

1 SENATE BILL 68

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

4 Linda M. Lopez

5
6
7
8 ENDORSED BY THE LAND GRANT COMMITTEE

9
10 AN ACT

11 RELATING TO LAND GRANTS; AMENDING SECTION 49-1-5 NMSA 1978
12 (BEING LAWS 1907, CHAPTER 42, SECTION 5, AS AMENDED) TO
13 ESTABLISH CANVASSING BOARDS FOR BOARD ELECTIONS; UPDATING
14 PROVISIONS OF CHAPTER 49, ARTICLE 4 NMSA 1978 SO THAT THE
15 DEFINITIONS, QUALIFICATIONS FOR THE BOARD, DUTIES AND POWERS OF
16 THE BOARD, ELECTION PROCEDURES AND PROPERTY FORFEITURE RULES
17 FOR THE CHILILI LAND GRANT-MERCED ARE SUBSTANTIALLY SIMILAR TO
18 THE DEFINITIONS, QUALIFICATIONS FOR THE BOARD, DUTIES AND
19 POWERS OF THE BOARD, ELECTION PROCEDURES AND PROPERTY
20 FORFEITURE RULES FOR LAND GRANTS-MERCEDES GOVERNED PURSUANT TO
21 CHAPTER 49, ARTICLE 1 NMSA 1978.

22
23 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

.218545.1SA

underscored material = new
[bracketed material] = delete

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

1 "49-1-5. ELECTION OF MEMBERS OF BOARD OF TRUSTEES--
2 VOTERS' QUALIFICATIONS--REGISTRATION--~~[PROVISIONAL BALLOTS]~~
3 CANVASSING BOARD.--

4 A. Elections for the board of trustees shall be
5 held on the first Monday in April or on a day designated in the
6 bylaws, either every two or every four years as specified in
7 the bylaws of the land grant-merced.

8 B. All qualified voting members of the land grant-
9 merced are qualified to vote and may vote for trustees as
10 specified in the land grant-merced bylaws.

11 C. The registration of qualified voting members
12 shall be conducted in the manner prescribed in the land grant-
13 merced bylaws. The secretary of the board of trustees shall
14 maintain the registration books. Registration shall be closed
15 beginning fifteen days before an election and reopened on the
16 Monday following the election. The board of trustees shall
17 meet to finalize the registration books by resolution at least
18 five days prior to the election.

19 D. The registration books compiled before each
20 election shall be used at that election. No person shall vote
21 at the election unless duly registered in the books, and no
22 ballot of any unregistered person shall be counted or
23 canvassed.

24 E. A candidate for the board of trustees shall file
25 a declaration of candidacy with the secretary of the board of

1 trustees. The period when declarations of candidacy may be
2 filed shall begin on the day the proclamation calling the
3 election is published and shall remain open for at least ten
4 days.

5 F. Whenever an election is to be called or is
6 required by law, the board of trustees shall by resolution
7 issue a public proclamation calling the election. The
8 proclamation shall specify:

9 (1) the date on which the election will be
10 held;

11 (2) the purpose for which the election is
12 called;

13 (3) if positions on the board of trustees are
14 to be filled, the date and time by which declarations of
15 candidacy are to be filed;

16 (4) if a question is to be voted upon, the
17 text of that question;

18 (5) the location of each polling place in the
19 land grant-merced;

20 (6) the hours that each polling place will be
21 open;

22 (7) the date and time of the closing of the
23 registration books; and

24 (8) the date and time of the meeting to
25 finalize the registration books.

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

1 G. Not less than thirty days nor more than forty-
2 five days before the date of the election, the board of
3 trustees shall publish in Spanish and English the proclamation
4 in a local newspaper of general circulation available within
5 the boundaries of the land grant-merced and post the
6 proclamation in at least five public places within the land
7 grant-merced.

8 H. The board of trustees shall appoint one election
9 judge and at least ~~[two election clerks]~~ one election clerk for
10 each polling place. The board of trustees shall appoint at
11 least two individuals, excluding the election judge, to a
12 canvassing board for each election. The election judge shall
13 also ~~[be present for the canvass of the vote]~~ serve on the
14 canvassing board. No person shall be qualified for appointment
15 or service as an election clerk or judge, or as a member of a
16 canvassing board, who through blood, law or marriage is a
17 spouse, parent, child or sibling of any candidate to be voted
18 for at the election.

