Findings and Possible Options Regarding Longstanding Community Land Grant Claims in New Mexico" (GAO-04-59). Mr. Benavides said that while much work went into creating this much anticipated report, the first of its kind written and published outside New Mexico, there are a number of problems with the report that are readily apparent.

First, he noted, the report downplays how easily the land grant confirmation process set up by the federal government could be manipulated so that a land grant would be awarded to someone other than the correct owners without the knowledge and participation of the correct

owners. Using the case of the Tierra Amarilla Land Grant as an example, Mr. Benavides explained how the report minimized the effect of the *ex parte* nature of the confirmation process and the lack of notice as they applied in that case and instead focused on a non-grant-specific evaluation of the legality of the confirmation process, concluding that there were no constitutional or other legal deficiencies in the process. Even the surveyors general, according to Mr. Benavides, recognized deficiencies in the process and the likely result of injustices being done.

Second, he pointed out how the report dismisses legitimate grievances regarding cases where community land grants were confirmed improperly, which led to partitioning and sale of common lands. Many community land grants were erroneously awarded as tenancies-in-common, even though Spanish and Mexican law did not provide for such a land tenure arrangement, which allowed for the common lands to be partitioned if just one co-tenant filed for partition, according to Mr. Benavides. If the federal government had not made the error of awarding these grants as tenancies-in-common, the existence of state or territorial partition law would not have mattered. The GAO report, he noted, consequently dismisses the loss of lands due to partitioning as a matter of state and territorial law instead of a flawed federal process.

Finally, the report states that mistakes in the confirmation process were fixable through the courts, even though this is contradicted by a number of U.S. Supreme Court and federal and state court decisions where land grant heirs have attempted, and failed, to obtain relief, according to Mr. Benavides. Though the report discusses the Supreme Court decision, *Tameling v. U.S. Freehold and Emigration, Co.*, which essentially blocked all attempts at relief, he observed that the report cites a recent district court decision with no precedential value to argue that mistakes in the confirmation process can still be remedied by the courts. Such a conclusion, he said, is misleading.

In summary, Mr. Benavides said that he would be willing to report to the committee at a later date with a more thorough evaluation of the GAO report.

Members of the committee expressed interest in hearing from the authors of the report. Senator Sanchez said that she had extended an invitation to the GAO to address the committee at its July meeting, but had not yet received a response. Roberto Mondragon said that Representative Udall's office was looking into getting legal help from UNM law students to research land grant issues through a land grant studies program.

WORK PLAN

The committee discussed its proposed work plan to follow up on the tasks it began last interim by addressing several issues that were raised with the passage of Senate Bill 142 and Senate Joint Memorials 10 and 11 of the 2004 legislative session. These issues include clarification of the responsibility for legal representation of land grants; the definition of common lands; political subdivision status; the verification of land grant status; ejectment and delinquent heir issues; review of statutes affecting individual community grants; and the status of negotiations between the Juan Tafoya Land Grant and the State Game Commission. In addition,

the committee decided to invite the authors of the recently released GAO report to present their findings to the committee and allow the attorney general and New Mexico's congressional delegation an opportunity to respond to that report. Finally, the committee proposed to hear testimony on the economic development plans of various community land grants. In addition, the committee agreed to get a status report from Representative Udall's office during the Taos meeting and to hear from the Juan Batista Valdez Land Grant, Abiquiu and Youngsville.

The committee approved the proposed work plan and budget without objection. After a brief public comment period, the committee adjourned at 12:10 p.m.

**MINUTES
of the
SECOND MEETING
of the
LAND GRANT COMMITTEE**

**August 16-17, 2004
Grants**

The second meeting of the land grant committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:25 a.m. on August 16, 2004 in the Cibola county convention room in Grants, New Mexico.

PRESENT

Sen. Bernadette M. Sanchez, chair
Rep. Miguel P. Garcia, vice chair
Sen. Rod Adair
Sen. Richard C. Martinez
Rep. Debbie A. Rodella

ABSENT

Rep. Don Tripp

Advisory Members

Sen. Joseph J. Carraro
Rep. Ben Lujan
Rep. Bengie Regensberg
Rep. Eric A. Youngberg

Staff

Jon Boller
Sheila Manzagol

Guests: A copy of the guest list is in the meeting file.

Monday, August 16

Senator Sanchez called the meeting to order at 10:25 a.m. and welcomed the public to the meeting. Committee members introduced themselves, as did members of the public.

JUAN TAFOYA LAND CORPORATION ISSUES

Ruth Armijo and James Martinez of the Juan Tafoya land corporation (JTLC) updated the committee on their negotiations with the department of game and fish over access to the Marquez wildlife area (MWA). Mr. Martinez explained that the department constructed a road through the Jack Diltz ranch to obtain public access to the wildlife area instead of coming to an agreement on access through JTLC land. Consequently, JTLC's contract to graze cattle in the

wildlife area expired, and Mr. Martinez complained that the department has blocked access to the springs in a manner that does not allow entry of the heavy machinery needed to maintain the springs, and access has been moved to a point five miles from the original access point, which was two blocks from the town of Marquez. He also noted that the department requires members of JTLC to ask permission to enter the wildlife area with heavy machinery due to fire restrictions, which he thinks is not practical. Mr. Martinez said he wants to know what the terms were for the deal for access between the department and Jack Diltz, and that if the game commission wanted to sell the land, JTLC would like to buy it since the members of the Juan Tafoya land grant have always used the area.

