

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR
HOUSE BILL 268

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

AN ACT

RELATING TO LAND GRANTS; APPLYING THE GENERAL PROVISIONS OF
CHAPTER 49, ARTICLE 1 NMSA 1978 TO THE ARROYO HONDO ARRIBA LAND
GRANT; 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~~

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1 ~~confirmed by congress]~~ in furtherance of meeting the
2 obligations of the Treaty of Guadalupe Hidalgo and designated
3 in this section but shall not apply to any land grant that is
4 now managed or controlled [~~in any manner other than as provided~~
5 ~~in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any~~
6 ~~general or special act]~~ pursuant to another section of Chapter
7 49 NMSA 1978.

8 B. If a majority of the members of the board of
9 trustees of a land grant-merced covered by specific legislation
10 determines that the specific legislation is no longer
11 beneficial to the land grant-merced, the board has the
12 authority to petition the legislature to repeal the legislation
13 and to be governed by its bylaws and as provided in [~~Sections~~
14 ~~49-1-1 through 49-1-18]~~ Chapter 49, Article 1 NMSA 1978.

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

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

1 regulatory jurisdiction over, and the provisions of Chapter 49,
 2 Article 1 NMSA 1978 shall not apply to or govern, any lands or
 3 interests in real property the title to which is held by any
 4 other person, including a public or private corporation,
 5 partnership or limited liability company.

6 E. The Tecolote land grant-merced, also known as
 7 the town of Tecolote, situated in San Miguel county, confirmed
 8 by congress in 1858 and patented by the United States to the
 9 town of Tecolote in 1902, shall be governed by the provisions
 10 of [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA
 11 1978.

12 F. [~~Notwithstanding the provisions of Subsection A~~
 13 ~~to the contrary~~] The San Antonio del Rio Colorado land grant-
 14 merced, situated in Taos county, which claim was recommended
 15 for confirmation by surveyor general James K. Proudfit in 1874
 16 and again in 1886 by surveyor general George W. Julian, but not
 17 confirmed by congress, shall be governed by the provisions of
 18 [~~Sections 49-1-1 through 49-1-18~~] Chapter 49, Article 1 NMSA
 19 1978.

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

25 H. The Arroyo Hondo Arriba community land

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

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