

1 HOUSE BILL 268

2 **56TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2023**

3 INTRODUCED BY

4 Miguel P. Garcia and Roberto "Bobby" J. Gonzales and  
5 Kristina Ortez and Javier Martínez  
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10 AN ACT

11 RELATING TO LAND GRANTS; APPLYING THE GENERAL PROVISIONS OF  
12 CHAPTER 49, ARTICLE 1 NMSA 1978 TO THE ARROYO HONDO ARRIBA LAND  
13 GRANT; AMENDING A SECTION OF THE NMSA 1978.  
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15 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

18 "49-1-2. APPLICATION.--

19 A. [~~Sections 49-1-1 through 49-1-18~~] Chapter 49,  
20 Article 1 NMSA 1978 shall apply to all land grants-mercedes  
21 confirmed by the congress of the United States or by the court  
22 of private land claims or designated as land grants-mercedes in  
23 any report or list of land grants prepared by the surveyor  
24 general and confirmed by congress, but shall not apply to any  
25 land grant that is now managed or controlled in any manner,

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1 other than as provided in [~~Sections 49-1-1 through 49-1-18~~]  
2 Chapter 49, Article 1 NMSA 1978, by virtue of any general or  
3 special act.

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

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

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

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1 partnership or limited liability company.

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

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

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

21 H. Notwithstanding the provisions of Subsection A  
22 of this section to the contrary, the Arroyo Hondo Arriba  
23 community land grant-merced, also known as the community of San  
24 Antonio and as the community of Valdez, situated in Taos  
25 county, which was established in 1823 and whose heirs were

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1 recognized as the fee simple owners of the grant's common lands  
2 by the eighth judicial district court of New Mexico in 1914,  
3 shall be governed by the provisions of Chapter 49, Article 1  
4 NMSA 1978."

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