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HOUSE BILL 121

**54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

INTRODUCED BY

Tomás E. Salazar and Miguel P. Garcia

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, as amended) is amended to read:

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

A. "child" means a biological, adopted or foster  
child, a stepchild, a legal ward or a child of a person  
standing in loco parentis;

B. "heir" means a person who is a descendant of the  
original grantees and has an interest in the common land of a  
land grant-merced through inheritance, gift or purchase or as  
defined in the bylaws of a land grant-merced;

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1 C. "land grant-merced" means:  
2 (1) a grant of land made by the government of  
3 Spain or by the government of Mexico to a community, town,  
4 colony or pueblo or to a person for the purpose of founding or  
5 establishing a community, town, colony or pueblo; or

6 (2) land that prior to 2004 was partitioned  
7 from the lands granted to a community or town or as provided in  
8 Paragraph (1) of this subsection, provided that the:

9 (a) partition was made for the purpose  
10 of establishing common lands for a separate community or town;

11 (b) boundaries of the partitioned common  
12 lands have been confirmed by deed of title or indenture  
13 executed by the board of trustees of the original land grant-  
14 merced or by a state or federal court; and

15 (c) conveyance of the partition was to  
16 heirs of the original land grant-merced;

17 D. "parent" includes a biological, adoptive or  
18 foster parent, a stepparent or an individual who stands in loco  
19 parentis to a child;

20 E. "precinct" means a geographic location such as a  
21 community or town that is guaranteed an apportioned amount of  
22 positions on the board of trustees of a land grant-merced as  
23 defined in the land grant-merced bylaws;

24 F. "qualified voting member" means an heir who is  
25 registered to vote in a land grant-merced as prescribed in the

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1 land grant-merced bylaws; and

2 G. "sibling" includes a stepsibling and a half-  
3 sibling."

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

6 "49-1-2. APPLICATION.--

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

8 (1) shall apply to:

9 (a) all land grants-mercedes confirmed  
10 by the congress of the United States or by the court of private  
11 land claims or designated as land grants-mercedes in any report  
12 or list of land grants prepared by the surveyor general and  
13 confirmed by congress; [~~but~~] and

14 (b) a partition of a land grant-merced  
15 made pursuant to Section 49-1-1.1 NMSA 1978, provided that: 1)  
16 the partition is affirmed by a court of competent jurisdiction;  
17 and 2) the Guadalupe Hidalgo treaty division of the office of  
18 the attorney general certifies that the partitioned land has  
19 been managed as common land for the original partition  
20 beneficiaries or their heirs for at least twenty years prior to  
21 July 1, 2020; but

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

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1                   B. The Guadalupe Hidalgo treaty division shall  
2                   establish methods and procedures for certifying partitions of  
3                   land grants-mercedes pursuant to Subparagraph (b) of Paragraph  
4                   (1) of Subsection A of this section.

5                   ~~[B-]~~ C. If a majority of the members of the board  
6 of trustees of a land grant-merced covered by specific  
7 legislation determines that the specific legislation is no  
8 longer beneficial to the land grant-merced, the board has the  
9 authority to petition the legislature to repeal the legislation  
10 and to be governed by its bylaws and as provided in Sections  
11 49-1-1 through 49-1-18 NMSA 1978.

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

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

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1 person, including a public or private corporation, partnership  
2 or limited liability company.

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

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

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

21 **SECTION 3. EFFECTIVE DATE.**--The effective date of the  
22 provisions of this act is July 1, 2020.