Mr. Martinez was asked about the history of the Juan Tafoya land grant, if it had originally been part of the Cebolleta land grant, and if the Marquez wildlife area was actually part of the original Cebolleta land grant rather than the Juan Tafoya land grant. A discussion followed concerning the history of the area and of the use of water by members of the land grant and ownership of the land in the area. The wildlife area was purchased from the Williams family in 1967, according to one observer, in part with \$290,000 of federal funds.

James Karp, general counsel for the department of game and fish, explained that in 1951, when Simon Sachs quieted title to the area now encompassing the MWA, the settlement included language granting Marquez access to and use of the water in Marquez canyon. According to Mr. Karp, the department closed the road near Marquez to vehicular traffic while it repaired fences to keep cattle out of the MWA, but still maintained walk-in access to the area on that road. He said that land grant members could still access their springs with heavy equipment by way of the new entrance to the MWA, which is only a mile, rather than five miles, from the old entrance in Marquez. The department has requested that members notify the department when they are going to use machinery in the MWA due to concerns about the fire hazard, and, he added, the department has offered to visit the site with Raymond Sanchez, Chuck Dumars and grant members to discuss access issues. Mr. Karp noted that the department will be allowing access via the old road and putting the gate back in at that location. He stressed to the committee that the game commission is not going to sell the MWA. According to Mr. Karp, the agreement with Jack Diltz allows access to the MWA, but the department is responsible for fixing fences and maintaining the road in return.

Members of the committee suggested that Mr. Martinez address a letter to the game and fish department about his access issues, and that Mr. Karp inform the committee about the details of the deal with Jack Diltz concerning access across Diltz's land and how much it will cost the department to fix the fences and improve the road. It was also suggested that state agencies should have a better working relationship with land grant communities.

Alfredo Montoya, a member of the state game commission, explained that the commission is trying to make game more profitable for both the state and private landowners. Unfortunately, he said, this has not always worked out so well, especially when a landowner does not want wildlife on his land. He went on to explain that because federal funds were used to purchase the MWA, certain conditions apply that are outside the game commission's control;

namely, that grazing cattle is not part of the purpose of the MWA and that this was a sticking point in the negotiations with JTLC. Consequently, other arrangements for access were made. He said that the game commission is working in the public interest and dealing government-to-government with land grants.

CEBOLLETA LAND GRANT

Sarah Maestas, member of the Cebolleta land grant, and Claudio Romero, president of the grant's governing board, shared with the committee a brief history of the grant. Ms. Maestas explained that the Cebolleta land grant was created in 1807 by Spanish grant and that President Chester Arthur issued a patent for 199,957 acres to the grant in 1882, but that 24,000 acres were given to Laguna Pueblo in 1884 through what is known as the Paguate Purchase. In 1907, a partition suit resulted in much of the land being transferred to attorneys in lieu of cash for payment, and 15,000 acres of that land was purchased in the 1960s by the New Mexico department of game and fish to create the Marquez wildlife area, according to Ms. Maestas. Also during the partitioning of the grant, 4,039 acres of the grant was transferred to people living in the town of Marquez and surrounding area, which is now organized as the Juan Tafoya land corporation. In the 1940s, Lee Evans claimed and was awarded approximately 117,000 acres of the Cebolleta grant by adverse possession. Today, approximately 24,000 acres of the original grant remains. Ms. Maestas said that if the state ever decides to sell the Marquez wildlife area, Cebolleta would like to purchase it since it was part of the original grant. She also noted several areas of concern to the grant, including its need to: make improvements in its sewer system; maintain its irrigation system to prevent the loss of farmland; update the bylaws to reflect changes in the statutes; and receive information on the status of the united nuclear reclamation project from the department of the environment.

GOVERNOR'S CONCERNS REGARDING SENATE BILL 142

Hilary Tompkins, deputy counsel, office of the governor, and Ned Farquhar, environmental advisor, office of the governor, reviewed a list of concerns that the governor had regarding Senate Bill 142 from the 2004 legislative session. Those concerns included the following: whether the state or county had an obligation to represent land grants in litigation; the need for a clear definition of common lands and protection of existing rights of access through common lands; the effect of designating land grants as political subdivisions of the state; the establishment of some sort of registry to verify or validate land grants; and clarification of language regarding ejectment actions by land grants. Ms. Tompkins indicated that after further research following the session, she was comfortable with the political subdivision designation as expressed in SB 142, since political subdivisions only possess powers granted to them by the legislature or as otherwise are necessarily implied. She proposed that her office work with a representative from the land grants, the attorney general's office and committee staff to draft a definition for common lands, address the possibility of a land grant registry and determine if there is any need to make changes to the law regarding legal representation of land grants. Finally, Ms. Tompkins submitted proposed language that would clarify land grant ejectment procedures, which the committee members agreed should be considered for adoption at the next

meeting after review by the land grant community.

BATTLE OF EMBUDO SITE PROTECTION

Jose Alberto Baros, Rio Arriba county planning and zoning department, presented a history of the battle of Embudo and expressed concern that the battle site is vulnerable to damage by vandals and by its proximity to a nearby gravel mine. He said that he thinks the site is under federal bureau of land management jurisdiction, but that adjoining areas are state lands, and both the state and federal agencies managing the lands should be asked to not allow any new mining there until it is determined whether the site should be protected. Commissioner Montoya suggested the county be asked to recognize the site for historic preservation and then come back to the committee to request a memorial asking the state or federal government to give the site historic preservation status.

PUBLIC COMMENT

John Chavez, Santa Cruz land grant, said that since the GAO has acknowledged that the grant still has 1,000 acres of common land remaining, the grant should be recognized officially as a community land grant.

