

Veto

HOUSE BILL 440

42ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 1995

INTRODUCED BY

Joseph Salazar
x
Albino J. Rodilla
Bob Lujan

AN ACT

RELATING TO LAND GRANTS; REVISING ELECTION PROCEDURES FOR THE
NUESTRA SENORA DEL ROSARIO, SAN FERNANDO Y SANTIAGO LAND
GRANT; AMENDING SECTIONS OF THE NMSA 1978.

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

Section 1. Section 49-8-1 NMSA 1978 (being Laws 1909,
Chapter 52, Section 1) is amended to read:

"49-8-1. NUESTRA SENORA DEL ROSARIO, SAN FERNANDO Y
SANTIAGO LAND GRANT--TRUSTEES--ELECTION.--[See. 64.] The
government and control of the common lands of the land grant
known as the "Nuestra Senora del Rosario, San Fernando y
Santiago land grant" is [~~hereby~~] vested in [~~three~~] five
trustees, to be known officially as "the board of trustees of
the Nuestra Senora del Rosario, San Fernando y Santiago land
grant", who shall be elected [~~annually~~] biennially by the

1 owners of interests in ~~[said]~~ the grant either by inheritance
2 from the original grantees ~~[thereof]~~ or by purchase from an
3 heir ~~[therein]~~."

4 Section 2. Section 49-8-2 NMSA 1978 (being Laws 1909,
5 Chapter 52, Section 2) is amended to read:

6 "49-8-2. ELECTIONS--RIGHT TO VOTE.--~~[See 65.]~~

7 A. ~~[In each year]~~ On the ~~[second]~~ first Monday of
8 April of each alternate year, an election shall be held after
9 the trustees ~~[shall]~~ have given at least ~~[three]~~ seven days
10 notice thereof by posting not less than five notices in
11 conspicuous places within ~~[said]~~ the grant, which shall
12 include the post offices at Truchas, Cordova, formerly known
13 as Quemado, and Chimayo. ~~[The trustees shall receive all~~
14 ~~written or printed ballots presented at said election between~~
15 ~~the hours of 3 and 5 p.m., which]~~ Except as provided in
16 Article 8, Chapter 49 NMSA 1978, the election shall be
17 conducted as nearly as practical in the same manner as
18 provided in the Election Code for the conduct of general
19 elections, provided that the board of trustees of the Nuestra
20 Senora del Rosario, San Fernando y Santiago land grant and the
21 secretary of the board shall perform the functions designated
22 in that code for the county commission and the county clerk,
23 respectively, and provided further that no registration shall
24 be required.

25 B. Official ballots for voting shall contain the

underscored material = new
[bracketed material] = delete

1 names of not [~~more~~] less than five owners of interests in
2 [~~said~~] the grant. [~~and shall canvass said votes and declare~~]
3 No voter shall vote for more than five members of the board of
4 trustees. The five persons receiving the highest number of
5 votes [~~to~~] shall be elected as trustees for the ensuing [~~year~~]
6 two years.

7 C. At all elections, every owner of an undivided
8 interest in [~~said~~] the grant shall be entitled to [~~one~~] vote
9 on one ballot. The trustees in charge of [~~such~~] the election
10 shall prepare from the best information obtainable a list of
11 all owners of interest in [~~said~~] the grant and shall deliver
12 the [~~same~~] list to their successors. Any person claiming to
13 be the owner of an interest whose claim is not admitted by the
14 trustees may file with them an oath in writing, stating that
15 he is [~~such~~] an owner and giving as fully as he can the chain
16 of title to [~~such~~] his interest [~~and~~]. If [~~such~~] his claim
17 [~~be~~] is substantiated by the oaths in writing of two owners of
18 such interests, he shall be permitted to vote at [~~such~~] the
19 election."

20 Section 3. Section 49-8-3 NMSA 1978 (being Laws 1909,
21 Chapter 52, Section 3, as amended) is amended to read:

22 "49-8-3. OFFICERS--MEETING--VACANCIES.--[~~See, 66.~~] The
23 members of the board of trustees so elected shall meet within
24 one week after the election and organize by the election of a
25 president, secretary and treasurer who shall perform such

1 duties as may be required of them by [~~such~~] the board. A
 2 majority of the board shall constitute a quorum for the
 3 transaction of business. All meetings of [~~said~~] the board
 4 shall be open to all owners of interests in [~~said~~] the grant,
 5 who shall have the right to be present and to be heard on all
 6 matters on which they may be interested. If a vacancy [~~shall~~
 7 ~~occur~~] occurs in [~~such~~] the board, the remaining members
 8 [~~thereof~~] shall fill [~~such~~] the vacancy by appointment until
 9 the next [~~annual~~] election. The board may make such rules as
 10 to its meetings and order of business as it [~~shall think~~]
 11 deems proper."

12 Section 4. Section 49-8-4 NMSA 1978 (being Laws 1909,
 13 Chapter 52, Section 4, as amended) is amended to read:

14 "49-8-4. BOARD OF TRUSTEES--POWERS.--[~~Sec. 67. Said~~]
 15 The board of trustees shall have the following general powers:

16 [~~1-~~] A. to control, care for and manage the common
 17 lands of [~~said~~] the grant and all the property pertaining
 18 thereto, [~~and~~] to prescribe the terms on which they may be
 19 used and to make all necessary and proper regulations for the
 20 government thereof;

21 [~~2-~~] B. to sue and be sued under the title
 22 [~~aforesaid~~] set forth in Section 49-8-1 NMSA 1978;

23 [~~3-~~] C. to lease any portions of [~~said~~] the common
 24 land or the pasturage thereon and to sell any timber, wood,
 25 stone, grass or other product or personal property of [~~said~~]

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1 the grant;

2 [4+] D. to pay all taxes and other expenses due on
3 [~~said~~] the common land; and

4 [5+] E. in case the income exceeds the expenses, to
5 expend the balance to benefit all the owners equitably or for
6 [~~in such~~] improvements upon [~~said~~] the common land [~~as~~] that
7 will be for the general benefit of the owners.

8 The board of trustees shall make a report in writing of
9 its transactions during the preceding year, including an
10 account of all [~~moneys~~] money received and expended, at the
11 opening of the annual meeting of the owners [~~of interests at~~
12 ~~the time of each annual election~~]."

State of New Mexico
Senate

FORTY-SECOND LEGISLATURE
FIRST SESSION, 1995

HB 440a

March 13, 1995

Mr. President:

Your JUDICIARY COMMITTEE, to whom has been referred

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has had it under consideration and reports same with recommendation that it DO PASS, amended as follows:

1. On page 3, line 9, after "ballot" insert "per interest owned".
2. On page 5, line 5, after "balance" strike the remainder of the sentence.
3. On page 5, line 6, strike the brackets and line through "in such".

Respectfully submitted,


Fancie D. Paster, Chairman

Adopted 
(Chief Clerk)

Not Adopted _____
(Chief Clerk)

Date

3/14/95

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