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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 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,
colony or pueblo or to a person for the purpose of founding
or establishing a community, town, colony or pueblo; or

(2) a grant of land made by a community,
town or pueblo that received a grant of land as provided in
Paragraph (1) of this subsection that prior to 2004 was
partitioned from the lands of that land grant-merced for the
purpose of establishing common lands for a separate
community, town, colony or pueblo and the boundaries of those
common lands have been confirmed by deed of title or

1 indenture executed by the board of trustees of that land
2 grant-merced or by a state or federal court; and

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

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

10 "49-1-2. APPLICATION.--

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

12 (1) shall apply to:

13 (a) all land grants-mercedes confirmed
14 by the congress of the United States or by the court of
15 private land claims or designated as land grants-mercedes in
16 any report or list of land grants prepared by the surveyor
17 general and confirmed by congress; and

18 (b) any partition of a land
19 grant-merced: 1) that prior to 2004 was conveyed by deed of
20 title or indenture executed by the board of trustees of a
21 land grant-merced or by a state or federal court to an heir
22 or heirs of that land grant-merced for the purpose of
23 establishing common lands for a separate land grant-merced;
24 2) the conveyance of which was affirmed by a court of
25 competent jurisdiction; and 3) that was certified by the

1 Guadalupe Hidalgo treaty division of the office of the
2 attorney general to have been managed as common lands for the
3 heirs of that partition for at least twenty years prior to
4 the effective date of this 2019 act; but

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

9 B. The Guadalupe Hidalgo treaty division shall
10 establish methods and procedures for certifying partitions of
11 land grants-mercedes under Subparagraph (b) of Paragraph (1)
12 of Subsection A of this section.

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

20 D. The town of Tome land grant-merced, situated in
21 Valencia county, confirmed by congress in 1858 and patented
22 by the United States to the town of Tome, shall be governed
23 by the provisions of Sections 49-1-1 through 49-1-18 NMSA
24 1978.

25 E. The town of Atrisco land grant-merced, situated

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

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

16 G. Notwithstanding the provisions of Subsection A
17 of this section to the contrary, the San Antonio del Rio
18 Colorado land grant-merced, situated in Taos county, which
19 claim was recommended for confirmation by surveyor general
20 James K. Proudfit in 1874 and again in 1886 by surveyor
21 general George W. Julian, but not confirmed by congress, shall
22 be governed by the provisions of Sections 49-1-1 through
23 49-1-18 NMSA 1978."
