

underscored material = new  
[bracketed material] = delete

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

HOUSE JOINT MEMORIAL 74  
**47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005**

INTRODUCED BY  
W. Ken Martinez

A JOINT MEMORIAL  
REQUESTING A STUDY OF ALLEGATIONS OF UNAUTHORIZED USE OF STATE  
LANDS BY NATIVE AMERICANS WHO HAVE USED AND OCCUPIED CERTAIN  
LANDS FOR DECADES.

WHEREAS, the United States transferred ownership of  
certain lands granted or confirmed to the state by the act of  
congress of June 20, 1910, entitled "An act to enable the  
people of New Mexico to form a constitution and state  
government and be admitted into the union on an equal footing  
with the original states"; and

WHEREAS, at the time of the transfer of certain lands from  
the United States to New Mexico there was no survey done to  
determine whether such lands were being utilized or occupied;  
and

WHEREAS, at the time of the transfer of certain lands from  
.156407.1

underscored material = new  
[bracketed material] = delete

1 the United States to New Mexico some of those lands had been  
2 and were being used or occupied by Native Americans; and

3 WHEREAS, allegations have been asserted that certain lands  
4 that have been used or occupied for decades by Native Americans  
5 are lands owned by New Mexico and that Native Americans using  
6 or occupying those lands are doing so without authorization;  
7 and

8 WHEREAS, many Native Americans and their families will be  
9 adversely affected if there is an effort to dispossess them  
10 from lands allegedly owned by New Mexico;

11 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE  
12 STATE OF NEW MEXICO that it recognize the importance of the  
13 question of Native Americans using and occupying lands  
14 allegedly owned by New Mexico and the hardship that would be  
15 imposed as a result of any effort to dispossess Native  
16 Americans from lands they have used and possessed for decades;  
17 and

18 BE IT FURTHER RESOLVED that the state land office and the  
19 Indian affairs department be requested to work together to  
20 study the question of whether Native Americans may be using or  
21 occupying lands transferred by the United States to the state  
22 of New Mexico, including the extent of any such use or  
23 occupation, and provide recommendations for resolving potential  
24 claims of unauthorized use of state lands; and

25 BE IT FURTHER RESOLVED that no later than November 2005

.156407.1

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

1 the state land office and the Indian affairs department report  
2 to the appropriate interim legislative committees on their  
3 findings and recommendations, including any recommendations  
4 that require legislative approval or funding to implement; and

5 BE IT FURTHER RESOLVED that copies of this memorial be  
6 transmitted to the president of the Navajo Nation, the speaker  
7 of the Navajo Nation council, the president of the Mescalero  
8 Apache Tribe, the president of the Jicarilla Apache Nation, the  
9 commissioner of public lands and the secretary of Indian  
10 affairs.

11 - 3 -  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25

.156407.1