19 I. The board of trustees shall provide in the
20 bylaws for the forms and procedures by which the land grant-
21 merced elections are conducted. If the board of trustees
22 chooses to provide for early or absentee voting, it shall
23 specify in its bylaws the procedures by which early or absentee
24 voting shall be conducted."

25 SECTION 2. Section 49-4-4.1 NMSA 1978 (being Laws 2007,
.218545.1SA

underscored material = new
[bracketed material] = delete

1 Chapter 145, Section 2) is amended to read:

2 "49-4-4.1. DEFINITIONS.--As used in Chapter 49, Article 4
3 NMSA 1978:

4 A. "board of trustees" means the board of trustees
5 of the Chilili land grant-merced;

6 B. "child" means a biological, adopted or foster
7 child, a legal ward or a child of a person standing in loco
8 parentis;

9 [~~B.~~] C. "common lands" means lands owned by the
10 Chilili land grant for the benefit of the heirs of the land
11 grant-merced;

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

15 [~~D.~~] E. "land grant-merced" means the grant of land
16 made by the government of Mexico to the town of Chilili in
17 1841, which was confirmed by congress in 1858 and issued a
18 patent by the United States in 1909; [~~and~~]

19 F. "parent" includes a biological, adoptive or
20 foster parent or an individual who stands in loco parentis to a
21 child;

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

.218545.1SA

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

1 ~~[E-]~~ H. "qualified voting member" means an heir who
2 is registered to vote in the land grant-merced as prescribed in
3 the land grant-merced bylaws; and

4 I. "sibling" includes a stepsibling and a
5 half-sibling."

6 SECTION 3. Section 49-4-5 NMSA 1978 (being Laws 2007,
7 Chapter 145, Section 4) is amended to read:

8 "49-4-5. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--POWERS.--
9 The board of trustees shall have the power to:

10 A. control, care for and manage the land
11 grant-merced and real estate owned by the land grant-merced;
12 prescribe the terms and conditions under which the common lands
13 may be used and enjoyed; and make all necessary and proper
14 bylaws, rules and regulations that shall be in substantial
15 compliance with applicable statutes for the government thereof;

16 B. sue and be sued and have the standing to sue in
17 law or equity to protect and expand the common lands of the
18 land grant-merced;

19 C. convey, lease or mortgage the common lands of
20 the land grant-merced in accordance with the land grant-merced
21 bylaws;

22 D. determine the number of animals that may be
23 permitted to graze upon the common lands and determine other
24 uses of the common lands that may be authorized;

25 E. prescribe the price to be paid for the use of

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

1 the common lands and resources of the land grant-merced and
2 prohibit a person failing or refusing to pay that amount from
3 using a portion of the common lands while the person continues
4 in default in those payments; provided that the amount fixed
5 shall be in proportion to the number and kinds of livestock
6 pasturing upon the common lands or to other authorized use of
7 the common lands;

8 F. adopt and use an official seal;

9 G. appoint judges and clerks and a canvassing board
10 of election at all elections provided for in Chapter 49,
11 Article 4 NMSA 1978 [~~and canvass the votes cast in those~~
12 ~~elections~~];

13 H. make bylaws, rules and regulations, not in
14 conflict with the constitution and laws of the United States or
15 the state of New Mexico, as may be necessary for the
16 protection, improvement and management of the common lands and
17 real estate and for the use and enjoyment of the common lands
18 and of the common waters of the land grant-merced;

19 I. determine land use, local infrastructure and
20 economic development of the common lands of the land grant-
21 merced; [~~and~~]

22 J. determine zoning of the common lands of the land
23 grant-merced pursuant to a comprehensive plan approved by the
24 local government division of the department of finance and
25 administration that considers the health, safety and general

.218545.1SA

underscoring material = new
[bracketed material] = delete

1 welfare of the residents of the land grant-merced [~~The~~
2 ~~department of finance and administration shall select a~~
3 ~~qualified arbitrator to arbitrate for zoning conflicts between~~
4 ~~the land grant-merced and neighboring municipalities and~~
5 ~~counties~~]; and

6 K. enter into memoranda of understanding, contracts
7 and other agreements with a local, state or federal government
8 or a government of a federally recognized Indian nation, tribe
9 or pueblo, including but not limited to agreements concerning
10 the protection and maintenance of cultural resources."