Moises Gonzalez, Cañón de Carnue land grant, urged the committee to focus on issues rather than promote bills without adequate consideration. Things are often more complex than at first glance, he said, and bills may end up being controversial within the land grant community or beneficial to one at the expense of another. Senator Martinez said he agreed that the committee should not act on issues before it has heard the background in order to avoid helping one grant at the expense of another. Mr. Gonzales also suggested that many grants need assistance with rewriting their bylaws, in particular with regard to compliance with the Open Meetings Act. In response, Juan Sanchez, Chilili land grant, said that the attorney general is planning workshops on the Opening Meetings Act for the land grants.

Upon motion to approve the minutes of the first meeting, the minutes were adopted without objection. The committee recessed for the day.

Tuesday, August 17

The committee reconvened in Cebolleta beginning at 9:00 a.m. on Tuesday, August 17. Claudio Romero, current president of the Cebolleta land grant, and Danny Gonzales, past president of the grant, welcomed the committee to the Cebolleta land grant and gave a brief history of the grant, noting that it is the oldest non-Indian grant west of the Rio Grande and currently has about 450 members. Mr. Romero informed the committee that the grant recently received approximately \$300,000 to make improvements to its irrigation system and \$500,000 to install a drinking water system for Bibo and Cebolleta. He noted that the sewer and wastewater system is still in need of repair, however. The committee was then given a tour of the grant. The committee adjourned at 12:15 p.m.

MINUTES
of the
THIRD MEETING
of the
LAND GRANT COMMITTEE
September 2-3, 2004
Carnuel

The third meeting of the Land Grant Committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:35 a.m. in the Cañón de Carnue Land Grant Hall.

PRESENT

Sen. Bernadette M. Sanchez, chair
Rep. Miguel P. Garcia, vice chair
Sen. Rod Adair (Sept. 3)
Sen. Richard C. Martinez
Rep. Debbie A. Rodella

ABSENT

Rep. Don Tripp

Advisory Members

Rep. Eric A. Youngberg (Sept. 2)

Sen. Joseph J. Carraro
Rep. Ben Lujan
Rep. Bengie Regensberg

(Attendance dates are noted for members not present for the entire meeting.)

Staff

Jon Boller
Sheila Manzagol

Guests

A copy of the guest list is in the meeting file.

Thursday, September 2

Senator Sanchez welcomed the public to the meeting. Committee members introduced themselves, as did members of the public.

CARNUE LAND GRANT

Moises Gonzales and Richard Nieto, Cañón de Carnue Land Grant, presented a history of the land grant to the committee. Mr. Gonzales explained that the east mountain area of Bernalillo County and Tarrant County contained the second most numerous functioning community land grants in New Mexico. La Merced del Pueblo de Cañón de Carnue, or Carnue Land Grant as it is commonly known, was one of the earliest grants made in the state, circa 1763, originally

contained approximately 90,000 acres, he said, and was established as a defensive settlement for the Villa de Albuquerque by Tomás Velez Cachupin. The grant was abandoned in the 1770s, but was later resettled and finally reissued its community grant status in 1819. In 1903, the Court of Private Land Claims, basing its decision on the Supreme Court's *Sandoval* decision, reduced the 90,000 acre claim to 2,000 acres. The grant lost another 1,000 acres of land with the arrival of Route 66 and later Interstate 40, according to Mr. Gonzales, leaving the grant with about 1,000 acres in total today. Due to the proximity of the grant to Albuquerque, the grant pays very high property taxes, possibly the most of any grant, he said. When asked about losing land to highway construction, Mr. Gonzales said he hopes there could be a way for land grants to retrieve lands that were condemned but that are later found to not be necessary for state projects. Committee members asked that staff research whether a bill could be drafted to allow community land grants a first right of refusal to purchase any state-owned lands that are being sold and were originally part of the grant. Mr. Gonzales said he is also concerned about proposals to construct a land bridge across I-40 in Tijeras Canyon, or expand the number of traffic lanes, since that would take even more of the little remaining land of the grant. The committee requested that the department of transportation and the department of game and fish be invited to the next meeting to address any such plans and to include land grant members in any planning in the future that might affect land grants.

TORREÓN LAND GRANT

Jose Perea, Torreón Land Grant, gave a brief history of the grant, saying that the grant was surveyed by the United States in 1859 and 1881, and that of the 31,000 acres described in the survey, 14,000 acres were eventually patented in 1907. Unfortunately, he said, most of the land was eventually lost to pay back taxes, and only about 100 acres of common land remains in grant hands. He said that much sacrifice went into keeping the grant together; for example, at one time each family had to donate money to pay for a teacher for the school. The grant is governed under the general provisions, he noted, and the board is being reorganized in accordance with the recent changes in statute. When asked about water issues, Mr. Perea explained that there is no longer any water in the arroyo to supply the acequia, but that Torreón does have a domestic water system that supplies approximately 72 families.

