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HOUSE BILL 81

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Miguel P. Garcia

ENDORSED BY THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; PROHIBITING THE COMMON LANDS OF A LAND GRANT-MERCED THAT IS A POLITICAL SUBDIVISION OF THE STATE FROM BEING CONSIDERED TO BE, DESIGNATED OR TREATED AS STATE LAND; PRESERVING THE PROPERTY RIGHTS OF CERTAIN HEIRS; DECLARING AN EMERGENCY.

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

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

"49-1-11.1. RIGHTS OF LESSEES AND PURCHASERS--RIGHTS TO USE OF COMMON LANDS.--

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

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underscored material = new
~~[bracketed material] = delete~~

underscored material = new
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1 land grant-merced.

2 B. The provisions of Chapter 49, Article 1 NMSA
3 1978 shall not diminish, extinguish or otherwise impair any
4 private property interest located within the boundaries of a
5 land grant-merced or be construed to grant the board of
6 trustees of a land grant-merced regulatory authority over such
7 property interests or lands other than the common lands. As
8 used in this subsection, "property interest" includes valid
9 easements and rights of access, but does not include use rights
10 to the common lands of the land grant-merced.

11 C. The designation of land grants-mercedes as
12 political subdivisions of the state shall not alter the
13 property rights of the heirs in the common lands. The common
14 lands owned or controlled by a land grant-merced shall not be
15 considered to be, designated or treated as state land."

16 SECTION 2. EMERGENCY.--It is necessary for the public
17 peace, health and safety that this act take effect immediately.