11 SECTION 4. Section 49-4-7 NMSA 1978 (being Laws 2007,
12 Chapter 145, Section 6, as amended) is amended to read:

13 "49-4-7. ELECTION OF MEMBERS OF BOARD OF TRUSTEES--
14 VOTERS' QUALIFICATIONS--REGISTRATION--CANVASSING BOARD--

15 A. Elections for the board of trustees shall be
16 held on the first Monday in April or on a day designated in the
17 bylaws, either every two or every four years as specified in
18 the bylaws of the land grant-merced.

19 B. All qualified voting members of the land grant-
20 merced are qualified to vote and may vote for trustees as
21 specified in the land grant-merced bylaws.

22 C. The registration of [~~qualified~~] voting members
23 shall be conducted in the manner prescribed in the land grant-
24 merced bylaws. The secretary of the board of trustees shall
25 maintain the registration books. Registration shall be closed

.218545.1SA

1 beginning fifteen days before an election and reopened on the
2 Monday following the election.

3 D. The registration books compiled before each
4 election shall be used at that election. A person shall not
5 vote at the election unless duly registered in the books, and a
6 ballot of any unregistered person shall not be counted or
7 canvassed.

8 E. A candidate for the board of trustees shall file
9 a declaration of candidacy with the secretary of the board of
10 trustees. The period when declarations of candidacy may be
11 filed shall begin on the day the proclamation calling the
12 election is published and shall remain open for at least ten
13 days.

14 F. Whenever an election is to be called or is
15 required by law, the board of trustees shall by resolution
16 issue a public proclamation calling the election. The
17 proclamation shall specify:

18 (1) the date on which the election will be
19 held;

20 (2) the purpose for which the election is
21 called;

22 (3) if positions on the board of trustees are
23 to be filled, the date and time by which declarations of
24 candidacy are to be filed;

25 (4) if a question is to be voted upon, the

underscored material = new
[bracketed material] = delete

1 text of that question;

2 (5) the location of each polling place in the
3 land grant-merced;

4 (6) the hours that each polling place will be
5 open; ~~and~~

6 (7) the date and time of the closing of the
7 registration books; and

8 (8) the date and time of the meeting to
9 finalize the registration books.

10 G. Not less than thirty days nor more than forty-
11 five days before the date of the election, the board of
12 trustees shall publish in Spanish and English the proclamation
13 in a local newspaper of general circulation available within
14 the boundaries of the land grant-merced and post the
15 proclamation in at least five public places within the land
16 grant-merced.

17 H. The board of trustees shall appoint one election
18 judge and at least ~~[two election clerks]~~ one election clerk for
19 each polling place. The board of trustees shall appoint at
20 least two individuals, excluding the election judge, to a
21 canvassing board for each election. The election judge shall
22 also ~~[be present for the canvass of the vote]~~ serve on the
23 canvassing board. No person shall be qualified for appointment
24 or service as an election clerk or judge who through blood, law
25 or marriage is a spouse, parent, child, brother or sister of

.218545.1SA

underscored material = new
[bracketed material] = delete

1 any candidate to be voted for at the election.

2 I. The board of trustees shall provide in the
3 bylaws for the forms and procedures by which the land grant-
4 merced elections are conducted. If the board of trustees
5 chooses to provide for early or absentee voting, it shall
6 specify in its bylaws the procedures by which early or
7 absentee voting shall be conducted."

8 SECTION 5. A new Section 49-4-7.1 NMSA 1978 is enacted
9 to read:

10 "49-4-7.1. [NEW MATERIAL] PROVISIONAL BALLOTS--
11 REQUIREMENTS FOR USE--PROCEDURES.--

12 A. A person shall be permitted to vote on a
13 provisional paper ballot even though the person's name does not
14 appear in the land grant-merced registration book; provided
15 that the person:

16 (1) shows proof to the election judge and
17 clerk that the person is a qualified voting member; and

18 (2) executes a statement swearing or affirming
19 that to the best of the person's knowledge, the person:

20 (a) is a qualified voting member of the
21 land grant-merced;

22 (b) is currently registered and eligible
23 to vote in the land grant-merced election; and

24 (c) has not yet cast a ballot or voted
25 in the election for which the person is seeking to vote by

.218545.1SA

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

1 provisional ballot.