SAN ANTONIO DE LAS HUERTAS LAND GRANT

Tony Lucero, San Antonio de las Huertas Land Grant, said that grant members had been talking about revising the statutes governing land grants for many years, and that the cooperation and perseverance that went into passing last year's legislation could be seen as a rebirth of land grants in New Mexico. He noted that for nearly 240 years, a family chain had protected the grant and that that chain should not be broken. He stressed that land grant members are heirs, but also benefactors for future generations. Mr. Lucero said that Tomás Velez Cachupin also established the San Antonio de las Huertas Land Grant in 1763, and told the grant how to build the walls, plaza, corrals and fortified parapets. The area was fairly peaceful from 1765 to the 1820s, but less so with the Mexican takeover in the 1820s, when many grant members moved down to the river communities. The original grant extended from the town of Bernalillo to the

top of the Sandias, encompassing about 48,000 acres, and 130,000 acres in additional claims, he explained, but only 4,763 acres were approved by the Court of Private Land Claims, which restricted claims to individual allotments in accordance with the *Sandoval* decision. A third of the approved grant went to the grant's lawyer, Mr. Catron, and today only about 500 acres of the grant remain. The Sandia Mountain Wilderness was formed out of old grant lands, so members can no longer use that land for grazing, he explained. Mr. Lucero said the grant is now confronted with what to do in the future, and said members would like to develop projects, such as building a nursing home and low-cost housing and educating young people in business. When asked if the price of land in Placitas is more than in Carnuel, Mr. Lucero replied that taxes are high and that paying the grant's taxes is sometimes a problem. Representative Garcia suggested that the committee examine the issue of taxes on grant lands.

GOVERNOR'S CONCERNS REGARDING SENATE BILL 142; COMMON LANDS DEFINITION; COUNTY ATTORNEY ISSUES

Hilary Tompkins, deputy counsel, Office of the Governor, explained that the Attorney General's Office (AGO) is of the opinion that the state is under no obligation to provide land grants with legal representation, which is consistent with other political subdivisions of the state that must provide for their own legal representation. Committee staff added that the counsel for the Association of Counties reported that he also sees no county obligation to provide legal representation to land grants based merely on their status as political subdivisions of the state. Consequently, Ms. Tompkins said she does not see a need to amend the provisions of the land grant statutes as they pertain to legal representation of the land grants.

The second issue Ms. Tompkins addressed is the addition of a definition of "common lands" to Article 1 of Chapter 49 NMSA 1978. She explained that the language she is proposing is simply a draft proposal and that her office would work with committee staff, land grant representatives, the AGO and the title insurance industry to make any necessary changes to the language. Ed Roibal, executive director of the New Mexico Land Title Association, said that at first blush the proposed language looks good and that he could probably support it. He offered to work with everyone to come up with a final version. There was general agreement that the purpose of inserting a definition of common lands is to allay fears that the changes made to the general provisions governing land grants potentially affect existing rights of access to private lands within community land grants.

Mr. Gonzales informed the governor's staff about the concerns that grant members have about Interstate 40 and the wildlife corridor proposals in Tijeras Canyon. Ned Farquhar, environmental advisor to the governor, said he would be glad to follow up with Mr. Gonzales, the department of game and fish and the department of transportation. Committee members also asked that someone from the governor's staff attend all the committee's meetings. Mr. Farquhar offered that he would be happy to attend the upcoming meetings.

ECONOMIC DEVELOPMENT PLANNING FOR COMMUNITY LAND GRANTS

Arturo Archuleta, North Central Economic Development District (NCEDD), explained that though the NCEDD only covers a seven-county area in north central New Mexico, which does not include Bernalillo or Torrance counties, it is better positioned to assist land grants than the Middle Rio Grande Planning District because of its experience working on rural development issues. He said the NCEDD has begun working on a formal process with the department of finance and administration by which land grants can apply for capital outlay funds and can offer land grants technical assistance to develop comprehensive plans. One area in which land grants are disadvantaged, he noted, is in finding a guaranteed revenue stream to leverage debt.

Steve Gonzales, region two representative of the Economic Development Department (EDD), explained that House Memorial 50 requested the governor and EDD to move forward with promoting business and the appropriate economic development of land grants. Accordingly, he said, the department is planning the first land grant summit, which will be held in mid-November in Albuquerque. The summit will focus on economic development, finance, management and other issues, according to Steve Gonzales.

Moises Gonzales, Mexicano Land Trust, stated that the land trust had gotten its initial funding through the federal Housing and Urban Development Department pursuant to its faith-based initiative program. He listed several projects that the land trust is promoting with regard to land grants, including meeting housing needs, job creation, developing infrastructure, land use planning and zoning over the long term, GIS mapping of common lands and recovery of lost lands. Moises Gonzales went on to describe various projects and plans being considered for Carnuel, Tijeras, Chilili, Truchas, Cundiyo, Anton Chico, Petaca Juan Batista Valdez, Abiquiu, Las Huertas and others. The projects range from water and wastewater systems, small business centers and senior citizen care centers to film production facilities, backpacking lodges and game management plans.

When asked about forest-thinning projects and land grants, Steve Gonzales replied that Las Vegas has received a grant and Vallecitos is addressing the issue. Mr. Farquhar urged the land grant representatives to attend a September 9 meeting on the state's healthy forest planning process.

PUBLIC COMMENT

Juan Sanchez, Chilili, expressed concern about having a definition of common lands in the statutes, noting that each grant is different, and that if fee simple land is at some point returned to a grant, it would not necessarily be part of the common lands.

Tony Lucero, Las Huertas, suggested "a valid heir" should be used, rather than just the term "heir", and that "valid title" should be changed to "good chain of title out of the grant".

Carmen Quintana said that the organization she represents has worked on land grant bylaws and many grants have made progress. She also mentioned that land grants such as Santa Fe have sold or given away grant lands without ever compensating the grant's heirs.

The committee recessed at 4:45 p.m.

Friday, September 3

The committee reconvened at the Cañón de Carnue Land Grant Hall at 9:00 a.m. and then traveled south to tour the Chilili Land Grant. Juan Sanchez showed the committee the land grant's gymnasium, which is still being built, and described the many difficulties in getting needed services to the grant. Mr. Sanchez also gave a brief history of the grant. After lunch at the Chilili Land Grant Community Center, the committee adjourned at 2:00 p.m.

