

1 HOUSE BILL 33

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Matthew McQueen and Roberto "Bobby" J. Gonzales and
5 Susan K. Herrera and Leo Jaramillo and Kristina Ortez
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7
8 FOR THE LAND GRANT COMMITTEE
9

10 AN ACT

11 RELATING TO LAND GRANTS; INCLUDING THE CRISTOBAL DE LA SERNA
12 LAND GRANT-MERCED AS A LAND GRANT-MERCED GOVERNED BY THE
13 PROVISIONS OF CHAPTER 49, ARTICLE 1 NMSA 1978.
14

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

16 SECTION 1. Section 49-1-2 NMSA 1978 (being Laws 1907,
17 Chapter 42, Section 2, as amended) is amended to read:

18 "49-1-2. APPLICATION.--

19 A. [~~Sections 49-1-1 through 49-1-18~~] Chapter 49,
20 Article 1 NMSA 1978 shall apply to all land grants-mercedes
21 confirmed by the congress of the United States or by the court
22 of private land claims or designated as land grants-mercedes in
23 any report or list of land grants prepared by the surveyor
24 general and confirmed by congress, but shall not apply to any
25 land grant that is now managed or controlled in any manner,

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1 other than as provided in [~~Sections 49-1-1 through 49-1-18~~]
2 Chapter 49, Article 1 NMSA 1978, by virtue of any general or
3 special act.

4 B. If a majority of the members of the board of
5 trustees of a land grant-merced covered by specific legislation
6 determines that the specific legislation is no longer
7 beneficial to the land grant-merced, the board has the
8 authority to petition the legislature to repeal the legislation
9 and to be governed by its bylaws and as provided in [~~Sections~~
10 ~~49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA 1978.

11 C. The town of Tome land grant-merced, situated in
12 Valencia county, confirmed by congress in 1858 and patented by
13 the United States to the town of Tome, shall be governed by the
14 provisions of [~~Sections 49-1-1 through 49-1-18~~] Chapter 49,
15 Article 1 NMSA 1978.

16 D. The town of Atrisco land grant-merced, situated
17 in Bernalillo county, confirmed by the court of private land
18 claims in 1894 and patented by the United States to the town of
19 Atrisco in 1905, shall be governed by the provisions of
20 [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA
21 1978; provided that the board of trustees shall not have
22 regulatory jurisdiction over, and the provisions of Chapter 49,
23 Article 1 NMSA 1978 shall not apply to or govern, any lands or
24 interests in real property the title to which is held by any
25 other person, including a public or private corporation,

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1 partnership or limited liability company.

2 E. The Tecolote land grant-merced, also known as
3 the town of Tecolote, situated in San Miguel county, confirmed
4 by congress in 1858 and patented by the United States to the
5 town of Tecolote in 1902, shall be governed by the provisions
6 of [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA
7 1978.

8 F. Notwithstanding the provisions of Subsection A
9 of this section to the contrary, the San Antonio del Rio
10 Colorado land grant-merced, situated in Taos county, which
11 claim was recommended for confirmation by surveyor general
12 James K. Proudfit in 1874 and again in 1886 by surveyor general
13 George W. Julian, but not confirmed by congress, shall be
14 governed by the provisions of [~~Sections 49-1-1 through 49-1-18~~]
15 Chapter 49, Article 1 NMSA 1978.

16 G. The Manzano land grant-merced, also known as la
17 merced del Manzano land grant-merced, situated in Torrance
18 county, confirmed by congress in 1860 and patented by the
19 United States to the town of Manzano in 1907, shall be governed
20 by the provisions of Chapter 49, Article 1 NMSA 1978.

21 H. Notwithstanding the provisions of Subsection A
22 of this section to the contrary, the Cristobal de la Serna land
23 grant-merced, situated in Taos county, with a land patent
24 issued on January 19, 1903, serial patent document number
25 1191903, and by the United States bureau of land management as

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1 "Serna, Cristoval", serial number NMNMAA 0088014, but not
2 confirmed by congress, shall be governed by the provisions of
3 Chapter 49, Article 1 NMSA 1978."

4 SECTION 2. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2023.

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