2 B. A judge or election clerk shall write the
3 person's name on the voter roster, have the voter sign next to
4 the voter's name and issue the voter a provisional paper
5 ballot, an outer envelope and an official inner envelope. The
6 voter shall vote on the provisional paper ballot in secrecy
7 and, when done, place the ballot in the official inner
8 envelope, place the official inner envelope in the outer
9 envelope, sign the outer envelope and return the envelope to
10 the judge or election clerk. The election judge or clerk shall
11 ensure that the required information is completed on the outer
12 envelope and place the envelope in a container designated for
13 provisional paper ballots.

14 C. At a minimum, the following information shall be
15 printed on the outer envelope for a provisional paper ballot:

- 16 (1) the name and signature of the voter;
- 17 (2) the voter's registered address, both
18 present and former, if applicable;
- 19 (3) the voter's date of birth;
- 20 (4) the reason for using the provisional
21 ballot, including what proof was given to assert land
22 grant-merced qualified voting member status; and
- 23 (5) sufficient space to list the disposition
24 of the ballot after review by the canvassing board.

25 D. A provisional paper ballot shall not be rejected

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

1 for lack of the information required by this section and shall
2 be qualified as long as the voter provides a valid signature
3 and sufficient information for the judge and canvassing board
4 to determine whether the voter is a qualified voting member.

5 E. Knowingly executing a false statement
6 constitutes perjury as provided in the Criminal Code, and
7 voting on the basis of such falsely executed statement
8 constitutes fraudulent voting.

9 F. Upon closing of the polls, provisional ballots
10 shall be kept by the election judge until the canvassing of the
11 votes by the election judge and canvassing board, who shall
12 determine if the ballots will be counted prior to certification
13 of the election.

14 G. If the voter was registered with the land
15 grant-merced and the canvassing board determines that the
16 individual was left off of the registration book in error, the
17 provisional paper ballot shall be counted; provided that if the
18 qualified voting member did not sign either the signature
19 roster or the ballot's envelope, the provisional paper ballot
20 shall not be counted.

21 H. If there is no record of the voter ever having
22 been registered with the land grant-merced, the voter shall be
23 offered the opportunity to register and the provisional paper
24 ballot shall not be counted."

25 SECTION 6. Section 49-4-8 NMSA 1978 (being Laws 2007,

.218545.1SA

underscored material = new
[bracketed material] = delete

1 Chapter 145, Section 7, as amended) is amended to read:

2 "49-4-8. ELECTION--VOTES REQUIRED--CANVASSING VOTES.--

3 A. The candidates receiving the most votes cast for
4 the open seats on the board of trustees shall be elected to the
5 board.

6 B. The election judges and [~~board of trustees~~] the
7 canvassing board shall meet not later than seven days following
8 the election and canvass the votes cast and issue to each
9 candidate duly elected to a seat on the board a certificate of
10 election.

11 C. In the event of a tie vote between any
12 candidates for the board of trustees, the determination of
13 which of the candidates shall be declared to have been elected
14 shall be decided by lot. If the method for determining by lot
15 is not set forth in the bylaws of the land grant-merced, the
16 method shall be agreed upon by the tied candidates. The
17 canvassing board shall issue the certificate of election to the
18 candidate chosen by lot.

19 D. Any unsuccessful candidate for election to the
20 board of trustees or any qualified voting member of a land
21 grant-merced who believes that any portion of a land
22 grant-merced election was conducted in violation of any
23 requirements set forth in Chapter 49, Article 4 NMSA 1978 or
24 the land grant-merced bylaws may contest the outcome of an
25 election; provided that the election contest is filed with the

.218545.1SA

1 Guadalupe Hidalgo treaty division of the office of the attorney
2 general within thirty days from the issuance of the
3 certificate of the election by the canvassing board.

4 E. In the event that the conduct or outcome of an
5 election is contested, the person or persons holding a
6 certificate of election shall take possession of and discharge
7 the duties of the office until the contest is decided.

8 F. The Guadalupe Hidalgo treaty division of the
9 office of the attorney general shall promulgate rules for
10 investigating and deciding the outcome of contested elections,
11 which rules shall include:

12 (1) forms for filing an official contest of an
13 election;

14 (2) procedures for conducting investigations
15 and collecting evidence for contested elections; and

16 (3) administrative procedures for appealing a
17 decision made by the division.

