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HOUSE BILL 454

44TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2000

INTRODUCED BY

Lisa L. Lutz

AN ACT

RELATING TO LAND GRANTS; INCREASING THE POWERS OF THE BOARDS OF TRUSTEES; PROVIDING THAT WATER RIGHTS AND THE LAND OF LAND GRANTS SHALL NOT BE LOST BY PRESCRIPTION, ADVERSE POSSESSION OR NONUSE.

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

Section 1. A new section of Chapter 49, Article 1 NMSA 1978 is enacted to read:

**"[NEW MATERIAL] COMMUNITY LAND GRANTS--TRUSTEES--
ADDITIONAL POWERS.--In addition to the powers conferred on the board of trustees of a community land grant under the provisions of Section 49-1-3 NMSA 1978, the board of trustees of a community land grant shall have the following additional general powers over lands within the grant:**

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1 A. for the purpose of promoting health, safety or
2 the general welfare, all the powers of a zoning authority,
3 including the power to regulate and restrict within the grant
4 the:

5 (1) height, number of stories and size of
6 buildings and other structures;

7 (2) percentage of a tract of land that may
8 be occupied;

9 (3) size of yards, courts or other open
10 space;

11 (4) density of population; and

12 (5) location and use of buildings,
13 structures and land for trade, industry, residence and other
14 purposes;

15 B. the power to impose negative easements on lands
16 held in common within the exterior boundaries of the land
17 grant if the board deems that the negative easements will be
18 beneficial to the lands held in common; and

19 C. the power to impose property taxes pursuant to
20 the provisions of Paragraph (2) of Subsection C of Section
21 7-37-7 NMSA 1978 on the net taxable value of all real
22 property within the community land grant for the use of the
23 community land grant for general purposes. "

24 Section 2. A new section of Chapter 49, Article 1 NMSA
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1 1978 is enacted to read:

2 "[NEW MATERIAL] PRESCRIPTION AND ADVERSE POSSESSION. --

3 The rights of a community land grant to the waters of the
4 land grant, or the use thereof, or the land within the land
5 grant shall not be lost by the land grant by prescription or
6 by adverse possession, or for nonuse of the waters. "

7 Section 3. REPEAL. --Section 37-1-21 NMSA 1978 (being
8 Laws 1857-1858, p. 64, as amended) is repealed.

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