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HOUSE BILL 1051

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

INTRODUCED BY

W. Ken Martinez

AN ACT

RELATING TO PUBLIC LANDS; DECLARING THE EXISTENCE OF IMPLIED  
EASEMENTS ON CERTAIN PUBLIC LANDS.

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

Section 1. LEGISLATIVE FINDINGS.--The legislature finds that Native Americans resided on lands now known as the state of New Mexico for many centuries and developed traditional home sites and pathways that long predated ownership rights later asserted by the United States of America. Furthermore, the legislature finds that at the time lands were conveyed to the state of New Mexico 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", there were no surveys of traditional occupancy or use of those lands by

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1 Native Americans who had historically inhabited many of the  
2 lands now within the state of New Mexico.

3 Section 2. PUBLIC LANDS--IMPLIED EASEMENTS.--The current  
4 use of home sites and roads used since January 6, 1912 by New  
5 Mexico residents on lands conveyed to the state of New Mexico  
6 by the act of congress of June 20, 1910, entitled "An act to  
7 enable the people of New Mexico to form a constitution and  
8 state government and be admitted into the union on an equal  
9 footing with the original states", and still owned by the state  
10 are permitted by implied easement and include the right to  
11 improve roads and provide utilities.