18 G. The Guadalupe Hidalgo treaty division of the
19 office of the attorney general shall render a decision on
20 election contests within ninety days of the date on which the
21 election contest was filed. If it is determined that the
22 election requirements were violated, the decision shall include
23 whether the election:

24 (1) could be remedied and the actions
25 required, including dates of implementation, to effect a

underscored material = new
[bracketed material] = delete

1 remedy; or

2 (2) is invalidated; provided that if a new
3 election is required, the decision may include instructions for
4 holding a new election to correct procedures that caused the
5 violations."

6 SECTION 7. Section 49-4-9 NMSA 1978 (being Laws 2007,
7 Chapter 145, Section 8, as amended) is amended to read:

8 "49-4-9. ORGANIZATION OF BOARD--BONDS--VACANCIES.--

9 A. All members of the newly elected board of
10 trustees shall meet no later than seven days after the votes
11 are canvassed and organize themselves by the election of a
12 president, secretary and treasurer. The treasurer shall
13 perform such duties as may be required by the board and shall
14 furnish to the board a good and sufficient surety bond in a sum
15 as set forth in this section, to be conditioned as are the
16 bonds of other public officials handling public money. It is
17 the duty of the treasurer to deposit all the money of the land
18 grant-merced in a bank or credit union organized and doing
19 business in New Mexico.

20 B. In the event of the death or resignation of the
21 treasurer, the board shall fill the vacancy by appointing one
22 of the members of the board as treasurer, who shall, before
23 entering into the performance of the duties as treasurer,
24 execute and furnish to the board a good and sufficient surety
25 bond, similar to the bond entered into by the predecessor

.218545.1SA

underscoring material = new
[bracketed material] = delete

1 treasurer.

2 C. The amount of the bond required of the treasurer
3 and the treasurer's successor shall at all times be for a sum
4 of at least double the amount received by and deposited in the
5 bank or credit union by the treasurer.

6 D. In the event the board of trustees delegates any
7 other of its members to collect money due the land grant-
8 merced, that person shall be bonded in the same manner as is
9 provided in this section for the bonding of the treasurer.

10 E. Those authorized to collect money shall give
11 receipts for the money collected, which receipts shall be in
12 the form prescribed by the board of trustees in the bylaws as
13 an official receipt."

14 SECTION 8. Section 49-4-12 NMSA 1978 (being Laws 2007,
15 Chapter 145, Section 11) is amended to read:

16 "49-4-12. SALE OR MORTGAGE OF COMMON LANDS--
17 RESTRICTIONS.--

18 A. A conveyance of a portion of or all of the
19 common lands of the land grant-merced shall be effective only
20 if:

21 (1) the conveyance is made in accordance with
22 the land grant-merced bylaws and this section;

23 (2) the conveyance is made for the benefit of
24 the land grant-merced;

25 (3) the board of trustees has approved a

.218545.1SA

underscored material = new
[bracketed material] = delete

1 resolution to make the conveyance at a regular meeting held in
2 accordance with Sections [~~9 and 12 of this 2007 act~~] 49-4-10
3 and 49-4-13 NMSA 1978;

4 (4) the board of trustees has petitioned for
5 an order affirming the board's resolution from the district
6 court of the district in which the property is located; and

7 (5) the district court has issued an order
8 affirming the board of trustees' resolution pursuant to
9 Subsection D of this section.

10 B. An heir may file a written protest of a
11 conveyance with the board of trustees and the district court
12 within thirty days of the date that the resolution approving
13 the conveyance is passed by the board. The board of trustees
14 shall address and make a decision on the protest at a special
15 meeting held in accordance with Sections [~~9 and 12 of this 2007~~
16 ~~act~~] 49-4-10 and 49-4-13 NMSA 1978 within thirty days of
17 receiving the protest.

18 C. An heir dissatisfied with a decision of the
19 board of trustees may appeal to the district court of the
20 county in which the property is located in the following
21 manner:

22 (1) appeals to the district court shall be
23 taken by serving a notice of appeal upon the board within
24 thirty days of the decision. If an appeal is not timely taken,
25 the action of the board of trustees is conclusive;

.218545.1SA

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

1 (2) the notice of appeal may be served in the
2 same manner as a summons in civil actions brought before the
3 district court or by publication in a newspaper printed in the
4 county in which the property is located, once per week for four
5 consecutive weeks. The last publication shall be at least
6 twenty days prior to the date the appeal may be heard. Proof
7 of service of the notice of appeal shall be made in the same
8 manner as in actions brought in the district court and shall be
9 filed in the district court within thirty days after service is
10 complete. At the time of filing the proof of service and upon
11 payment by the appellant of the civil docket fee, the clerk of
12 the district court shall docket the appeal;

