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HOUSE BILL 569

43RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1997

INTRODUCED BY

GARY K. KING

AN ACT

RELATING TO LAND GRANTS; AMENDING THE POWERS OF BOARDS OF TRUSTEES; PROVIDING FOR THE BOARD OF TRUSTEES OF THE CHILILI LAND GRANT; AMENDING, REPEALING AND ENACTING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 49-1-3 NMSA 1978 (being Laws 1907, Chapter 42, Section 3, as amended) is amended to read:

"49-1-3. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--POWERS. -- The management and control of all the grants and tracts of land to which Sections 49-1-1 through 49-1-18 NMSA 1978 are applicable by virtue of Section 49-1-2 NMSA 1978 is hereby vested in a board of trustees, to be known as the "board of trustees of the _____ land grant" (designating the same by the name of [~~such~~] the town, colony, pueblo or community),

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1 and the board shall have the following general powers:

2 A. to control, care for and manage the grant and
3 real estate, ~~[and]~~ to prescribe the terms and conditions under
4 which the common lands ~~[thereof]~~ may be used and enjoyed and to
5 make all necessary and proper rules and regulations for the
6 government thereof;

7 B. to sue and be sued under the title ~~[aforesaid]~~ as
8 set forth in this section;

9 C. to ~~[sell, convey]~~ lease ~~[or mortgage]~~ so much of
10 the land grant or real estate under its control ~~[as aforesaid]~~
11 as is held in common;

12 D. to prescribe the price to be paid for the use of
13 the common lands and to prohibit any person failing or refusing
14 to pay ~~[such]~~ that amount from using any portion of the ~~[same]~~
15 common lands while he continues in default in ~~[such]~~ those
16 payments; provided that the amount so fixed shall be in
17 proportion to the number and kinds of livestock pasturing upon
18 ~~[such]~~ the common lands;

19 E. to adopt and use an official seal;

20 F. to appoint judges and clerks of election at all
21 elections ~~[herein]~~ provided for in Sections 49-1-1 through
22 49-1-18 NMSA 1978, subsequent to the first, and to canvass the
23 votes cast ~~[thereat]~~ in those elections; and

24 G. to make such rules and regulations, not in
25 conflict with the constitution and laws of the United States or

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1 the state of New Mexico, as may be necessary for the protection,
2 improvement and management of [~~such~~] the common lands and real
3 estate and the use and enjoyment thereof and of the common
4 waters thereon. "

5 Section 2. Section 49-4-1 NMSA 1978 (being Laws 1876,
6 Chapter 51, Section 1) is amended to read:

7 "49-4-1. CHILILI GRANT--RATIFICATION OF PARTITIONS. -- [~~Sec.~~
8 ~~41. That~~] All apportionments or partitions of land on the grant
9 of Chilili, in precinct number ten of the county of Bernalillo
10 and state of New Mexico, made by Inez Armenta as trustee or by
11 his [~~successor or~~] successors as trustees of [~~said~~] the grant to
12 the bona fide residents [~~thereon, be and the same~~] on the grant
13 are hereby confirmed. "

14 Section 3. Section 49-4-2 NMSA 1978 (being Laws 1876,
15 Chapter 51, Section 2) is amended to read:

16 "49-4-2. DEEDS TO SETTLERS. -- [~~Sec. 42.~~] It shall be the
17 duty of [~~said~~] Inez Armenta or his successors in office to
18 extend title deeds to [~~such~~] the persons [~~as~~] who have held bona
19 fide possession of the land to them apportioned for the term of
20 ten years and still hold the [~~same~~] land under the authority of
21 the [~~said~~] trustees [~~said~~]. The deeds [~~to~~] shall be signed by
22 the president of the board of trustees, and the person
23 interested [~~paying~~] shall pay the costs of [~~said~~] the deed, not
24 exceeding two dollars (\$2.00). "

25 Section 4. Section 49-4-3 NMSA 1978 (being Laws 1876,

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1 Chapter 51, Section 3, as amended) is repealed and a new Section
2 49-4-3 NMSA 1978 is enacted to read:

3 "49-4-3. [NEW MATERIAL] BOARD OF TRUSTEES--MANAGEMENT OF
4 THE GRANT--ELECTION--POWERS.--

5 A. For the purpose of managing the grant, there
6 shall be elected five active heirs to be members of the board of
7 trustees of the grant. Members of the board shall be legal
8 voters according to the qualifications for voters in New Mexico,
9 shall be active heirs of and interested in the grant and shall
10 not have committed any felony offense against the laws of New
11 Mexico.

