

UNANNOTATED

CHAPTER 49 Land Grants

ARTICLE 1 General Provisions

49-1-1. Management of Spanish and Mexican grants.

All land grants-mercedes in the state or land grants-mercedes described in Section 49-1-2 NMSA 1978 shall be managed, controlled and governed by their bylaws, by the Treaty of Guadalupe Hidalgo and as provided in Sections 49-1-1 through 49-1-18 NMSA 1978 as political subdivisions of the state.

History: Laws 1907, ch. 42, § 1; Code 1915, § 799; C.S. 1929, § 29-101; 1941 Comp., § 9-101; 1953 Comp., § 8-1-1; 2004, ch. 124, § 3.

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 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;
- D. "parent" includes a biological, adoptive or foster parent, a stepparent or an individual who stands in loco parentis to a child;
- E. "precinct" means a geographic location such as a community or town that is guaranteed an apportioned amount of positions on the board of trustees of a land grant-merced as defined in the land grant-merced bylaws;
- F. "qualified voting member" means an heir who is registered to vote in a land grant-merced as prescribed in the land grant-merced bylaws; and

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

History: Laws 2004, ch. 124, § 1; 2019, ch. 248, § 1.

49-1-2. Application.

A. 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 in any report or list of land grants prepared by the surveyor general in furtherance of meeting the obligations of the Treaty of Guadalupe Hidalgo and designated in this section but shall not apply to any land grant that is now managed or controlled pursuant to another section of Chapter 49 NMSA 1978.

B. If a majority of the members of the board of trustees of a land grant-merced covered by specific legislation determines that the specific legislation is no longer beneficial to the land grant-merced, the board has the authority to petition the legislature to repeal the legislation and to be governed by its bylaws and as provided in Chapter 49, Article 1 NMSA 1978.

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

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

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

F. The San Antonio del Rio Colorado land grant-merced, situated in Taos county, which claim was recommended for confirmation by surveyor general James K. Proudfit in 1874 and again in 1886 by surveyor general George W. Julian, but not confirmed by congress, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

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

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

I. The Anton Chico land grant-merced, also known as the town of Anton Chico land grant, situated in Guadalupe and San Miguel counties, confirmed by congress in 1860 and patented by the United States to the town of Anton Chico in 1883, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

J. The Abiquiu land grant-merced, also known as the merced del Pueblo Abiquiu and town of Abiquiu land grant, situated in Rio Arriba county, confirmed by the court of private land claims in 1894 and patented by the United States to the board of grant commissioners of the Abiquiu grant in 1909, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

K. The Canon de Carnue land grant-merced, situated in Bernalillo county, confirmed by the court of private land claims in 1894 and patented by the United States to the confirmees of the Canon de Carnue grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

L. The Cebolleta land grant-merced, also known as the town of Cebolleta land grant, situated in Cibola county, confirmed by congress in 1869 and patented by the United States to the town of Cebolleta land grant in 1882, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

M. The Cristobal de la Serna land grant-merced, situated in Taos county, confirmed by the court of private land claims in 1892 and patented by the United States to the Cristobal de la Serna grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

N. The Cubero land grant-merced, also known as the town of Cubero land grant, situated in Cibola county, confirmed by the court of private land claims in 1892 and patented by the United States to the confirmees of the town of Cubero grant in 1900, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

O. The Don Fernando de Taos land grant-merced, situated in Taos county, confirmed by the court of private land claims in 1897 and patented by the United States to the confirmees of the Don Fernando de Taos grant in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

P. The Santo Tomas Apostol del Rio de Las Trampas land grant-merced, situated in Taos county, also known as the town of Las Trampas land grant, confirmed by congress in 1860 and patented by the United States to the town of Las Trampas grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Q. The Santa Barbara land grant-merced, also known as la merced de Santa Barbara, situated in Taos county, confirmed by the court of private land claims in 1894 and patented by the United States to the heirs of the Santa Barbara grant in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

R. The Juan Bautista Baldes land grant-merced, also known as the merced comunitara de Juan Bautista Baldes, situated in Rio Arriba county, confirmed by the court of private land claims in 1898 and patented by the United States to the heirs of Juan Bautista Baldes in 1913, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

S. The San Joaquin del Rio de Chama land grant-merced, also known as the merced de San Joaquin del Rio de Chama and the Canon de Chama land grant-merced, situated in Rio Arriba and Sandoval counties, confirmed by the court of private land claims in 1894 and patented by the United States to the heirs of the Canon de Chama grant in 1905, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

T. The San Miguel del Bado land grant-merced, also known as the merced de San Miguel del Bado, situated in San Miguel county, confirmed by the court of private land claims in 1894 and patented by the United States to the board of the San Miguel del Bado grant in 1910, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

U. The Santo Domingo de Cundiyo land grant-merced, situated in Santa Fe county, confirmed by the court of private land claims in 1900 and patented by the United States to the confirmees of the Santo Domingo de Cundiyo grant in 1903, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

