

SENATE JUDICIARY COMMITTEE SUBSTITUTE FOR
SENATE BILL 41

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

AN ACT

RELATING TO LAND GRANTS; REQUIRING NOTICE TO THE BOARDS OF
TRUSTEES OF CERTAIN COMMUNITY LAND GRANTS BEFORE CONDUCTING
BOUNDARY SURVEYS OF LANDS WITHIN OR BORDERING THE LAND GRANT;
REQUIRING THE FILING OF PROOF OF NOTICE.

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

Section 1. A new section of the Engineering and Surveying
Practice Act is enacted to read:

"[NEW MATERIAL] NOTICE OF BOUNDARY SURVEY--CERTAIN LAND
GRANTS.--

A. If a boundary survey of property is conducted
within or bordering the common lands of a community land grant
governed and operating pursuant to Chapter 49, Article 6, 7, 8
or 10 NMSA 1978, the surveyor shall give written notice by
certified mail to the board of trustees or commissioners of the

.181663.2

underscored material = new
[bracketed material] = delete

1 affected land grant prior to recording the boundary survey or
2 plat with the county clerk. The notice shall indicate where
3 and when the boundary survey will be or was conducted.

4 B. The board of trustees or commissioners of a
5 community land grant governed and operating pursuant to Chapter
6 49, Article 6, 7, 8 or 10 NMSA 1978 shall record with the
7 county clerk of the county within which the land grant is
8 located the address and contact information of the appropriate
9 officer of the board or commission to which notice shall be
10 given pursuant to Subsection A of this section. Any change in
11 address or contact information shall be updated and recorded as
12 soon as practicable to ensure that timely notice may be
13 accomplished by certified mail.

14 C. A surveyor shall give proof of the notice
15 required by Subsection A of this section by having the tracking
16 number of the certified mailing and the address of the land
17 grant as recorded with the county clerk acknowledged and
18 recorded on the boundary survey or plat. A boundary survey or
19 plat recorded pursuant to Section 61-23-28.2 NMSA 1978 without
20 proof of the notice required by Subsection A of this section
21 shall not be considered a valid filing or recording of the
22 boundary survey or plat."