**MINUTES
of the
FOURTH MEETING
of the
LAND GRANT COMMITTEE
October 21-22, 2004
Taos**

The fourth meeting of the land grant committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:35 a.m. in the Taoseno room of the Taos convention center.

PRESENT

Sen. Bernadette M. Sanchez, chair
Sen. Richard C. Martinez
Rep. Debbie A. Rodella

ABSENT

Rep. Miguel P. Garcia, vice chair
Sen. Rod Adair
Rep. Don Tripp

Advisory Members

Rep. Ben Lujan

Sen. Joseph J. Carraro
Rep. Bengie Regensberg
Rep. Eric A. Youngberg

Staff

Jon Boller
Sheila Manzagol

Guests

A copy of the guest list is in the meeting file.

Thursday, October 21

Senator Bernadette Sanchez welcomed the public to the meeting. Committee members introduced themselves, as did members of the public.

DEPARTMENT OF TRANSPORTATION (DOT) ISSUES; SJM 11 REPORT

Moises Gonzales, Mexicano Land Trust, and John Chavez, Truchas Land Grant, summarized land grant concerns with various DOT policies and practices. Mr. Gonzales said that the major concern of many land grants is the loss of common lands through condemnation by the DOT for such highways as I-40 through Carnuel and Cubero, I-25 through San Miguel del Vado and Tecolote and state highway 76 through Truchas. He noted that although these roads overall represent critical transportation corridors for all New Mexicans, the lack of long-range planning and development of transportation alternatives has resulted in continuing impacts on land grants. Examples include the cutting off of access to common lands due to drainage design and lack of

access drives, roads and overpasses and the sale to private landowners of previously condemned grant lands that were later found to be unnecessary for a given project. Mr. Gonzales said he hopes that with the passage of Senate Bill 142 and the consequent classification of many land grants as political subdivisions, the DOT and land grants will in the future be negotiating rights of way on a more equal footing.

Mr. Gonzales went on to ask the DOT to notify the Carnue Land Grant of any proposed sale of any land formerly part of the grant and to work closely with the grant on any proposed changes to the I-40 corridor that runs through the grant.

Mr. Chavez reported on the status of negotiations with the DOT over state highway 76, which runs through the Truchas Land Grant. He said that negotiations seemed to be going better since the passage of Senate Joint Memorial 11 last spring, but that there are still some unanswered questions about the realignment of "prisoners' curve" in 1976 and the amount per acre the DOT is offering for land it needs for realignment of the highway. Also, he expressed concern about the safety of the highway, noting that there had been four deaths on one stretch of the road. Finally, Mr. Chavez said that the DOT has offered the grant \$3,000 per acre for the land needed for a realignment of the highway, but that that amount is far too low considering that land in Chimayo sells for \$20,000 to \$40,000 per acre.

Bill Moyers, Chris Vigil and Angela Sandoval, all from the DOT, appeared before the committee to report on Senate Joint Memorial 11, planning for a wildlife corridor in Tijeras canyon and returning unused grant land when it is no longer needed for highway purposes.

Mr. Moyers reported that the DOT has met with representatives from the La Nuestra Senora del Rosario de San Fernando y Santiago Land Grant (aka the Truchas Land Grant) and has discussed several issues relating to state highway 76. He said that the DOT had paid approximately \$80.00 in 1953 for the 53 acres taken for the highway easement at that time, which may have reflected a reduced rate offered by the seller to encourage highway improvements in the area. At the request of the land grant, he said, the DOT committed to abandon any right of way rendered surplus by the realignment of the highway to encourage the contractor to purchase gravel and other road materials from the land grant and to obtain easements rather than property in fee simple from the land grant in the future. Committee members suggested that the DOT make these agreements in writing. Asked about a 1976 realignment of the highway, Mr. Moyers stated that he had not found any records on that project, but that he would do more research on it. Committee members asked if they could get an inventory of surplus property that was formerly grant land but that is currently held by the DOT. Mr. Moyers indicated that the DOT would review its records, but could not guarantee a complete answer by the next meeting of the committee. Committee members also asked Mr. Moyers to look into how condemnation procedures would change if a land grant is designated as a political subdivision of the state in accordance with the recent changes in land grant law.

Jan Ward, department of game and fish (DGF), said that the DGF is working with the Carnue Land Grant and the DOT on a plan for some type of wildlife crossing on interstate 40 between

the Carnuel and Tijeras exits. She said that a land bridge did not appear to be a likely option, but that a feasibility study should be done by January or February 2005. Part of any project would likely involve fencing to direct the wildlife flow. Mr. Gonzales expressed concern about how any proposed crossing would affect planned projects of the Carnue Land Grant. Committee members requested Ms. Ward to provide the committee with statistics on wildlife highway fatalities. Representative Debbie Rodella asked about the DGF public drawing.

LAND GRANT GENERAL STATUTES; LAND GRANT REGISTRY

Hilary Tompkins, deputy chief counsel, office of the governor, Ed Roibal, executive director, New Mexico land title association, and Juan Sanchez, Chilili Land Grant, presented the committee with changes to provisions in Article 1, Chapter 49 NMSA 1978 to clarify language on board of trustee authority over common and private lands within a land grant. At its last meeting, the committee had asked the group to come with language amenable to all parties. The committee thanked the participants for their work and requested staff to draft a bill for the committee's final meeting in November.

