



The Legislature  
of the  
State of New Mexico

53rd Legislature, 1st Session

LAWS 2017

CHAPTER \_\_\_\_\_

HOUSE BILL 35, as amended

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Introduced by

REPRESENTATIVE MIGUEL P. GARCIA AND  
REPRESENTATIVE TOMÁS E. SALAZAR

FOR THE LAND GRANT COMMITTEE



POCKET VETOED

1 AN ACT

2 RELATING TO PARTITIONS OF LAND GRANTS-MERCEDES; ESTABLISHING  
3 QUALIFIED PARTITIONS OF LAND GRANTS-MERCEDES AS AUTONOMOUS  
4 LAND GRANTS-MERCEDES; AMENDING SECTIONS OF THE NMSA 1978.

5  
6 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

7 SECTION 1. Section 49-1-1.1 NMSA 1978 (being Laws 2004,  
8 Chapter 124, Section 1) is amended to read:

9 "49-1-1.1. DEFINITIONS.--As used in Chapter 49 NMSA  
10 1978:

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

14 B. "land grant-merced" means:

15 (1) a grant of land made by the government  
16 of Spain or by the government of Mexico to a community, town,  
17 colony or pueblo or to a person for the purpose of founding  
18 or establishing a community, town, colony or pueblo; or

19 (2) a grant of land made by the community,  
20 town, colony or pueblo that received a grant of land as  
21 provided in Paragraph (1) of this subsection that, prior to  
22 2004, was partitioned from the lands of that land grant-  
23 merced for the purpose of establishing common lands for a  
24 separate community, town or pueblo and where the boundaries  
25 of those common lands have been confirmed by deed of title or

1 indenture executed by the board of trustees of that land  
2 grant-merced or by a state or federal court; and

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

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

10 "49-1-2. APPLICATION.--

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

12 (1) shall apply to:

13 (a) all land grants-mercedes confirmed  
14 by the congress of the United States or by the court of  
15 private land claims or designated as land grants-mercedes in  
16 any report or list of land grants prepared by the surveyor  
17 general and confirmed by congress; and

18 (b) any partition of a land grant-  
19 merced that prior to 2004 was conveyed by deed of title or  
20 indenture executed by the board of trustees of a land grant-  
21 merced or by a state or federal court to an heir or heirs of  
22 that land grant-merced for the purpose of establishing common  
23 lands for a separate land grant-merced; provided that the  
24 conveyance of that partition was affirmed by a court of  
25 competent jurisdiction and that the partition is certified by



1 the Guadalupe Hidalgo treaty division of the office of the  
2 attorney general to have been managed as common lands for the  
3 heirs of that partition for at least twenty years prior to  
4 the enactment of this 2017 act. The Guadalupe Hidalgo treaty  
5 division shall establish methods and procedures for  
6 certification; but

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

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

18 C. The town of Tome land grant-merced, situated in  
19 Valencia county, confirmed by congress in 1858 and patented  
20 by the United States to the town of Tome, shall be governed  
21 by the provisions of Sections 49-1-1 through 49-1-18 NMSA  
22 1978.

23 D. The town of Atrisco land grant-merced, situated  
24 in Bernalillo county, confirmed by the court of private land  
25 claims in 1894 and patented by the United States to the town

1 of Atrisco in 1905, shall be governed by the provisions of  
2 Sections 49-1-1 through 49-1-18 NMSA 1978; provided that the  
3 board of trustees shall not have regulatory jurisdiction  
4 over, and the provisions of Chapter 49, Article 1 NMSA 1978  
5 shall not apply to or govern, any lands or interests in real  
6 property the title to which is held by any other person,  
7 including a public or private corporation, partnership or  
8 limited liability company.

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

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

22 SECTION 3. EFFECTIVE DATE.--The effective date of the  
23 provisions of this act is July 1, 2017. \_\_\_\_\_

s/Brian Egolf  
Brian Egolf, Speaker  
House of Representatives

s/Lisa M. Ortiz McCutcheon  
Lisa M. Ortiz McCutcheon, Chief Clerk  
House of Representatives

s/John A. Sanchez  
John A. Sanchez, President  
Senate

s/Lenore M. Naranjo  
Lenore M. Naranjo, Chief Clerk  
Senate

Approved by me this \_\_\_\_\_ day of \_\_\_\_\_, 2017

s/Susana Martinez  
Susana Martinez, Governor  
State of New Mexico