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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; 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, 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;

C. "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,  
colony or pueblo or to a person for the purpose of founding  
or establishing a community, town, colony or pueblo; or

(2) land that prior to 2004 was partitioned  
from the lands granted to a community or town or as provided

1 in Paragraph (1) of this subsection; provided that the:

2 (a) partition was made for the purpose  
3 of establishing common lands for a separate community or  
4 town;

5 (b) boundaries of the partitioned  
6 common lands have been confirmed by deed of title or  
7 indenture executed by the board of trustees of the original  
8 land grant-merced or by a state or federal court; and

9 (c) conveyance of the partition was to  
10 heirs of the original land grant-merced;

11 D. "parent" includes a biological, adoptive or  
12 foster parent, a stepparent or an individual who stands in  
13 loco parentis to a child;

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

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

21 G. "sibling" includes a stepsibling and a half-  
22 sibling."

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

25 "49-1-2. APPLICATION.--

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

2                   (1) shall apply to:

3                           (a) all land grants-mercedes confirmed  
4 by the congress of the United States or by the court of  
5 private land claims or designated as land grants-mercedes in  
6 any report or list of land grants prepared by the surveyor  
7 general and confirmed by congress; and

8                           (b) a partition of a land grant-merced  
9 made pursuant to Section 49-1-1.1 NMSA 1978; provided that:

10                           1) the partition is affirmed by a court of competent  
11 jurisdiction; and 2) the Guadalupe Hidalgo treaty division of  
12 the office of the attorney general certifies that the  
13 partitioned land has been managed as common land for the  
14 original partition beneficiaries or their heirs for at least  
15 twenty years prior to July 1, 2021; but

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

20           B. The Guadalupe Hidalgo treaty division of the  
21 office of the attorney general shall establish methods and  
22 procedures for certifying partitions of land grants-mercedes  
23 pursuant to Subparagraph (b) of Paragraph (1) of Subsection A  
24 of this section.

25           C. If a majority of the members of the board of

1 trustees of a land grant-merced covered by specific  
2 legislation determines that the specific legislation is no  
3 longer beneficial to the land grant-merced, the board has the  
4 authority to petition the legislature to repeal the  
5 legislation and to be governed by its bylaws and as provided  
6 in Sections 49-1-1 through 49-1-18 NMSA 1978.

7 D. The town of Tome land grant-merced, situated in  
8 Valencia county, confirmed by congress in 1858 and patented  
9 by the United States to the town of Tome, shall be governed  
10 by the provisions of Sections 49-1-1 through 49-1-18 NMSA  
11 1978.

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

23 F. The Tecolote land grant-merced, also known as  
24 the town of Tecolote, situated in San Miguel county,  
25 confirmed by congress in 1858 and patented by the United

1 States to the town of Tecolote in 1902, shall be governed by  
2 the provisions of Sections 49-1-1 through 49-1-18 NMSA 1978.

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

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

17 SECTION 3. EFFECTIVE DATE.--The effective date of the  
18 provisions of this act is July 1, 2021. \_\_\_\_\_

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