12 B. The trustees shall be voted upon by persons who
13 have the same qualifications as members of the board of trustees
14 as provided in this section. The election for members of the
15 board of trustees shall be held within the grant at a place
16 designated by and under rules established by the board of
17 trustees on the first Sunday in January 1995 and every two years
18 thereafter.

19 C. The board of trustees is authorized to pass
20 ordinances as it deems necessary for the administration and
21 protection of the property of the grant. "

22 Section 5. A new Section 49-4-4 NMSA 1978 is enacted to
23 read:

24 "49-4-4. [NEW MATERIAL] BODY CORPORATE--TITLE--POWER TO
25 SUE AND BE SUED.--The certain land grant situated in Bernalillo

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1 and Torrance counties in New Mexico is hereby incorporated and
2 formed into a body corporate and politic under the name and
3 title of the "Chilili land grant" and as such corporate body and
4 in its name shall have the right and power to sue and be sued."

5 Section 6. A new Section 49-4-5 NMSA 1978 is enacted to
6 read:

7 "49-4-5. [NEW MATERIAL] APPOINTMENT OF OFFICERS--DUTIES--
8 BOND OF TREASURER.--The board of trustees shall appoint a
9 president, a secretary and a treasurer from among the members.
10 The secretary shall keep a correct record of the proceedings of
11 the board of trustees and shall receive and keep the funds and
12 personal property belonging to the grant. The treasurer shall
13 give a bond in favor of the grant in a sum fixed by the board
14 not to exceed two times the amount that may come into the hands
15 of the treasurer during his term."

16 Section 7. A new Section 49-4-6 NMSA 1978 is enacted to
17 read:

18 "49-4-6. [NEW MATERIAL] CONTRACTS FOR LEASE--
19 LIMITATION.--The board of trustees is authorized to make, give
20 and execute contracts for the lease of lands within the grant in
21 favor of active heirs interested in the grant, for residential
22 purposes; provided that no contract for lease may be given to
23 any person for more than two acres of land or for a term of less
24 than five years or to any person not residing on the leased
25 land. The board has no other authority to convey interests in

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1 real property. "

2 Section 8. A new Section 49-4-7 NMSA 1978 is enacted to
3 read:

4 "49-4-7. [NEW MATERIAL] TAX AUTHORIZATION. --The board of
5 trustees is authorized to tax all parties interested in the
6 grant, in proportion to the interest that each person may have
7 in the grant, to provide the necessary sums of money for the
8 defense, protection or other interests of the grant. "

9 Section 9. A new Section 49-4-8 NMSA 1978 is enacted to
10 read:

11 "49-4-8. [NEW MATERIAL] COMPENSATION OF BOARD--
12 EXPENSES. --Members of the board of trustees shall not receive
13 any compensation for their services; provided that they shall be
14 paid for other necessary expenses that they may incur in
15 connection with the grant. "

State of New Mexico House of Representatives

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

February 19, 1997

Mr. Speaker:

Your JUDICIARY COMMITTEE, to whom has been referred

HOUSE BILL 569

has had it under consideration and reports same with
recommendation that it DO PASS, and thence referred to the
TAXATION AND REVENUE COMMITTEE.

Respectfully submitted,

Thomas P. Foy, Chairman

FORTY-THIRD LEGISLATURE
FIRST SESSION, 1997

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Adopted _____ Not Adopted _____

(Chief Clerk)

(Chief Clerk)

Date _____

The roll call vote was 7 For 1 Against

Yes: 7

No: Larranaga

Excused: Alwin, Luna, Mallory, Rios, Pederson

Absent: None

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