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HOUSE BILL

**53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

INTRODUCED BY

DISCUSSION DRAFT

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS-MERCEDES; REMOVING RESTRICTIONS ON LAND  
REGULATION BY THE ATRISCO LAND GRANT-MERCED.

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

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

"49-1-2. APPLICATION.--

A. Sections 49-1-1 through 49-1-18 NMSA 1978 shall  
apply to all land grants-mercedes confirmed by the congress of  
the United States or by the court of private land claims or  
designated as land grants-mercedes in any report or list of  
land grants prepared by the surveyor general and confirmed by  
congress, but shall not apply to any land grant that is now

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1 managed or controlled in any manner, other than as provided in  
2 Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any  
3 general or 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 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 NMSA 1978.

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

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

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

13           **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
14 provisions of this act is July 1, 2017.