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\_\_\_\_\_ BILL

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

INTRODUCED BY

DISCUSSION DRAFT

AN ACT

RELATING TO LAND GRANTS-MERCEDES; ALLOWING LAND GRANT-MERCED  
BOARDS OF TRUSTEES TO APPROVE COMPREHENSIVE PLANS.

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

SECTION 1. Section 49-1-3 NMSA 1978 (being Laws 1907,  
Chapter 42, Section 3, as amended) is amended to read:

"49-1-3. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--  
POWERS.--The management and control of all land grants-mercedes  
and tracts of land to which Sections 49-1-1 through 49-1-18  
NMSA 1978 are applicable is vested in a board of trustees, to  
be known as the "board of trustees of the land grant-merced del  
pueblo de \_\_\_\_\_" (designating the name of the town, colony,  
pueblo or community), and the board shall have the power to:

A. control, care for and manage the land grant-  
merced and real estate, prescribe the terms and conditions

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

underscoring material = new  
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1 under which the common lands may be used and enjoyed and make  
2 all necessary and proper bylaws, rules and regulations that  
3 shall be in substantial compliance with applicable statutes for  
4 the government thereof;

5 B. sue and be sued under the title as set forth in  
6 this section;

7 C. convey, lease or mortgage the common lands of  
8 the land grant-merced in accordance with the land grant-merced  
9 bylaws;

10 D. determine the number of animals that may be  
11 permitted to graze upon the common lands and determine other  
12 uses of the common lands that may be authorized;

13 E. prescribe the price to be paid for the use of  
14 the common lands and resources of the land grant-merced and  
15 prohibit a person failing or refusing to pay that amount from  
16 using a portion of the common lands while the person continues  
17 in default in those payments; provided that the amount fixed  
18 shall be in proportion to the number and kinds of livestock  
19 pasturing upon the common lands or to other authorized use of  
20 the common lands;

21 F. adopt and use an official seal;

22 G. appoint judges and clerks of election at all  
23 elections provided for in Sections 49-1-1 through 49-1-18 NMSA  
24 1978, subsequent to the first, and canvass the votes cast in  
25 those elections;

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underscored material = new  
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1           H. make bylaws, rules and regulations, not in  
2 conflict with the constitution and laws of the United States or  
3 the state of New Mexico, as may be necessary for the  
4 protection, improvement and management of the common lands and  
5 real estate and for the use and enjoyment of the common lands  
6 and of the common waters of the land grant-merced;

7           I. determine land use, local infrastructure and  
8 economic development of the common lands of the land grant-  
9 merced;

10           J. determine zoning of the common lands of the land  
11 grant-merced pursuant to a comprehensive plan approved by the  
12 [~~local government division of the department of finance and~~  
13 ~~administration]~~ board of trustees that considers the health,  
14 safety and general welfare of the residents and heirs of the  
15 land grant-merced [~~The department of finance and administration~~  
16 ~~shall act as arbitrator for zoning conflicts between land~~  
17 ~~grants-mercedes and neighboring municipalities and counties];~~  
18 and

19           K. enter into memoranda of understanding, contracts  
20 and other agreements with a local, state or federal government  
21 or a government of a federally recognized Indian nation, tribe  
22 or pueblo, including but not limited to agreements concerning  
23 the protection and maintenance of cultural resources."

24           **SECTION 2. EFFECTIVE DATE.**--The effective date of the  
25 provisions of this act is July 1, 2019.

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