V. The Tierra Amarilla land grant-merced, also known as the merced de los Pueblos de Tierra Amarilla, situated in Rio Arriba county, confirmed by congress in 1860 and patented by the United States to Francisco Martinez in 1881, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

W. The San Antonio de las Huertas land grant-merced, also known as the merced de San Antonio de las Huertas, situated in Sandoval county, confirmed by the court of private land claims in 1897 and patented by the United States to the San Antonio de las Huertas grant claimants in 1907, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

X. The Tajique land grant-merced, also known as the town of Tajique land grant, situated in Torrance county, confirmed by congress in 1860 and patented by the United States to the confirmees of the town of Tajique land grant in 1912, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Y. The Torreon land grant-merced, also known as the town of Torreon, situated in Torrance county, confirmed by congress in 1860 and patented by the United States to the confirmees of the town of Torreon grant in 1909, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

Z. The Los Vigiles land grant-merced situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1951, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

AA. The Lower Gallinas land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant in 1951 and approved by the fourth judicial district of New Mexico, the approval of which was reaffirmed by the court in 1997, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

BB. The San Augustin land grant-merced, situated in San Miguel county, which was partitioned from the town of Las Vegas grant through a deed of indenture issued by the board of trustees for the Las Vegas grant and approved by the fourth judicial district of New Mexico in 1929, shall be governed by the provisions of Chapter 49, Article 1 NMSA 1978.

History: Laws 1907, ch. 42, § 2; Code 1915, § 800; C.S. 1929, § 29-102; 1941 Comp., § 9-102; 1953 Comp., § 8-1-2.; 2004, ch. 124, § 4; 2007, ch. 36, § 1; 2011, ch. 68, § 1; 2013, ch. 8, § 1; 2013, ch. 83, § 1; 2019, ch. 241, § 1; 2023, ch. 21, § 1.

49-1-3. Board of trustees; management of grant; powers.

The management and control of all land grants-mercedes and tracts of land to which Sections 49-1-1 through 49-1-18 NMSA 1978 are applicable is vested in a board of trustees, to be known as the "board of trustees of the land grant-merced del pueblo de _____" (designating the name of the town, colony, pueblo or community), and the board shall have the power to:

A. control, care for and manage the land grant-merced and real estate, prescribe the terms and conditions under which the common lands may be used and enjoyed and make all necessary and proper bylaws, rules and regulations that shall be in substantial compliance with applicable statutes for the government thereof;

B. sue and be sued under the title as set forth in this section;

C. convey, lease or mortgage the common lands of the land grant-merced in accordance with the land grant-merced bylaws;

D. determine the number of animals that may be permitted to graze upon the common lands and determine other uses of the common lands that may be authorized;

E. prescribe the price to be paid for the use of the common lands and resources of the land grant-merced and prohibit a person failing or refusing to pay that amount from using a portion of the common lands while the person continues in default in those payments; provided that the amount fixed shall be in proportion to the number and kinds of livestock pasturing upon the common lands or to other authorized use of the common lands;

F. adopt and use an official seal;

G. appoint judges and clerks and a canvassing board of election at all elections provided for in Sections 49-1-1 through 49-1-18 NMSA 1978, subsequent to the first, and canvass the votes cast in those elections;

H. make bylaws, rules and regulations, not in conflict with the constitution and laws of the United States or the state of New Mexico, as may be necessary for the protection, improvement and management of the common lands and real estate and for the use and enjoyment of the common lands and of the common waters of the land grant-merced;

I. determine land use, local infrastructure and economic development of the common lands of the land grant-merced;

J. determine zoning of the common lands of the land grant-merced pursuant to a comprehensive plan approved by the board of trustees that considers the health, safety and general welfare of the residents and heirs of the land grant-merced; and

K. enter into memoranda of understanding, contracts and other agreements with a local, state or federal government or a government of a federally recognized Indian nation, tribe or pueblo, including but not limited to agreements concerning the protection and maintenance of cultural resources.

History: Laws 1907, ch. 42, § 3; Code 1915, § 801; C.S. 1929, § 29-103; 1941 Comp., § 9-103; 1953 Comp., § 8-1-3; Laws 1979, ch. 184, § 1; 2004, ch. 124, § 5; 2011, ch. 96, § 1; 2019, ch. 213, § 1; 2019, ch. 248, § 2.

49-1-4. Board of trustees; qualifications.

The board of trustees shall consist of five members. In a land grant-merced with bylaws that include the use of precincts, no more than the apportioned number of members for any given precinct as set forth in the bylaws shall serve on the board of trustees. A person shall be qualified to be a member of the board if the person is a qualified voting member and is not in default of any dues, rent or other payment for the use of any of the common lands of the land grant-merced; provided that no person

convicted of a felonious or infamous crime, unless the person has been pardoned or restored to political rights, shall be qualified to be elected or appointed to any board of trustees of a land grant-merced.