Ernesto Ortega, office of the secretary of state, told the committee about the community land grant registry the secretary of state had established in September 2002 in accordance with a joint memorial request from the previous legislative session. He explained that the office had established criteria for registration and that so far, 13 community land grants have registered with the secretary of state. He stressed that the secretary of state is the official filing officer of the state, but that she cannot resolve disputes among or within land grants. He also noted that the office would be willing to expand its services if given authority to do so by the legislature.

SENATE JOINT MEMORIAL 10 REPORT; ATTORNEY GENERAL PRELIMINARY REPORT

Sandra Jaramillo, state records administrator, presented the committee with a preliminary study of former land grant property that is now owned by various state agencies. She explained that she had hired former State Historian Robert Torrez to do the study in response to Senate Joint Memorial 10, which was passed during the 2004 legislative session. The study was limited to three agencies, the energy, minerals and natural resources department, the general services department and the DGF, primarily because of the enormity of the task and the limited amount of time within which to accomplish it. Expanding the study to other departments and actually doing a chain of title on the properties would require contracting for such services; this would require an appropriation from the legislature. Asked about how much this would cost, Ms. Jaramillo suggested a figure of \$80,000 to \$100,000.

David Benavides, New Mexico legal aid, said that his views on the GAO report that was released last June have changed very little, and that he is still working on the final report. He explained that he is on contract with the attorney general's office and that they would work together to do the final review and edit the report before its release. Asked when the attorney general would be scheduling sessions to inform community land grants about their rights and responsibilities as

political subdivisions of the state, Mr. Benavides replied that the attorney general is not planning any meetings on that topic, but that the land grants could request such sessions in a formal letter to the attorney general. Finally, the committee asked Mr. Benavides to look into the condemnation issue as it relates to land grants as political subdivisions.

TAOS LAND GRANT; AREA LAND GRANTS

Frank Trujillo, Taos Land Grant, gave a brief history of the grant, noting that it was established in 1796 with over 100,000 acres and water from three rivers. He presented the committee with a book on the history of the grant and then introduced Miguel Angel, from New Mexico highlands university, who described a proposal to promote the export of organic farm produce from New Mexico to Cuba. He said that nearly \$800 million worth of exports flowed to Cuba last year, and that New Mexico needs to join that market. He said that the United States should normalize relations with Cuba. He also informed the committee of a scholarship program to a medical school in Cuba for students who promise to return to the state and practice in underserved areas. Currently, he said, four students from New Mexico are in this program. Mr. Trujillo added that he is trying to organize land grants to establish coops to promote organic crops that could be exported to Cuba, noting that 35 states are already doing business there in some form. They said that 176 countries have trade relations with Cuba, and that only two, the United States and Israel, continue to support a blockade against that country.

Bert Lucero and Filemon Sanchez, Las Trampas Land Grant, gave a history of the Las Trampas Land Grant, describing how the Santa Fe Ring had basically gotten hold of most of the grant nearly 100 years ago. However, Mr. Lucero said, grant members still claim that nearly 7,000 acres remain within the grant, and that they are attempting to organize as a municipality. He expressed concern that many organizations and agencies have not yet accepted the land grant as a political subdivision. He also said that the grant is facing many problems, including the extent of forest thinning going on in the grant's watershed. He urged the state to revisit its adverse possession and partition laws and to put a moratorium on further land sales within the grant until title problems have been resolved. Finally, he said that land lost to tax sales should be returned to the grant. Committee members suggested talking to Bill Fulginiti about municipal incorporation.

Joe Romero and Filoberto Romero, La Serna Land Grant, asked that the state halt all quiet title suits in their land grant until the government could resurvey the grant, since the 1941 survey was not done correctly and the grant is in danger of losing even more of its land. They said that a private company had already quieted title to 5,000 acres of grant lands recently. Alan Vigil, from the Taos county planning department, said he would be glad to be a resource in helping La Serna establish title to its lands.

Alberto Baros updated the committee on his efforts to have the Embudo battle site declared an historic site. He said he is trying to get three counties to sponsor a memorial on the Taos rebellion. The committee recessed at 4:30 p.m.

Friday, October 22

The committee met at 9:00 a.m. at the Taos civic center and from there took a tour of the Taos Land Grant and surrounding area. The committee adjourned at noon.

**MINUTES
of the
FIFTH MEETING
of the
LAND GRANT COMMITTEE
November 30, 2004
Santa Fe**

The fifth meeting of the Land Grant Committee was called to order by Senator Bernadette M. Sanchez, chair, at 10:20 a.m. in room 311 of the State Capitol.

PRESENT

Sen. Bernadette M. Sanchez, chair
Rep. Miguel P. Garcia, vice chair
Sen. Rod Adair
Sen. Richard C. Martinez
Rep. Debbie A. Rodella

ABSENT

Rep. Don Tripp

Advisory Members

Rep. Ben Lujan

Sen. Joseph J. Carraro
Rep. Bengie Regensberg
Rep. Eric A. Youngberg

Staff

Jon Boller
Sheila Manzagol

Guests: A copy of the guest list is in the meeting file.

