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HOUSE BILL 141

46TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2004

INTRODUCED BY

Miguel P. Garcia

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; DEFINING TERMS; REVISING GOVERNANCE,  
ELECTIONS AND MEETINGS OF THE BOARD OF TRUSTEES AND MANAGEMENT  
OF LAND GRANTS-MERCEDES; AMENDING, REPEALING AND ENACTING  
SECTIONS OF THE NMSA 1978.

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

Section 1. A new section of Chapter 49, Article 1 NMSA  
1978 is enacted to read:

"NEW MATERIAL DEFINITIONS. -- As used in Chapter 49 NMSA  
1978:

A. "heir" means a person who is a descendent of the  
original grantees and has an interest in the common land of a  
land grant-merced through inheritance, gift or purchase or a  
person who is not a descendent of the original grantees and has  
an interest in the common land of a land grant-merced by

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1 purchase of the interest in the common land prior to July 1,  
2 2004;

3 B. "land grant-merced" means a grant of land made  
4 by the government of Spain or by the government of Mexico to a  
5 community, town, colony or pueblo or to a person for the  
6 purpose of founding or establishing a community, town, colony  
7 or pueblo; and

8 C. "qualified voting member" means an heir who is  
9 registered to vote in a land grant-merced as prescribed in the  
10 land grant-merced bylaws. "

11 Section 2. A new section of Chapter 49, Article 1 NMSA  
12 1978 is enacted to read:

13 "[NEW MATERIAL] RIGHTS OF LESSEES AND PURCHASERS. -- A  
14 person who through purchase or lease may come to live within  
15 the limits of a land grant-merced shall only have a right to  
16 the lands acquired through the purchase or lease but not to any  
17 common lands within the land grant-merced. "

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

20 "49-1-1. MANAGEMENT OF SPANISH AND MEXICAN GRANTS. --  
21 [~~Section 1.~~] All [~~grants of land~~] land grants-mercedes in the  
22 state [~~of New Mexico made by the government of Spain or by the~~  
23 ~~government of Mexico to any community, town or pueblo~~] or [~~of~~  
24 ~~the class of grants mentioned~~] land grants-mercedes described  
25 in Section [~~800~~] 49-1-2 NMSA 1978 shall be managed, controlled

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1 and governed by their bylaws, by the Treaty of Guadalupe  
2 Hidalgo and as [herein] provided in Sections 49-1-1 through  
3 49-1-18 NMSA 1978 as political subdivisions of the state. "

4 Section 4. 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. -- [Sec. 2. This article]

7 A. Sections 49-1-1 through 49-1-18 NMSA 1978 shall  
8 apply to all [~~grants of land made by the government of Spain or~~  
9 ~~by the government of Mexico to any community, town, colony or~~  
10 ~~pueblo or to any individual for the purpose of founding or~~  
11 ~~establishing any community, town, colony or pueblo; to all~~  
12 ~~grants that were prior to March 18, 1907] land grants-mercedes  
13 confirmed by the congress of the United States or by the court  
14 of private land claims [~~to any community, town, colony or~~  
15 ~~pueblo; and to all grants or private land claims recommended by~~  
16 ~~any surveyor general of New Mexico for confirmation by congress~~  
17 ~~to any town, colony, community or pueblo] or designated as [a  
18 ~~grant to any town, colony, community or pueblo] land grants-  
19 mercedes in any report or list of land grants prepared by  
20 [such] the surveyor general and confirmed by congress [in  
21 ~~accordance therewith], but shall not apply to any land grant~~  
22 [~~which] that is now managed or controlled in any manner, other  
23 than [herein] as provided in Sections 49-1-1 through 49-1-18  
24 NMSA 1978, by virtue of any general or special act.~~~~~~~~

25 B. If a majority of the members of the board of

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1 trustees of a land grant-merced covered by specific legislation  
2 determines that the specific legislation is no longer  
3 beneficial to the land grant-merced, the board has the  
4 authority to petition the legislature to repeal the legislation  
5 and to be governed by its bylaws and as provided in Sections  
6 49-1-1 through 49-1-18 NMSA 1978.

7 C. Any issue that is not addressed in a specific  
8 statute for a land grant-merced shall be addressed pursuant to  
9 Sections 49-1-1 through 49-1-18 NMSA 1978."

