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HOUSE BILL 46

52ND LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2015

INTRODUCED BY

Tomás E. Salazar

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO LAND GRANTS; 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 the community,
4 town, colony or pueblo that received a grant of land as
5 provided in Paragraph (1) of this subsection that has been
6 partitioned from the lands of that land grant for the purpose
7 of establishing common lands for a separate community, town or
8 pueblo and where the boundaries of those common lands have been
9 confirmed by the court of private land claims, designated as a
10 land grant-merced in any report or list of land grants prepared
11 by the surveyor general and confirmed by the congress of the
12 United States or by deed of title or indenture executed by the
13 board of trustees of that land grant-merced; and

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

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

21 "49-1-2. APPLICATION.--

22 A. Sections 49-1-1 through 49-1-18 NMSA 1978:

23 (1) shall apply to:

24 (a) all land grants-mercedes confirmed
25 by the congress of the United States or by the court of private

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1 land claims or designated as land grants-mercedes in any report
2 or list of land grants prepared by the surveyor general and
3 confirmed by congress; and

4 (b) any partition of a land grant-merced
5 conveyed by deed of title or indenture executed by the board of
6 trustees of a land grant-merced to an heir or heirs of that
7 land grant-merced for the purpose of establishing common lands
8 for a separate land grant-merced; but

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

13 B. If a majority of the members of the board of
14 trustees of a land grant-merced covered by specific legislation
15 determines that the specific legislation is no longer
16 beneficial to the land grant-merced, the board has the
17 authority to petition the legislature to repeal the legislation
18 and to be governed by its bylaws and as provided in Sections
19 49-1-1 through 49-1-18 NMSA 1978.

20 C. The town of Tome land grant-merced, situated in
21 Valencia county, confirmed by congress in 1858 and patented by
22 the United States to the town of Tome, shall be governed by the
23 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

24 D. The town of Atrisco land grant-merced, situated
25 in Bernalillo county, confirmed by the court of private land

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1 claims in 1894 and patented by the United States to the town of
2 Atrisco in 1905, shall be governed by the provisions of
3 Sections 49-1-1 through 49-1-18 NMSA 1978; provided that the
4 board of trustees shall not have regulatory jurisdiction over,
5 and the provisions of Chapter 49, Article 1 NMSA 1978 shall not
6 apply to or govern, any lands or interests in real property the
7 title to which is held by any other person, including a public
8 or private corporation, partnership or limited liability
9 company.

10 E. The Tecolote land grant-merced, also known as
11 the town of Tecolote, situated in San Miguel county, confirmed
12 by congress in 1858 and patented by the United States to the
13 town of Tecolote in 1902, shall be governed by the provisions
14 of Sections 49-1-1 through 49-1-18 NMSA 1978.

15 ~~[E-]~~ F. Notwithstanding the provisions of
16 Subsection A of this section to the contrary, the San Antonio
17 del Rio Colorado land grant-merced, situated in Taos county,
18 which claim was recommended for confirmation by surveyor
19 general James K. Proudfit in 1874 and again in 1886 by surveyor
20 general George W. Julian, but not confirmed by congress, shall
21 be governed by the provisions of Sections 49-1-1 through
22 49-1-18 NMSA 1978."

23 SECTION 3. EFFECTIVE DATE.--The effective date of the
24 provisions of this act is July 1, 2015.