

HOUSE RURAL DEVELOPMENT, LAND GRANTS AND
CULTURAL AFFAIRS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 33

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

AN ACT

RELATING TO LAND GRANTS; 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; 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
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

1 general and confirmed by congress, but shall not apply to any
2 land grant that is now managed or controlled in any manner,
3 other than as provided in [~~Sections 49-1-1 through 49-1-18~~]
4 Chapter 49, Article 1 NMSA 1978, by virtue of any general or
5 special act.

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

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

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

.224905.1

1 interests in real property the title to which is held by any
2 other person, including a public or private corporation,
3 partnership or limited liability company.

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

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

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

23 H. The Anton Chico land grant-merced, also known as
24 the town of Anton Chico land grant, situated in Guadalupe and
25 San Miguel counties, confirmed by congress in 1860 and patented

.224905.1

1 by the United States to the town of Anton Chico in 1883, shall
2 be governed by the provisions of Chapter 49, Article 1 NMSA
3 1978.

4 I. The Abiquiu land grant-merced, also known as the
5 merced del Pueblo Abiquiu and town of Abiquiu land grant,
6 situated in Rio Arriba county, confirmed by the court of
7 private land claims in 1894 and patented by the United States
8 to the board of grant commissioners of the Abiquiu grant in
9 1909, shall be governed by the provisions of Chapter 49,
10 Article 1 NMSA 1978.

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

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

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

.224905.1

1 M. The Cubero land grant-merced, also known as the
2 town of Cubero land grant, situated in Cibola county, confirmed
3 by the court of private land claims in 1892 and patented by the
4 United States to the confirmees of the town of Cubero grant in
5 1900, shall be governed by the provisions of Chapter 49,
6 Article 1 NMSA 1978.

7 N. The Don Fernando de Taos land grant-merced,
8 situated in Taos county, confirmed by the court of private land
9 claims in 1897 and patented by the United States to the
10 confirmees of the Don Fernando de Taos grant in 1907, shall be
11 governed by the provisions of Chapter 49, Article 1 NMSA 1978.

12 O. The Santo Tomas Apostol del Rio de Las Trampas
13 land grant-merced, situated in Taos county, also known as the
14 town of Las Trampas land grant, confirmed by congress in 1860
15 and patented by the United States to the town of Las Trampas
16 grant in 1903, shall be governed by the provisions of Chapter
17 49, Article 1 NMSA 1978.

18 P. The Santa Barbara land grant-merced, also known
19 as la merced de Santa Barbara, situated in Taos county,
20 confirmed by the court of private land claims in 1894 and
21 patented by the United States to the heirs of the Santa Barbara
22 grant in 1905, shall be governed by the provisions of Chapter
23 49, Article 1 NMSA 1978.

24 Q. The Juan Bautista Baldes land grant-merced, also
25 known as the merced comunitara de Juan Bautista Baldes,

.224905.1

1 situated in Rio Arriba county, confirmed by the court of
2 private land claims in 1898 and patented by the United States
3 to the heirs of Juan Bautista Baldes in 1913, shall be governed
4 by the provisions of Chapter 49, Article 1 NMSA 1978.

5 R. The San Joaquin del Rio de Chama land grant-
6 merced, also known as the merced de San Joaquin del Rio de
7 Chama and the Canon de Chama land grant-merced, situated in Rio
8 Arriba and Sandoval counties, confirmed by the court of private
9 land claims in 1894 and patented by the United States to the
10 heirs of the Canon de Chama grant in 1905, shall be governed by
11 the provisions of Chapter 49, Article 1 NMSA 1978.

12 S. The San Miguel del Bado land grant-merced, also
13 known as the merced de San Miguel del Bado, situated in San
14 Miguel county, confirmed by the court of private land claims in
15 1894 and patented by the United States to the board of the San
16 Miguel del Bado grant in 1910, shall be governed by the
17 provisions of Chapter 49, Article 1 NMSA 1978.

18 T. The Santo Domingo de Cundiyo land grant-merced,
19 situated in Santa Fe county, confirmed by the court of private
20 land claims in 1900 and patented by the United States to the
21 confirmees of the Santo Domingo de Cundiyo grant in 1903, shall
22 be governed by the provisions of Chapter 49, Article 1 NMSA
23 1978.

24 U. The Tierra Amarilla land grant-merced, also
25 known as the merced de los Pueblos de Tierra Amarilla, situated

1 in Rio Arriba county, confirmed by congress in 1860 and
2 patented by the United States to Francisco Martinez in 1881,
3 shall be governed by the provisions of Chapter 49, Article 1
4 NMSA 1978.

5 V. The San Antonio de las Huertas land grant-
6 merced, also known as the merced de San Antonio de las Huertas,
7 situated in Sandoval county, confirmed by the court of private
8 land claims in 1897 and patented by the United States to the
9 San Antonio de las Huertas grant claimants in 1907, shall be
10 governed by the provisions of Chapter 49, Article 1 NMSA 1978.

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

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