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HOUSE BILL

52ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2016

INTRODUCED BY

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO PARTITIONS OF LAND GRANTS-MERCEDES; ESTABLISHING  
QUALIFIED PARTITIONS OF LAND GRANTS-MERCEDES AS AUTONOMOUS LAND  
GRANTS-MERCEDES; AMENDING SECTIONS OF THE NMSA 1978.

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

SECTION 1. Section 49-1-1.1 NMSA 1978 (being Laws 2004,  
Chapter 124, Section 1) is amended to read:

"49-1-1.1. DEFINITIONS.--As used in Chapter 49 NMSA 1978:

A. "heir" means a person who is a [~~descendent~~]  
descendant of the original grantees and has an interest in the  
common land of a land grant-merced through inheritance, gift or  
purchase;

B. "land grant-merced" means:

(1) a grant of land made by the government of  
Spain or by the government of Mexico to a community, town,

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1 colony or pueblo or to a person for the purpose of founding or  
2 establishing a community, town, colony or pueblo; or

3 (2) a grant of land made by the community,  
4 town, colony or pueblo that received a grant of land as  
5 provided in Paragraph (1) of this subsection that, prior to  
6 2004, was partitioned from the lands of that land grant-merced  
7 for the purpose of establishing common lands for a separate  
8 community, town or pueblo and where the boundaries of those  
9 common lands have been confirmed by deed of title or indenture  
10 executed by the board of trustees of that land grant-merced or  
11 by a state or federal court; and

12 C. "qualified voting member" means an heir who is  
13 registered to vote in a land grant-merced as prescribed in the  
14 land grant-merced bylaws."

15 SECTION 2. Section 49-1-2 NMSA 1978 (being Laws 1907,  
16 Chapter 42, Section 2, as amended by Laws 2013, Chapter 8,  
17 Section 1 and by Laws 2013, Chapter 83, Section 1) is amended  
18 to read:

19 "49-1-2. APPLICATION.--

20 A. Sections 49-1-1 through 49-1-18 NMSA 1978:

21 (1) shall apply to:

22 (a) all land grants-mercedes confirmed  
23 by the congress of the United States or by the court of private  
24 land claims or designated as land grants-mercedes in any report  
25 or list of land grants prepared by the surveyor general and

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1 confirmed by congress; and

2 (b) any partition of a land grant-merced  
3 conveyed by deed of title or indenture executed by the board of  
4 trustees of a land grant-merced or by a state or federal court  
5 to an heir or heirs of that land grant-merced for the purpose  
6 of establishing common lands for a separate land grant-merced;  
7 provided that the conveyance of that partition is affirmed by a  
8 court of competent jurisdiction and that the partition is  
9 certified by the Guadalupe Hidalgo treaty division of the  
10 office of the attorney general to have been managed as common  
11 lands for the heirs of that partition for at least twenty years  
12 prior to the enactment of this 2016 act. The Guadalupe Hidalgo  
13 treaty division may establish methods and procedures for  
14 certification; but

15 (2) shall not apply to any land grant that is  
16 now managed or controlled in any manner, other than as provided  
17 in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any  
18 general or special act.

19 B. If a majority of the members of the board of  
20 trustees of a land grant-merced covered by specific legislation  
21 determines that the specific legislation is no longer  
22 beneficial to the land grant-merced, the board has the  
23 authority to petition the legislature to repeal the legislation  
24 and to be governed by its bylaws and as provided in Sections  
25 49-1-1 through 49-1-18 NMSA 1978.

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1 C. The town of Tome land grant-merced, situated in  
2 Valencia county, confirmed by congress in 1858 and patented by  
3 the United States to the town of Tome, shall be governed by the  
4 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

5 D. The town of Atrisco land grant-merced, situated  
6 in Bernalillo county, confirmed by the court of private land  
7 claims in 1894 and patented by the United States to the town of  
8 Atrisco in 1905, shall be governed by the provisions of  
9 Sections 49-1-1 through 49-1-18 NMSA 1978; provided that the  
10 board of trustees shall not have regulatory jurisdiction over,  
11 and the provisions of Chapter 49, Article 1 NMSA 1978 shall not  
12 apply to or govern, any lands or interests in real property the  
13 title to which is held by any other person, including a public  
14 or private corporation, partnership or limited liability  
15 company.

16 E. The Tecolote land grant-merced, also known as  
17 the town of Tecolote, situated in San Miguel county, confirmed  
18 by congress in 1858 and patented by the United States to the  
19 town of Tecolote in 1902, shall be governed by the provisions  
20 of Sections 49-1-1 through 49-1-18 NMSA 1978.

21 ~~[E.]~~ F. Notwithstanding the provisions of  
22 Subsection A of this section to the contrary, the San Antonio  
23 del Rio Colorado land grant-merced, situated in Taos county,  
24 which claim was recommended for confirmation by surveyor  
25 general James K. Proudfit in 1874 and again in 1886 by surveyor

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1 general George W. Julian, but not confirmed by congress, shall  
2 be governed by the provisions of Sections 49-1-1 through  
3 49-1-18 NMSA 1978."

4 SECTION 3. EFFECTIVE DATE.--The effective date of the  
5 provisions of this act is July 1, 2016.