

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 268

56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

AN ACT

RELATING TO LAND GRANTS; APPLYING THE GENERAL PROVISIONS OF
CHAPTER 49, ARTICLE 1 NMSA 1978 TO THE ARROYO HONDO ARRIBA LAND
GRANT SCONC→AND THE LOS VIGILES, LOWER GALLINAS AND SAN
AUGUSTIN PARTITIONS OF THE LAS VEGAS GRANT←SCONC ;
Sf11→INCLUDING THE CRISTOBAL DE LA SERNA LAND GRANT-MERCED AS A
LAND GRANT-MERCED GOVERNED BY THE PROVISIONS OF CHAPTER 49,
ARTICLE 1 NMSA 1978; SPECIFYING THE APPLICATION OF CHAPTER 49,
ARTICLE 1 NMSA 1978 TO CERTAIN LAND GRANTS-MERCEDES;←Sf11

.225701.1AIC March 14, 2023 (5:48pm)

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PROVIDING REQUIREMENTS FOR DESIGNATION OF LAND GRANTS-MERCEDES
IN STATE LAW; AMENDING A SECTION OF THE NMSA 1978.

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

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

"49-1-2. APPLICATION.--

A. [~~Sections 49-1-1 through 49-1-18~~] Chapter 49,
Article 1 NMSA 1978 shall apply to all land grants-mercedes
within the geographic boundaries of lands confirmed by the
congress of the United States or by the court of private land
claims or designated [~~as land grants-mercedes~~] in any report or
list of land grants prepared by the surveyor general [~~and~~
~~confirmed by congress~~] in furtherance of meeting the
obligations of the Treaty of Guadalupe Hidalgo and designated
in this section but shall not apply to any land grant that is
now managed or controlled [~~in any manner other than as provided~~
~~in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any~~
~~general or special act~~] pursuant to another section of Chapter
49 NMSA 1978.

B. If a majority of the members of the board of
trustees of a land grant-merced covered by specific legislation
determines that the specific legislation is no longer
beneficial to the land grant-merced, the board has the
authority to petition the legislature to repeal the legislation

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and to be governed by its bylaws and as provided in [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA 1978.

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

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

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

F. [~~Notwithstanding the provisions of Subsection A~~

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~~to the contrary~~] The San Antonio del Rio Colorado land grant-merced, situated in Taos county, which claim was recommended for confirmation by surveyor general James K. Proudfit in 1874 and again in 1886 by surveyor general George W. Julian, but not confirmed by congress, shall be governed by the provisions of ~~[Sections 49-1-1 through 49-1-18]~~ Chapter 49, Article 1 NMSA 1978.

G. The Manzano land grant-merced, also known as la merced del Manzano land grant-merced, situated in Torrance county, confirmed by congress in 1860 and patented by the United States to the town of Manzano in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

H. The Arroyo Hondo Arriba community land grant-merced, also known as the community of San Antonio and as the community of Valdez, situated in Taos county, which was established in 1823 and whose heirs were recognized as the fee simple owners of the grant's common lands by the eighth judicial district court of New Mexico in 1914, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

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Sf11→~~SGONC→~~~~I. The Los Vigiles land grant-merced situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1951, shall be~~

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~~governed by the provisions of Chapter 49, Article 1 NMSA 1978.~~

~~J. The Lower Gallinas land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant in 1951 and approved by the fourth judicial district of New Mexico, the approval of which was reaffirmed by the court in 1997, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.~~

~~K. The San Augustin land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1929, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978."~~ ←SCONG←Sf11

Sf11→I. The Anton Chico land grant-merced, also known as the town of Anton Chico land grant, situated in Guadalupe and San Miguel counties, confirmed by congress in 1860 and patented by the United States to the town of Anton Chico in 1883, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

J. The Abiquiu land grant-merced, also known as the merced del Pueblo Abiquiu and town of Abiquiu land grant, situated in Rio Arriba county, confirmed by the court of private land claims in 1894 and patented by the United States to the board of grant commissioners of the Abiquiu grant in

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1909, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

K. The Canon de Carnue land grant-merced, situated in Bernalillo county, confirmed by the court of private land claims in 1894 and patented by the United States to the confirnees of the Canon de Carnue grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

L. The Cebolleta land grant-merced, also known as the town of Cebolleta land grant, situated in Cibola county, confirmed by congress in 1869 and patented by the United States to the town of Cebolleta land grant in 1882, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

M. The Cristobal de la Serna land grant-merced, situated in Taos county, confirmed by the court of private land claims in 1892 and patented by the United States to the Cristobal de la Serna grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

N. The Cubero land grant-merced, also known as the town of Cubero land grant, situated in Cibola county, confirmed by the court of private land claims in 1892 and patented by the United States to the confirnees of the town of Cubero grant in 1900, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

O. The Don Fernando de Taos land grant-merced, situated in Taos county, confirmed by the court of private land

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claims in 1897 and patented by the United States to the confirmees of the Don Fernando de Taos grant in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

P. The Santo Tomas Apostol del Rio de Las Trampas land grant-merced, situated in Taos county, also known as the town of Las Trampas land grant, confirmed by congress in 1860 and patented by the United States to the town of Las Trampas grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Q. The Santa Barbara land grant-merced, also known as la merced de Santa Barbara, situated in Taos county, confirmed by the court of private land claims in 1894 and patented by the United States to the heirs of the Santa Barbara grant in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

R. The Juan Bautista Baldes land grant-merced, also known as the merced comunitara de Juan Bautista Baldes, situated in Rio Arriba county, confirmed by the court of private land claims in 1898 and patented by the United States to the heirs of Juan Bautista Baldes in 1913, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

S. The San Joaquin del Rio de Chama land grant-merced, also known as the merced de San Joaquin del Rio de Chama and the Canon de Chama land grant-merced, situated in Rio Arriba and Sandoval counties, confirmed by the court of

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private land claims in 1894 and patented by the United States to the heirs of the Canon de Chama grant in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

T. The San Miguel del Bado land grant-merced, also known as the merced de San Miguel del Bado, situated in San Miguel county, confirmed by the court of private land claims in 1894 and patented by the United States to the board of the San Miguel del Bado grant in 1910, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

U. The Santo Domingo de Cundiyo land grant-merced, situated in Santa Fe county, confirmed by the court of private land claims in 1900 and patented by the United States to the confirnees of the Santo Domingo de Cundiyo grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

V. The Tierra Amarilla land grant-merced, also known as the merced de los Pueblos de Tierra Amarilla, situated in Rio Arriba county, confirmed by congress in 1860 and patented by the United States to Francisco Martinez in 1881, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

W. The San Antonio de las Huertas land grant-merced, also known as the merced de San Antonio de las Huertas, situated in Sandoval county, confirmed by the court of private land claims in 1897 and patented by the United States

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to the San Antonio de las Huertas grant claimants in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

X. The Tajique land grant-merced, also known as the town of Tajique land grant, situated in Torrance county, confirmed by congress in 1860 and patented by the United States to the confirmees of the town of Tajique land grant in 1912, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Y. The Torreon land grant-merced, also known as the town of Torreon, situated in Torrance county, confirmed by congress in 1860 and patented by the United States to the confirmees of the town of Torreon grant in 1909, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Z. The Los Vigiles land grant-merced situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1951, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

AA. The Lower Gallinas land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant in 1951 and approved by the fourth judicial district of New Mexico, the approval of which

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was reaffirmed by the court in 1997, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

BB. The San Augustin land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1929, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978."←Sf11

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