

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

HOUSE BILL 41

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY

Miguel P. Garcia

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO PARTITIONS OF LAND GRANTS-MERCEDES; ESTABLISHING
QUALIFIED PARTITIONS OF LAND GRANTS-MERCEDES AS AUTONOMOUS LAND
GRANTS-MERCEDES PURSUANT TO CHAPTER 49, ARTICLE 1 NMSA 1978;
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, as amended) is amended to read:

"49-1-1.1. DEFINITIONS.--As used in Chapter 49 NMSA 1978:

A. "child" means a biological, adopted or foster
child, a stepchild, a legal ward or a child of a person
standing in loco parentis;

B. "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 or as

.218203.1

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

underscored material = new
[bracketed material] = delete

1 defined in the bylaws of a land grant-merced;

2 C. "land grant-merced" means:

3 (1) a grant of land made by the government of
4 Spain or by the government of Mexico to a community, town,
5 colony or pueblo or to a person for the purpose of founding or
6 establishing a community, town, colony or pueblo; or

7 (2) land that prior to 2004 was partitioned
8 from the lands granted to a community or town or as provided in
9 Paragraph (1) of this subsection; provided that the:

10 (a) partition was made for the purpose
11 of establishing common lands for a separate community or town;

12 (b) boundaries of the partitioned common
13 lands have been confirmed by deed of title or indenture
14 executed by the board of trustees of the original land grant-
15 merced or by a state or federal court; and

16 (c) conveyance of the partition was to
17 heirs of the original land grant-merced;

18 D. "parent" includes a biological, adoptive or
19 foster parent, a stepparent or an individual who stands in loco
20 parentis to a child;

21 E. "precinct" means a geographic location such as a
22 community or town that is guaranteed an apportioned amount of
23 positions on the board of trustees of a land grant-merced as
24 defined in the land grant-merced bylaws;

25 F. "qualified voting member" means an heir who is

.218203.1

underscored material = new
[bracketed material] = delete

1 registered to vote in a land grant-merced as prescribed in the
2 land grant-merced bylaws; and

3 G. "sibling" includes a stepsibling and a half-
4 sibling."

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

7 "49-1-2. APPLICATION.--

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

9 (1) shall apply to:

10 (a) all land grants-mercedes confirmed
11 by the congress of the United States or by the court of private
12 land claims or designated as land grants-mercedes in any report
13 or list of land grants prepared by the surveyor general and
14 confirmed by congress; [~~but~~] and

15 (b) a partition of a land grant-merced
16 made pursuant to Section 49-1-1.1 NMSA 1978; provided that: 1)
17 the partition is affirmed by a court of competent jurisdiction;
18 and 2) the Guadalupe Hidalgo treaty division of the office of
19 the attorney general certifies that the partitioned land has
20 been managed as common land for the original partition
21 beneficiaries or their heirs for at least twenty years prior to
22 July 1, 2021; but

23 (2) shall not apply to any land grant that is
24 now managed or controlled in any manner, other than as provided
25 in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any

.218203.1

underscoring material = new
[bracketed material] = delete

1 general or special act.

2 B. The Guadalupe Hidalgo treaty division of the
3 office of the attorney general shall establish methods and
4 procedures for certifying partitions of land grants-mercedes
5 pursuant to Subparagraph (b) of Paragraph (1) of Subsection A
6 of this section.

7 [~~B.~~] C. If a majority of the members of the board
8 of trustees of a land grant-merced covered by specific
9 legislation determines that the specific legislation is no
10 longer beneficial to the land grant-merced, the board has the
11 authority to petition the legislature to repeal the legislation
12 and to be governed by its bylaws and as provided in Sections
13 49-1-1 through 49-1-18 NMSA 1978.

14 [~~C.~~] D. The town of Tome land grant-merced,
15 situated in Valencia county, confirmed by congress in 1858 and
16 patented by the United States to the town of Tome, shall be
17 governed by the provisions of Sections 49-1-1 through 49-1-18
18 NMSA 1978.

19 [~~D.~~] E. The town of Atrisco land grant-merced,
20 situated in Bernalillo county, confirmed by the court of
21 private land claims in 1894 and patented by the United States
22 to the town of Atrisco in 1905, shall be governed by the
23 provisions of Sections 49-1-1 through 49-1-18 NMSA 1978;
24 provided that the board of trustees shall not have regulatory
25 jurisdiction over, and the provisions of Chapter 49, Article 1

.218203.1

underscored material = new
[bracketed material] = delete

1 NMSA 1978 shall not apply to or govern, any lands or interests
2 in real property the title to which is held by any other
3 person, including a public or private corporation, partnership
4 or limited liability company.

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

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

18 ~~[G-]~~ H. The Manzano land grant-merced, also known
19 as la merced del Manzano land grant-merced, situated in
20 Torraine county, confirmed by congress in 1860 and patented by
21 the United States to the town of Manzano in 1907, shall be
22 governed by the provisions of Chapter 49, Article 1 NMSA 1978."

23 **SECTION 3. EFFECTIVE DATE.**--The effective date of the
24 provisions of this act is July 1, 2021.