10 Section 5. Section 49-1-3 NMSA 1978 (being Laws 1907,  
11 Chapter 42, Section 3, as amended) is amended to read:

12 "49-1-3. BOARD OF TRUSTEES--MANAGEMENT OF GRANT--  
13 POWERS.--The management and control of all [~~the grants~~] land  
14 grants-mercedes and tracts of land to which Sections 49-1-1  
15 through 49-1-18 NMSA 1978 are applicable [~~by virtue of Section~~  
16 ~~49-1-2 NMSA 1978~~] is [~~hereby~~] vested in a board of trustees, to  
17 be known as the "board of trustees of the [~~\_\_\_\_\_ land~~  
18 ~~grant~~] land grant-merced del pueblo de \_\_\_\_\_" (designating [~~the~~  
19 ~~same by~~] the name of [~~such~~] the town, colony, pueblo or  
20 community), and the board shall have the [~~following general~~  
21 ~~powers~~] power to:

22 A. [~~to~~] control, care for and manage the [~~grant~~]  
23 land grant-merced and real estate, [~~and to~~] prescribe the terms  
24 and conditions under which the common lands [~~thereof~~] may be  
25 used and enjoyed and [~~to~~] make all necessary and proper bylaws,

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1 rules and regulations that shall be in substantial compliance  
2 with applicable statutes for the government thereof;

3 B. [~~to~~] sue and be sued under the title [~~aforsaid~~]  
4 as set forth in this section; however, a board member may not  
5 be sued as an individual for actions performed in an official  
6 capacity;

7 C. [~~to sell~~] convey, lease or mortgage in  
8 accordance with the land grant-merced bylaws so much of the  
9 [~~land grant~~] land grant-merced or real estate under its control  
10 [~~as aforsaid~~] as is held in common;

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

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

23 [~~E.—to~~] F. adopt and use an official seal;

24 [~~F.—to~~] G. appoint judges and clerks of election  
25 at all elections [~~herein~~] provided for in Sections 49-1-1

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1 through 49-1-18 NMSA 1978, subsequent to the first, and [to]  
2 canvass the votes cast [thereat; and] in those elections;

3 [G.—to] H. make [such] bylaws, rules and  
4 regulations, not in conflict with the constitution and laws of  
5 the United States or the state of New Mexico as may be  
6 necessary for the protection, improvement and management of  
7 [such] the common lands and real estate and for the use and  
8 enjoyment [thereof] of the common lands and of the common  
9 waters [thereon] of the land grant-merced;

10 I. determine land use, local infrastructure and  
11 economic development of the common lands of the land  
12 grant-merced; and

13 J. determine zoning of the common lands of the land  
14 grant-merced pursuant to a master zoning plan approved by the  
15 local government division of the department of finance and  
16 administration that considers the health, safety and general  
17 welfare of the residents. The department of finance and  
18 administration shall act as arbitrator for zoning conflicts  
19 between land grants-mercedes and neighboring municipalities and  
20 counties. "

21 Section 6. Section 49-1-4 NMSA 1978 (being Laws 1907,  
22 Chapter 42, Section 4, as amended) is amended to read:

23 "49-1-4. BOARD OF TRUSTEES- - QUALIFICATIONS. - - The [said]  
24 board of trustees shall consist of five [~~5~~] members. In land  
25 grants-mercedes where there is more than one precinct, no more

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1 ~~than~~ three [~~(3) of whom~~] members shall be [~~a resident from~~  
2 residents of the same precinct. [~~No~~] A person shall be  
3 qualified to be a member of [~~said~~] the board [~~unless he shall~~  
4 be] if the person is a qualified [~~voter at a general election~~  
5 ~~in this state, and shall have an interest in said grant by~~  
6 ~~inheritance or by purchase of an interest in common lands~~  
7 voting member and [~~who shall~~] is not [~~be~~] in default of any  
8 dues, rent or other payment for the use of any of the common  
9 lands of [~~said grant~~] the land grant-merced. "

10 Section 7. Section 49-1-5 NMSA 1978 (being Laws 1907,  
11 Chapter 42, Section 5, as amended) is amended to read:

12 "49-1-5. ELECTION OF MEMBERS OF BOARD OF TRUSTEES--  
13 VOTERS' QUALIFICATIONS--REGISTRATION. --

14 A. Elections for the [~~choice of members of such~~  
15 ~~boards~~] board of trustees shall be held on the first Monday in  
16 April [~~of each alternate year. All persons residing within the~~  
17 ~~limits of such grant who have an interest in the common lands~~  
18 ~~by inheritance or by purchase of an interest in the common~~  
19 ~~lands, who have resided for the period of five years prior to~~  
20 ~~the election at which they offer to vote, who are qualified~~  
21 ~~electors at the general elections held in this state and who~~  
22 ~~are registered as herein provided shall be qualified to vote at~~  
23 ~~such elections. Each of such voters may vote] or on a day  
24 designated in the bylaws, either every two or every four years  
25 as specified in the bylaws of the land grant-merced.~~