Tuesday, November 30

DEPARTMENT OF TRANSPORTATION ISSUES

Rey Romero and William Moyers, Department of Transportation (DOT) counsel and Andres-Aragon Viamonte, DOT deputy secretary, briefed the committee on various DOT issues related to land grants. Mr. Romero said that the department has been working closely with the Carnue and the Truchas Land Grants. The department is trying to identify surplus lands within the Carnue Land Grant and is also working on drainage problems and alignments for wildlife crossings along Interstate 40, according to Mr. Romero and Moises Gonzales, who represented the Carnue Land Grant at the meeting. Mr. Moyers updated the committee on property issues concerning realignment of the highway through the Truchas Grant and explained that Section 42A-4-1 NMSA 1978 provides for condemnation of Spanish or Mexican land grants by eminent domain, and that there was no exception to condemnation procedures for political subdivisions of the state. Rather, he noted, only state-owned land was subject to a different condemnation procedure. In effect, land grant property is treated the same as property owned by cities or

counties. He cautioned, however, that over than 95 percent of the time, landowners negotiate an amenable settlement and therefore condemnation is not used to obtain needed rights of way. David Benavides added that there is case law that holds that the condemnation of land held by a public entity must be for a higher use, though this may not apply in the case of land grants. The committee asked Mr. Benevides and Mr. Romero to work together to determine whether or not legislation is needed to clarify condemnation procedures with respect to land grants and report back to committee staff. Committee members requested Mr. Romero to supply the committee with any documentation related to the establishment and realignment of State Road 76 through Truchas in the 1950s and 1970s. Mr. Romero agreed to do so. Committee members also asked that DOT look into problems with the highway that runs through Cebolleta, where flooding occurs during every heavy rainfall. The committee thanked DOT for working with Truchas and the other land grants.

LEGISLATION

The committee adopted without objection the following bills:

- changes to Chapter 49, Article I (.152680);
- illegal dumping appropriation (.152677);
- authorize official land grant registry (.152679 with modifications);
- tax sale procedures for former grant lands (.152678 with modifications);
- local economic development district appropriation for planning assistance to Article I land grants (.152676.2); and
- memorial urging support of federal land grant legislation (in concept).

COMMITTEE BUSINESS

The committee adopted without objection the minutes from the July, September and October meetings, and also endorsed a letter encouraging the attorney general to inform land grants of changes in law affecting their governance and to meet with land grant representatives who have questions concerning the changes in law.

The committee discussed whether or not it needed to submit another memorial to request that the legislative council recreate the land grant committee for the 2005 interim. Staff was requested to find out if a simple request to leadership would suffice in lieu of a memorial. The committee also requested that staff find out if the attorney general was planning to continue to fund a position dedicated to land grant issues, and if the attorney general not, to draft an appropriation specifying that the attorney general re-establish that position. Committee members requested that a letter be drafted to the Department of Game and Fish asking for a more detailed report on the total costs of changing the access route to the Marquez wildlife area from the route's former location, including the costs for fence repair and construction, road maintenance and repair and any other costs associated with the change, since the last response only dealt with expenses associated with the road and fence on Jack Diltz's property. Finally, the committee asked that the attorney general notify the Department of Finance and Administration of the need to change its rules concerning the eligibility of land grants to receive economic development funds from the state and from federal sources.

PUBLIC COMMENT

David Benavides reported that the New Mexico Court of Appeals recently overturned a district court holding that had allowed adverse possession of common lands in the Tecolote Land Grant. Juan Sanchez thanked the committee for its work over the interim, as did Jerry Fuentes. Carmen Quintana expressed concerns about the committee not dealing with private land grants, and urged the committee to expand its scope into this arena. Anthony Giron asked about the mistaken classification of his land grant in the GAO report released last summer.

The committee, having completed its business, adjourned at 12:30 p.m.

ENDORSED
LEGISLATION

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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; ESTABLISHING AN OFFICIAL COMMUNITY
LAND GRANT REGISTRY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. COMMUNITY LAND GRANT REGISTRY ESTABLISHED--
REPORTING REQUIREMENTS.--

A. The secretary of state shall establish the "New
Mexico community land grant registry".

B. A community land grant organized and governed
pursuant to Chapter 49, Article 1 NMSA 1978 and operating as a
political subdivision of the state shall register its bylaws
and a list of current officers with the secretary of state.

The board of trustees of that land grant shall notify the
secretary of state of the names and positions of the land
grant's elected or appointed officers upon their election or

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1 appointment.

2 C. Community land grants organized and operating
3 pursuant to special statutes or other general statutes may also
4 register their bylaws and lists of officers with the secretary
5 of state.

6 D. A community land grant that registers in
7 accordance with Subsections A or B of this section may request
8 the secretary of state to keep on file copies of current or
9 historical documents or maps submitted by the board of trustees
10 to the secretary of state; provided that the secretary of state
11 may store such documents and maps in the state archives and
12 records center.

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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO TAXATION; ALLOWING LAND GRANTS TO MATCH THE BEST
BID FOR FORMER GRANT LANDS SOLD AT DELINQUENT TAX AUCTIONS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 7-38-67 NMSA 1978 (being Laws 1973,
Chapter 258, Section 107, as amended by Laws 2001, Chapter 253,
Section 3 and by Laws 2001, Chapter 254, Section 3) is amended
to read:

"7-38-67. REAL PROPERTY SALE REQUIREMENTS.--

A. Real property [~~may~~] shall not be sold for
delinquent taxes before the expiration of three years from the
first date shown on the tax delinquency list on which the taxes
on the real property became delinquent.

B. Notice of the sale shall be published in a local
newspaper within the county where the real property is located

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1 or, if there is no local county or municipal newspaper, then a
2 newspaper published in a county contiguous to or near the
3 county in which the real property is located, at least once a
4 week for the three weeks immediately preceding the week of the
5 sale. For more generalized notice, the department may choose
6 to publish notice of the sale also in a newspaper not published
7 within the county and of more general circulation. The notice
8 shall state the time and place of the sale and shall include a
9 description of the real property sufficient to permit its
10 identification and location by potential purchasers.

11 C. Real property shall be sold at public auction
12 either by the department or an auctioneer hired by the
13 department. The auction shall be held in the county where the
14 real property is located at a time and place designated by the
15 department.