13 (3) costs shall be taxed in the same manner as
14 in cases brought in the district court, and bond for costs may
15 be required upon proper application; and

16 (4) the proceeding upon appeal shall be
17 de novo as cases originally docketed in the district court.
18 Evidence taken in a hearing before the board of trustees may be
19 considered as original evidence subject to legal objection, the
20 same as if the evidence was originally offered in the district
21 court. The court shall allow all amendments that may be
22 necessary in furtherance of justice and may submit any question
23 of fact to a jury or to one or more referees at its discretion.

24 D. If the district court finds that all
25 requirements of this section have been satisfied and that all

underscoring material = new
[bracketed material] = delete

1 protests and appeals are concluded, the court shall issue its
2 order affirming the board of trustees' resolution conveying the
3 property.

4 E. After the district court issues its order, the
5 board of trustees shall execute the necessary documents in the
6 name and under the seal of the land grant-merced, and all heirs
7 shall be bound by the board's conveyance."

8 SECTION 9. Section 49-4-13 NMSA 1978 (being Laws 2007,
9 Chapter 145, Section 12) is amended to read:

10 "49-4-13. MEETINGS TO BE PUBLIC--ANNUAL REPORT.--

11 A. All meetings of the board of trustees shall be
12 held in accordance with the Open Meetings Act. Executive
13 sessions shall not be held except in accordance with the Open
14 Meetings Act. All heirs of the land grant-merced shall have
15 the right to be present at all times when the board of trustees
16 is in session and to be heard on all matters in which they may
17 be interested.

18 B. The board of trustees shall annually make public
19 a report of all its transactions for that year. The report
20 shall include agendas, minutes, any actions taken and all
21 financial transactions. The report shall be maintained in a
22 public place and available for public review; for the purposes
23 of this subsection, filing the report with the land grant
24 council to be kept with the New Mexico community land grant
25 registry shall be considered filing the report in a public

.218545.1SA

underscoring material = new
[bracketed material] = delete

1 place.

2 C. The secretary of the board of trustees shall
3 reduce to writing, in a book kept for that purpose, minutes of
4 the business transacted at each meeting of the board of
5 trustees."

6 SECTION 10. Section 49-4-14 NMSA 1978 (being Laws 2007,
7 Chapter 145, Section 13) is amended to read:

8 "49-4-14. VACANCIES.--If a vacancy occurs on the board
9 of trustees, the remaining members shall fill the vacancy by
10 appointment made at a regular meeting. The person appointed
11 shall hold office [~~until the next regular election~~] for the
12 remainder of the unexpired term of the trustee being replaced."

13 SECTION 11. Section 49-4-16 NMSA 1978 (being Laws 2007,
14 Chapter 145, Section 15) is amended to read:

15 "49-4-16. PROTECTION OF COMMON LANDS-- DELINQUENCY--
16 FORFEITURE.--

17 A. [~~If the board of trustees brings an action in~~
18 ~~accordance with Subsection B of Section 4 of this 2007 act and~~
19 ~~judgment is rendered in favor of the board of trustees, the~~
20 ~~court may award to the board of trustees possession of the~~
21 ~~tract, piece or parcel of the land and such damages as it may~~
22 ~~have proved for the wrongful detention and any other remedy~~
23 ~~provided for by law] If a person holds in possession or claims
24 in private ownership, within the exterior boundaries of a land
25 grant-merced, any tract, piece or parcel of land to which, in~~

.218545.1SA

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

1 the opinion of the board of trustees, the person has no right
2 or title, the board may institute an action of ejectment in
3 district court against the person. If upon the trial it is
4 determined that such possession is without right, judgment
5 shall be rendered in favor of the board for possession of the
6 tract, piece or parcel of land and for such damages as it may
7 have proved for the wrongful detention.

8 B. A delinquent heir shall lose all right that the
9 heir may have had to use the common lands of the land grant-
10 merced unless the heir pays in full all legal assessments or
11 dues due by the heir."

12 SECTION 12. EFFECTIVE DATE.--The effective date of the
13 provisions of this act is July 1, 2021.