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1                    B. All qualified voting members of the land  
2 grant-merced are qualified to vote and may vote for [five]  
3 trustees [all upon one ballot but no ballot shall be counted  
4 that bears the names of two persons residing in the same  
5 precinct, except in cases where there are not five precincts  
6 within such grant. The persons receiving the greatest number  
7 of votes shall be declared elected as such trustees] as  
8 specified in the land grant-merced bylaws.

9                    [~~B.~~] C. The registration of [~~all~~] qualified  
10 [~~voters~~] voting members shall be conducted in the manner  
11 prescribed in the Election Code, substituting [~~however~~] the  
12 words "board of trustees" and "secretary" wherever the words  
13 "county commission" and "county clerk" are used in that [~~act~~]  
14 code.

15                    [~~C.~~] D. The registration books [~~so~~] compiled before  
16 each election shall be used at [~~such~~] that election [~~and~~]. No  
17 person shall vote at [~~such~~] the election unless duly registered  
18 in the books, and no ballot of any unregistered person shall be  
19 counted or canvassed.

20                    [~~D.~~] ~~In each community land grant in which an~~  
21 ~~election is to be held in April of the year 1937, the boards of~~  
22 ~~trustees, immediately after the passage and approval of this~~  
23 ~~act, shall proceed to call registration boards and provide for~~  
24 ~~the registration of all duly qualified electors for the~~  
25 ~~election to be held at such time; provided that the board of~~



1 ~~registration shall be required to meet only one day for the~~  
2 ~~purpose of registering the electors, which day shall not be~~  
3 ~~less than twenty days prior to the election.]~~

4 E. The board of trustees of each land grant-merced  
5 shall give public notice in Spanish and English of the time of  
6 the election and fix and give notice of the polling places in  
7 each precinct by handbills posted in at least five public  
8 places in each precinct at least fifteen days prior to the  
9 election. Notice shall also be given by publication for  
10 fifteen days prior to the election in a newspaper in general  
11 circulation within the land grant-merced if there is one.

12 F. Elections shall be conducted, as nearly as is  
13 practicable, in the same manner as provided by law for the  
14 holding of general elections in this state. The judges and  
15 clerks of elections shall be appointed and the votes canvassed  
16 by the board of trustees."

17 Section 8. Section 49-1-7 NMSA 1978 (being Laws 1907,  
18 Chapter 42, Section 7, as amended) is amended to read:

19 "49-1-7. ELECTION--CANVASSING VOTES. -- [~~Sec. 7. Said~~  
20 ~~committee, board or body of men, or the board of county~~  
21 ~~commissioners of said county, appointing such] The election  
22 judges and [calling such election] board of trustees shall meet  
23 [on the first Monday] not later than seven days following  
24 [such] the election and canvass the votes cast [thereat] and  
25 issue to the five persons having a majority of [such] votes a~~

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1 certificate showing [~~such persons to~~] they have been duly  
2 elected [~~thereat~~]. "

3 Section 9. Section 49-1-8 NMSA 1978 (being Laws 1907,  
4 Chapter 42, Section 8, as amended) is amended to read:

5 "49-1-8. ORGANIZATION OF BOARD - - BONDS - - VACANCIES. - - [~~The~~]

6 A. All members of [~~such~~] the newly elected board  
7 [~~so elected~~] of trustees shall meet [~~on the first Monday~~] no  
8 later than seven days after the votes are canvassed and  
9 organize themselves by the election of a president, secretary  
10 and treasurer. The treasurer shall perform such duties as may  
11 be required [~~of him~~] by [~~such~~] the board [~~said treasurer~~] and  
12 shall [~~also~~] furnish to [~~said~~] the board a good and sufficient  
13 surety bond in a sum as [~~hereinafter fixed said bond~~] set forth  
14 in this section, to be conditioned as are the bonds of other  
15 public officials handling public [~~moneys and~~] money. It is  
16 [~~hereby made~~] the duty of [~~said~~] the treasurer to deposit all  
17 the [~~moneys~~] money coming into his hands as [~~such~~] treasurer in  
18 some bank organized and doing business in New Mexico.