16 D. If the real property can be divided so as to
17 enable the department to sell only part of it and pay all
18 delinquent taxes, penalties, interest and costs, the department
19 may, with the consent of the owner, sell only a part of the
20 real property.

21 E. Before the sale, the department shall determine
22 a minimum sale price for the real property. In determining the
23 minimum price, the department shall consider the value of the
24 property owner's interest in the real property, the amount of
25 all delinquent taxes, penalties and interest for which it is

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1 being sold and the costs. The minimum price shall not be less
2 than the total of all delinquent taxes, penalties, interest and
3 costs. Real property [~~may~~] shall not be sold for less than the
4 minimum price unless no offer met the minimum price when it was
5 offered at an earlier public auction. A sale properly made
6 under the authority of and in accordance with the requirements
7 of this section constitutes full payment of all delinquent
8 taxes, penalties and interest that are a lien against the
9 property at the time of sale, and the sale extinguishes the
10 lien.

11 F. Payment shall be made in full by the close of
12 the public auction before an offer may be deemed accepted by
13 the department.

14 G. Real property not offered for sale may be
15 offered for sale at a later sale, but the requirements of this
16 section and Section 7-38-66 NMSA 1978 shall be met in
17 connection with each sale.

18 H. The board of trustees of a community land grant
19 governed pursuant to the provisions of Chapter 49 NMSA 1978 and
20 functioning under the laws of the state, except for those land
21 grants that have organized as for-profit corporations, shall be
22 allowed to match the highest bid at a public auction, which
23 shall entitle the board of trustees to purchase the property
24 for the amount bid if:

25 (1) the property is situated within the

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1 boundaries of that land grant as shown in the United States
2 patent to the grant; and

3 (2) the board of trustees agrees that the
4 property shall be part of the common lands of the land grant."

5 Section 2. EFFECTIVE DATE.--The effective date of the
6 provisions of this act is July 1, 2005.

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SENATE BILL

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

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

MAKING AN APPROPRIATION TO THE DEPARTMENT OF ENVIRONMENT FOR
REMOVING SOLID WASTE, LIQUID WASTE AND HAZARDOUS WASTE FROM THE
COMMON LANDS OF COMMUNITY LAND GRANTS ORGANIZED UNDER STATE
LAW.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--Six hundred thousand dollars
(\$600,000) is appropriated from the general fund to the
department of environment for expenditure in fiscal year 2006
to contract for the removal of solid waste, liquid waste and
hazardous waste illegally deposited on the common lands of
community land grants organized under state law. Any
unexpended or unencumbered balance remaining at the end of
fiscal year 2006 shall revert to the general fund.

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SENATE BILL

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

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; CLARIFYING BOARD OF TRUSTEE AUTHORITY;
CLARIFYING EJECTMENT PROCEDURES.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. Section 49-1-22 NMSA 1978 (being Laws 2004,
Chapter 124, Section 2) is recompiled as Section 49-1-11.1 NMSA
1978 and is amended to read:

"49-1-11.1. RIGHTS OF LESSEES AND PURCHASERS.--

A. A person who is not an heir and who has
purchased or leased property within the limits of a land grant-
merced shall only have a right to the lands acquired through
the purchase or lease but not to any common lands within the
land grant-merced.

B. The provisions of Chapter 49, Article 1 NMSA
1978 shall not diminish, extinguish or otherwise impair any

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1 private property interest located within the boundaries of a
2 land grant-merced or be construed to grant the board of
3 trustees of a land grant-merced regulatory authority over such
4 property interests or lands other than the common lands. As
5 used in this subsection, "property interest" includes valid
6 easements and rights of access, but does not include use rights
7 to the common lands of the land grant-merced."

8 Section 2. Section 49-1-15 NMSA 1978 (being Laws 1907,
9 Chapter 42, Section 15, as amended) is amended to read:

10 "49-1-15. REMOVAL FROM LAND GRANT-MERCED--DELINQUENCY--
11 FORFEITURE.--

12 A. If a person holds in possession or claims in
13 private ownership, within the exterior boundaries of a land
14 grant-merced, any tract, piece or parcel of land to which, in
15 the opinion of the board of trustees, [~~he~~] the person has no
16 right or title, the board may institute an action of ejection
17 in district court against the person. If upon the trial it
18 [~~appears~~] is determined that such possession is without right,
19 judgment shall be rendered in favor of the board for possession
20 of the tract, piece or parcel of land and for such damages as
21 it may have proved for the wrongful detention.

22 B. Any delinquent heir shall lose all right [~~or~~
23 ~~interest~~] that the heir may have had [~~in~~] to use the common
24 lands of the land grant-merced unless the heir pays in full all
25 legal assessments or dues due by the heir."

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Section 3. EFFECTIVE DATE.--The effective date of the provisions of this act is July 1, 2005.

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BILL

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

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LAND GRANT COMMITTEE

AN ACT

MAKING AN APPROPRIATION FOR COMPREHENSIVE PLANNING FOR
COMMUNITY LAND GRANTS.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. APPROPRIATION.--Three hundred thousand dollars (\$300,000) is appropriated from the general fund to the department of finance and administration for a distribution of two hundred thousand dollars (\$200,000) to the north central New Mexico economic development district and one hundred thousand dollars (\$100,000) to the northwest New Mexico council of governments for expenditure in fiscal year 2006 to provide technical assistance to community land grants for comprehensive planning, including economic development, housing, land use, infrastructure and grant administration and training to operate as political subdivisions of the state. Any unexpended or

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1 unencumbered balance remaining at the end of fiscal year 2006
2 shall revert to the general fund.

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