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HOUSE BILL 35

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

Tomás E. Salazar and Miguel P. Garcia

FOR THE LAND GRANT COMMITTEE

AN ACT

RELATING TO PARTITIONS OF LAND GRANTS-MERCEDES; ESTABLISHING
QUALIFIED PARTITIONS OF LAND GRANTS-MERCEDES AS AUTONOMOUS LAND
GRANTS-MERCEDES; AMENDING SECTIONS OF THE 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) is amended to read:

"49-1-1.1. DEFINITIONS.--As used in Chapter 49 NMSA 1978:

A. "heir" means a person who is a [~~descendent~~]
descendant of the original grantees and has an interest in the
common land of a land grant-merced through inheritance, gift or
purchase;

B. "land grant-merced" means:

(1) a grant of land made by the government of
Spain or by the government of Mexico to a community, town,

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1 colony or pueblo or to a person for the purpose of founding or
2 establishing a community, town, colony or pueblo; or

3 (2) a grant of land made by the community,
4 town, colony or pueblo that received a grant of land as
5 provided in Paragraph (1) of this subsection that, prior to
6 2004, was partitioned from the lands of that land grant-merced
7 for the purpose of establishing common lands for a separate
8 community, town or pueblo and where the boundaries of those
9 common lands have been confirmed by deed of title or indenture
10 executed by the board of trustees of that land grant-merced or
11 by a state or federal court; and

12 C. "qualified voting member" means an heir who is
13 registered to vote in a land grant-merced as prescribed in the
14 land grant-merced bylaws."

15 SECTION 2. Section 49-1-2 NMSA 1978 (being Laws 1907,
16 Chapter 42, Section 2, as amended by Laws 2013, Chapter 8,
17 Section 1 and by Laws 2013, Chapter 83, Section 1) is amended
18 to read:

19 "49-1-2. APPLICATION.--

20 A. Sections 49-1-1 through 49-1-18 NMSA 1978:

21 (1) shall apply to:

22 (a) all land grants-mercedes confirmed
23 by the congress of the United States or by the court of private
24 land claims or designated as land grants-mercedes in any report
25 or list of land grants prepared by the surveyor general and

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1 confirmed by congress; and

2 (b) any partition of a land grant-merced
3 conveyed by deed of title or indenture executed by the board of
4 trustees of a land grant-merced or by a state or federal court
5 to an heir or heirs of that land grant-merced for the purpose
6 of establishing common lands for a separate land grant-merced;
7 provided that the conveyance of that partition is affirmed by a
8 court of competent jurisdiction and that the partition is
9 certified by the Guadalupe Hidalgo treaty division of the
10 office of the attorney general to have been managed as common
11 lands for the heirs of that partition for at least twenty years
12 prior to the enactment of this 2017 act. The Guadalupe Hidalgo
13 treaty division may establish methods and procedures for
14 certification; but

15 (2) shall not apply to any land grant that is
16 now managed or controlled in any manner, other than as provided
17 in Sections 49-1-1 through 49-1-18 NMSA 1978, by virtue of any
18 general or special act.

19 B. If a majority of the members of the board of
20 trustees of a land grant-merced covered by specific legislation
21 determines that the specific legislation is no longer
22 beneficial to the land grant-merced, the board has the
23 authority to petition the legislature to repeal the legislation
24 and to be governed by its bylaws and as provided in Sections
25 49-1-1 through 49-1-18 NMSA 1978.

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

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

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

21 F. Notwithstanding the provisions of Subsection A
22 of this section to the contrary, the San Antonio del Rio
23 Colorado land grant-merced, situated in Taos county, which
24 claim was recommended for confirmation by surveyor general
25 James K. Proudfit in 1874 and again in 1886 by surveyor general

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1 George W. Julian, but not confirmed by congress, shall be
2 governed by the provisions of Sections 49-1-1 through 49-1-18
3 NMSA 1978."

4 SECTION 3. EFFECTIVE DATE.--The effective date of the
5 provisions of this act is July 1, 2017.

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