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SENATE MEMORIAL 57

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Elizabeth "Liz" Stefanics

A MEMORIAL

REQUESTING THE OFFICE OF SUPERINTENDENT OF INSURANCE TO STUDY
AND REPORT ON METHODS TO MITIGATE THE CREATION OF HIGH-RISK
TITLE INSURANCE ZONES THAT RESULT FROM INTERGOVERNMENTAL
CONFLICTS.

WHEREAS, New Mexico's history of land possession and
ownership has created a mosaic of sometimes overlapping title
claims and governmental jurisdictions derived from distinct
bodies of law; and

WHEREAS, within its boundaries, New Mexico contains all or
part of the lands of twenty-four federally recognized Indian
nations, tribes and pueblos; and

WHEREAS, the boundaries of many of the Indian nations,
tribes and pueblos are based on individual treaties, acts of
the United States congress and judicial rulings interpreting

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1 those treaties and congressional acts; and

2 WHEREAS, the boundaries of many of the Indian pueblos are
3 based on a combination of aboriginal territorial claims,
4 community grants of land awarded by the governments of Spain
5 and Mexico and recognized under the Treaty of Guadalupe Hidalgo
6 and judicial rulings delineating their land rights based on
7 aboriginal territory and the Treaty of Guadalupe Hidalgo; and

8 WHEREAS, land ownership and title within the boundaries of
9 some of the federally recognized Indian nations, tribes and
10 pueblos in New Mexico were complicated by the mid-twentieth-
11 century federal policy of awarding allotments of reservation
12 lands, similar to titles in fee simple, to individual members
13 of Indian nations, tribes and pueblos; and

14 WHEREAS, many Hispanic and genizaro communities in New
15 Mexico were also awarded community grants of land by the
16 governments of Spain and Mexico that were recognized by the
17 Treaty of Guadalupe Hidalgo, but the titles to these grants are
18 often traced through congressional acts and judicial rulings
19 different from those governing the awards of community lands to
20 Indian pueblos; and

21 WHEREAS, the combination of sometimes overlapping claims
22 to land and the multiple jurisdictions of federally recognized
23 Indian nations, tribes and pueblos, and the state and its
24 political subdivisions occasionally gives rise to
25 intergovernmental conflicts; and

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1 WHEREAS, intergovernmental conflicts regarding
2 jurisdiction or land ownership have created geographic zones
3 that are designated as "high risk" by title insurance
4 companies; and

5 WHEREAS, through no fault of their own, property owners in
6 a "high risk" zone must pay extremely high insurance rates and
7 sometimes cannot find available title insurance at any price;
8 and

9 WHEREAS, the title insurance market in "high risk" zones
10 disrupts housing and housing loan markets and negatively
11 impacts local economies;

12 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE OF THE STATE
13 OF NEW MEXICO that the office of superintendent of insurance be
14 requested to study methods of lowering "high risk" title
15 insurance designations and of mitigating the impacts of "high
16 risk" zone designations on property owners, housing and housing
17 loan markets and on local economies; and

18 BE IT FURTHER RESOLVED that the office of superintendent
19 of insurance be requested to present a report of its findings
20 to the appropriate interim legislative committee by November 1,
21 2017; and

22 BE IT FURTHER RESOLVED that a copy of this resolution be
23 transmitted to the office of superintendent of insurance and
24 the governor.

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