19 B. [~~Provided, however, that~~] In the event of the  
20 death or resignation of [~~said~~] the treasurer, the [~~said~~] board  
21 shall fill the vacancy by appointing one of the members of  
22 [~~said~~] the board as [~~such~~] treasurer, who shall, before  
23 entering into the performance of his duties as [~~such~~]  
24 treasurer, execute and furnish to [~~said~~] the board a good and  
25 sufficient surety bond, similar to the bond entered into by his

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1 predecessor.

2 C. [~~Provided, further, that~~] The amount of the bond  
3 [~~so~~] required of [~~said~~] the treasurer and his successor shall  
4 at all times be for a sum of at least double the amount  
5 received by and deposited in the [~~said~~] bank by the [~~said~~]  
6 treasurer.

7 D. [~~Provided, further, that~~] In the event [~~said~~]  
8 the board of trustees delegates any other of its members to  
9 collect [~~moneys~~] money due the [~~grant, such other~~] land grant-  
10 merced, that person shall be bonded in the same manner as is  
11 [~~herein~~] provided in this section for the bonding of the  
12 treasurer [~~and in any event~~].

13 E. Those authorized to collect [~~moneys~~] money shall  
14 give receipts for the [~~moneys~~] money collected, which receipts  
15 shall be in [~~no other~~] the form [~~than that~~] prescribed by the  
16 board of trustees in the bylaws as an official receipt."

17 Section 10. Section 49-1-9 NMSA 1978 (being Laws 1907,  
18 Chapter 42, Section 9, as amended) is amended to read:

19 "49-1-9. MEETINGS. -- [~~Sec. 9.~~] Regular meetings of [~~said~~]  
20 the board of trustees shall be held [~~at such times as such~~] no  
21 less than quarterly and in a public place as the board may [~~by~~  
22 ~~its rules~~] determine [~~and~~] in accordance with the bylaws. The  
23 time and place of regular meetings shall be posted in Spanish  
24 and English in a public place within the land grant-merced at  
25 least ten days prior to the meeting. Special meetings may be

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1 held at any time on call of the president, with five [~~days~~]  
2 days' notice [~~thereof~~] being given to each member. "

3 Section 11. Section 49-1-10 NMSA 1978 (being Laws 1907,  
4 Chapter 42, Section 10, as amended) is amended to read:

5 "49-1-10. QUORUM -- [~~Sec. 10.~~] A majority of [~~such~~] the  
6 board of trustees shall constitute a quorum for the transaction  
7 of business, and the [~~town, colony or community aforesaid~~] land  
8 grant-merced and [~~the~~] its inhabitants [~~thereof~~] shall be bound  
9 by the acts of [~~such~~] the board done [~~in pursuance of~~] pursuant  
10 to the provisions [hereof] of Sections 49-1-1 through 49-1-18  
11 NMSA 1978 and the land grant-merced bylaws. "

12 Section 12. Section 49-1-11 NMSA 1978 (being Laws 1907,  
13 Chapter 42, Section 11, as amended) is amended to read:

14 "49-1-11. SALE OR MORTGAGE OF COMMON LANDS--  
15 RESTRICTIONS. -- [~~No sale, mortgage or other alienation of the~~  
16 ~~common lands within such grant shall take effect unless~~  
17 ~~authorized by a resolution duly adopted by the said board of~~  
18 ~~trustees and until after approval of such resolution by the~~  
19 ~~district judge of the district within which said grant or a~~  
20 ~~portion thereof is situate.]~~

21 A. The board of trustees of a land grant-merced  
22 shall not sell the common lands of the land grant-merced.

23 B. A conveyance of any property of a land grant-  
24 merced shall be in accordance with the land grant-merced bylaws  
25 and the provisions of this section and shall be for the benefit

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1 of the land grant-merced.

2 C. A mortgage or other conveyance shall not be  
3 effective until thirty days following authorization by the land  
4 grant-merced board of trustees by resolution in an open meeting  
5 and approval of the resolution by the district judge of the  
6 district in which the property is located.

7 D. An heir of a land grant-merced may file a  
8 protest of a mortgage or conveyance of the property with the  
9 board of trustees of the land grant-merced within thirty days  
10 of the passing of the resolution conveying the property. If a  
11 protest is filed, the board shall have a public meeting in  
12 which to address the protest.

13 E. If there are no protests or after all protests  
14 have been resolved, the board of trustees is authorized to  
15 execute the necessary documents in the name of and under the  
16 seal of the land grant-merced and all heirs shall be bound by  
17 the board's actions.

