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HOUSE BILL

54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019

INTRODUCED BY

DISCUSSION DRAFT

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 a community, town
4 or pueblo that received a grant of land as provided in
5 Paragraph (1) of this subsection that prior to 2004 was
6 partitioned from the lands of that land grant-merced for the
7 purpose of establishing common lands for a separate community,
8 town, colony or pueblo and the boundaries of those common lands
9 have been confirmed by deed of title or indenture executed by
10 the board of trustees of that land grant-merced or by a state
11 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
3 grant-merced: 1) that prior to 2004 was conveyed by deed of
4 title or indenture executed by the board of trustees of a land
5 grant-merced or by a state or federal court to an heir or heirs
6 of that land grant-merced for the purpose of establishing
7 common lands for a separate land grant-merced; 2) the
8 conveyance of which was affirmed by a court of competent
9 jurisdiction; and 3) that was certified by the Guadalupe
10 Hidalgo treaty division of the office of the attorney general
11 to have been managed as common lands for the heirs of that
12 partition for at least twenty years prior to the effective date
13 of this 2019 act; but

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

18 B. The Guadalupe Hidalgo treaty division shall
19 establish methods and procedures for certifying partitions of
20 land grants-mercedes under Subparagraph (b) of Paragraph (1) of
21 Subsection A of this section.

22 [~~B.~~] C. If a majority of the members of the board
23 of trustees of a land grant-merced covered by specific
24 legislation determines that the specific legislation is no
25 longer beneficial to the land grant-merced, the board has the

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1 authority to petition the legislature to repeal the legislation
2 and to be governed by its bylaws and as provided in Sections
3 49-1-1 through 49-1-18 NMSA 1978.

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

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

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

25 ~~[F-]~~ G. Notwithstanding the provisions of

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

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