

HOUSE BILL

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

INTRODUCED BY

DISCUSSION DRAFT

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.

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  
defined in the bylaws of a land grant-merced;

.223076.1

1 C. "land grant-merced" means a grant of land made  
2 by the government of Spain or by the government of Mexico to a  
3 community, town, colony or pueblo or to a person for the  
4 purpose of founding or establishing a community, town, colony  
5 or pueblo and includes land partitioned from a land grant-  
6 merced pursuant to Subsection A of Section 49-1-2 NMSA 1978;

7 D. "parent" includes a biological, adoptive or  
8 foster parent, a stepparent or an individual who stands in loco  
9 parentis to a child;

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

14 F. "qualified voting member" means an heir who is  
15 registered to vote in a land grant-merced as prescribed in the  
16 land grant-merced bylaws; and

17 G. "sibling" includes a stepsibling and a half-  
18 sibling."

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

21 "49-1-2. APPLICATION.--

22 A. Sections 49-1-1 through 49-1-18 NMSA 1978 shall  
23 apply to:

24 (1) all land grants-mercedes confirmed by the  
25 congress of the United States or by the court of private land

1 claims or designated as land grants-mercedes in any report or  
2 list of land grants prepared by the surveyor general and  
3 confirmed by congress; ~~[but]~~ and

4 (2) land partitioned from a land grant-merced;  
5 provided that the Guadalupe Hidalgo treaty division of the  
6 office of the attorney general has certified that:

7 (a) the partition was made to heirs of  
8 the original land grant-merced prior to 2004 for the purpose of  
9 establishing common land for a separate community or town;

10 (b) the partitioned land has been  
11 managed as common land for the original partition beneficiaries  
12 or their heirs for at least twenty years;

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

17 (d) the partition has been affirmed by a  
18 court of competent jurisdiction.

19 B. Sections 49-1-1 through 49-1-18 NMSA 1978 shall  
20 not apply to any land grant that is now managed or controlled  
21 in any manner, other than as provided in Sections 49-1-1  
22 through 49-1-18 NMSA 1978, by virtue of any general or special  
23 act.

24 C. The Guadalupe Hidalgo treaty division of the  
25 office of the attorney general shall establish methods and

1 procedures for certifying partitions of land grants-mercedes  
2 pursuant to Paragraph (2) of Subsection A of this section.

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

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

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

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

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

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

19           **SECTION 3. TEMPORARY PROVISION.**--Nothing in this act  
20 shall be construed to alter or diminish the legal status of an  
21 existing land grant-merced or any rights established under the  
22 Treaty of Guadalupe Hidalgo.

23           **SECTION 4. EFFECTIVE DATE.**--The effective date of the  
24 provisions of this act is July 1, 2023.