18 F. If the conveyance of property of a land  
19 grant-merced is to a non-heir of the land grant-merced, the  
20 conveyance shall contain a reversion clause."

21 Section 13. Section 49-1-12 NMSA 1978 (being Laws 1907,  
22 Chapter 42, Section 12, as amended) is amended to read:

23 "49-1-12. MEETINGS TO BE PUBLIC--ANNUAL REPORT. --

24 A. All meetings of [said] the board of trustees  
25 shall be [public, and no] open to the heirs. Executive

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1 sessions, other than organizational meetings to prepare agendas  
2 and documents necessary to serve the heirs prior to regular  
3 meetings in accordance with the bylaws of the land grant-  
4 merced, shall not be held. All [~~persons residing within the~~  
5 ~~limits~~] heirs of [~~such grant~~] the land grant-merced shall have  
6 the right to be present at all times when [~~such~~] the board is  
7 in session and to be heard on all matters in which they may be  
8 interested.

9 B. A person residing within the limits of the land  
10 grant-merced or who has an issue with the land grant-merced and  
11 is not an heir may be allowed to be heard if requested in  
12 writing and placed on the agenda. The person may be present  
13 only during that period allowed on the agenda.

14 C. The board of trustees shall annually make public  
15 a report of all [the] its transactions [of said board] for  
16 [said] that year. The report shall include agendas, minutes,  
17 actions taken and all financial transactions. The report shall  
18 be maintained in a public place and available for public  
19 review.

20 D. The secretary of the board shall reduce to  
21 writing, in a book kept for that purpose, minutes of the  
22 business transacted at each meeting of the board."

23 Section 14. Section 49-1-13 NMSA 1978 (being Laws 1907,  
24 Chapter 42, Section 13, as amended) is amended to read:

25 "49-1-13. VACANCIES. -- [~~Sec. 13.~~] If a vacancy [~~shall~~

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1 ~~occur in any such~~ occurs on the board, the remaining members  
2 [~~thereof~~] shall fill [~~such~~] the vacancy by appointment [~~to be~~]  
3 made at a regular meeting [~~and~~]. The person [~~so~~] appointed  
4 shall hold [~~his~~] office until the next regular election. "

5 Section 15. Section 49-1-14 NMSA 1978 (being Laws 1907,  
6 Chapter 42, Section 14, as amended) is amended to read:

7 "49-1-14. SALARIES OF TRUSTEES--RECORDS--EXPENDITURES. --  
8 [~~Such~~]

9 A. The board of trustees may fix in the land grant-  
10 merced bylaws and pay to its members a salary not to exceed two  
11 hundred dollars (\$200) to any member in [~~any~~] one month  
12 [~~which~~]. The salary as fixed shall be in full as compensation  
13 for the duties performed by [~~such~~] the board or the individual  
14 members [~~thereof~~] within the exterior boundaries of the [~~grant;~~  
15 ~~provided, however, that~~] land grant-merced and for attendance  
16 at regularly scheduled meetings. The secretary of the board  
17 may be allowed a salary not to exceed two hundred twenty-five  
18 dollars (\$225) in [~~any~~] one month [~~provided further that~~].

19 B. Board members may be authorized per diem and  
20 mileage pursuant to the Per Diem and Mileage Act.

21 C. The board of trustees and the [~~secretary~~]  
22 treasurer shall keep permanent and legible records capable of  
23 audit, and [~~that~~] no money or funds shall be paid by the board  
24 of trustees or by any person authorized to expend money except  
25 by written check drawn upon vouchers. "

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1 Section 16. Section 49-1-15 NMSA 1978 (being Laws 1907,  
2 Chapter 42, Section 15, as amended) is amended to read:

3 "49-1-15. REMOVAL FROM LAND GRANT-MERCED--DELINQUENCY--  
4 FORFEITURE. --

5 A. If ~~[any]~~ a person ~~[or persons shall hold]~~ holds  
6 in possession or ~~[claim]~~ claims in private ownership, within  
7 the exterior boundaries of ~~[such land grant]~~ a land grant-  
8 merced, any tract, piece or parcel of land to which, in the  
9 opinion of ~~[such]~~ the board of trustees, he has no right or  
10 title, ~~[such]~~ the board may institute an action of ejectment  
11 against ~~[him and]~~ the person. If upon the trial it ~~[shall~~  
12 ~~appear]~~ appears that such possession is without right, judgment  
13 shall be rendered in favor of ~~[such]~~ the board for ~~[the]~~  
14 possession ~~[thereof]~~ of the tract, piece or parcel of land and  
15 for such damages as it may have proved for the wrongful  
16 detention. ~~[thereof. Provided, further that]~~

17 B. Any delinquent ~~[person who moves outside the~~  
18 ~~exterior boundaries of such grant and resides outside such~~  
19 ~~exterior boundaries for a period of five years such person]~~  
20 heir shall lose the right to vote and all right or interest  
21 that ~~[he]~~ the heir may have had in the common lands of ~~[said~~  
22 ~~grant]~~ the land grant-merced unless ~~[he]~~ the heir pays in full  
23 all legal assessments or dues due by ~~[him]~~ the heir. "

24 Section 17. Section 49-1-16 NMSA 1978 (being Laws 1907,  
25 Chapter 42, Section 16, as amended) is amended to read:

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1           "49-1-16.   TRESPASS ON COMMON LANDS OR WATERS--  
2   INJUNCTIONS. -- [~~Sec. 16.~~] The [~~several~~] courts of this state  
3 shall entertain bills of complaint filed by [~~any such~~] the  
4 board of trustees of a land grant-merced to enjoin persons from  
5 trespassing upon the common lands or using the common waters  
6 within [~~such grant~~] the land grant-merced if it [~~shall appear~~]  
7 appears that the complainant is without a plain, speedy and  
8 adequate remedy at law or that the persons [~~committing such~~  
9 ~~trespasses~~] committing trespass are [~~insolvents~~] insolvent or  
10 unable to respond in damages. "

11           Section 18.   Section 49-1-17 NMSA 1978 (being Laws 1907,  
12 Chapter 42, Section 17, as amended) is amended to read:

13           "49-1-17.   PROCESS--HOW SERVED ON BOARD. -- [~~Sec. 17.~~]

14           A.   Process in all actions or suits against [~~such~~] a  
15 board of trustees of a land grant-merced shall be served upon  
16 the president or, in his absence, upon the secretary.

17           B.   Board of trustee members may not be sued in  
18 their individual capacities for activities performed while in  
19 an official capacity. "

20           Section 19.   Section 49-1-18 NMSA 1978 (being Laws 1907,  
21 Chapter 42, Section 19, as amended) is amended to read:

22           "49-1-18.   CONSTRUCTION. -- [~~Sec. 19. This article~~]  
23 Sections 49-1-1 through 49-1-18 NMSA 1978 shall not be  
24 construed as applying to any [~~land grant which~~] land grant-  
25 merced that is managed or controlled in any manner other than

underscored material = new  
[bracketed material] = delete

1 that ~~[hereinbefore]~~ provided in Section 49-1-2 NMSA 1978. "  
2 Section 20. Section 49-1-19 NMSA 1978 (being Laws 1933,  
3 Chapter 164, Section 6) is amended to read:  
4 "49-1-19. FAILURE OF TRUSTEE TO PERFORM DUTIES--  
5 PENALTY. -- ~~[That]~~ Any member of the board of trustees who ~~[shall~~  
6 ~~fail]~~ fails or ~~[refuse]~~ refuses to perform any of the duties  
7 required to be performed by the board of trustees of ~~[such land~~  
8 ~~grant]~~ the land grant-merced or any member ~~[thereof, under~~  
9 ~~Article 1 of Chapter 29, New Mexico Statutes Annotated, 1929~~  
10 ~~Compilation, as amended]~~ of the board pursuant to Sections  
11 49-1-1 through 49-1-18 NMSA 1978 or by any other law ~~[of the~~  
12 ~~State]~~ of New Mexico ~~[shall be guilty]~~ is guilty of a  
13 misdemeanor and upon conviction ~~[therefor]~~ shall be punished by  
14 a fine of not less than twenty-five dollars (\$25.00) ~~[dollars]~~  
15 nor more than one hundred ~~[(\$100.00)]~~ dollars (\$100) or by  
16 imprisonment in the county jail for a period of not less than  
17 thirty days nor more than ninety days, or both ~~[such fine and~~  
18 ~~imprisonment in the discretion of the court]. "~~

19 Section 21. REPEAL. -- Section 49-1-6 NMSA 1978 (being Laws  
20 1907, Chapter 42, Section 6, as amended) is repealed.

21 Section 22. EFFECTIVE DATE. -- The effective date of the  
22 provisions of this act is July 1, 2004.