History: Laws 1907, ch. 42, § 4; 1913, ch. 58, § 1; Code 1915, § 802; Laws 1929, ch. 137, § 4; C.S. 1929, § 29-104; Laws 1933, ch. 164, § 1; 1941 Comp., § 9-104; Laws 1951, ch. 151, § 1; 1953 Comp., § 8-1-4; 2004, ch. 124, § 6; 2019, ch. 248, § 3.

49-1-5. Election of members of board of trustees; voters' qualifications; registration; provisional ballots.

A. Elections for the board of trustees shall be held on the first Monday in April or on a day designated in the bylaws, either every two or every four years as specified in the bylaws of the land grant-merced.

B. All qualified voting members of the land grant-merced are qualified to vote and may vote for trustees as specified in the land grant-merced bylaws.

C. The registration of qualified voting members shall be conducted in the manner prescribed in the land grant-merced bylaws. The secretary of the board of trustees shall maintain the registration books. Registration shall be closed beginning fifteen days before an election and reopened on the Monday following the election. The board of trustees shall meet to finalize the registration books by resolution at least five days prior to the election.

D. The registration books compiled before each election shall be used at that election. No person shall vote at the election unless duly registered in the books, and no ballot of any unregistered person shall be counted or canvassed.

E. A candidate for the board of trustees shall file a declaration of candidacy with the secretary of the board of trustees. The period when declarations of candidacy may be filed shall begin on the day the proclamation calling the election is published and shall remain open for at least ten days.

F. Whenever an election is to be called or is required by law, the board of trustees shall by resolution issue a public proclamation calling the election. The proclamation shall specify:

- (1) the date on which the election will be held;
- (2) the purpose for which the election is called;
- (3) if positions on the board of trustees are to be filled, the date and time by which declarations of candidacy are to be filed;
- (4) if a question is to be voted upon, the text of that question;

- (5) the location of each polling place in the land grant-merced;
- (6) the hours that each polling place will be open;
- (7) the date and time of the closing of the registration books; and
- (8) the date and time of the meeting to finalize the registration books.

G. Not less than thirty days nor more than forty-five days before the date of the election, the board of trustees shall publish in Spanish and English the proclamation in a local newspaper of general circulation available within the boundaries of the land grant-merced and post the proclamation in at least five public places within the land grant-merced.

H. The board of trustees shall appoint one election judge and at least two election clerks for each polling place. The election judge shall also be present for the canvass of the vote. No person shall be qualified for appointment or service as an election clerk or judge, or as a member of a canvassing board, who is a spouse, parent, child or sibling of any candidate to be voted for at the election.

I. The board of trustees shall provide in the bylaws for the forms and procedures by which the land grant-merced elections are conducted. If the board of trustees chooses to provide for early or absentee voting, it shall specify in its bylaws the procedures by which early or absentee voting shall be conducted.

History: Laws 1907, ch. 42, § 5; Code 1915, § 803; C.S. 1929, § 29-105; Laws 1933, ch. 164, § 2; 1937, ch. 194, § 1; 1941 Comp., § 9-105; Laws 1951, ch. 223, § 1; 1953 Comp., § 8-1-5; Laws 1979, ch. 184, § 2; 2004, ch. 124, § 7; 2009, ch. 131, § 1; 2019, ch. 248, § 4.

49-1-5.1. Provisional ballots; requirements for use; procedures.

A. A person shall be permitted to vote on a provisional paper ballot even though the person's name does not appear in the land grant-merced registration book; provided that the person:

(1) shows proof to the election judge and clerk that the person meets the qualified voting member provisions under Section 49-1-1.1 NMSA 1978 and the land grant-merced bylaws; and

(2) executes a statement swearing or affirming that to the best of the person's knowledge, the person:

(a) is a qualified voting member of the land grant-merced;

(b) is currently registered and eligible to vote in the land grant-merced election; and

(c) has not yet cast a ballot or voted in the election for which the person is seeking to vote by provisional ballot.

B. A judge or election clerk shall write the person's name on the voter roster, have the voter sign next to the voter's name and issue the voter a provisional paper ballot, an outer envelope and an official inner envelope. The voter shall vote on the provisional paper ballot in secrecy and, when done, place the ballot in the official inner envelope, place the official inner envelope in the outer envelope, sign the outer envelope and return the envelope to the judge or election clerk. The election judge or clerk shall ensure that the required information is completed on the outer envelope and will place the envelope in a container designated for provisional paper ballots.

C. At a minimum, the following information shall be printed on the outer envelope for a provisional paper ballot:

- (1) the name and signature of the voter;
- (2) the voter's registered address, both present and former, if applicable;
- (3) the voter's date of birth;
- (4) the reason for using the provisional ballot, including what proof was given to assert land grant-merced qualified voting member status; and
- (5) sufficient space to list the disposition of the ballot after review by the canvassing board.

D. A provisional paper ballot shall not be rejected for lack of the information required by this section and shall be qualified as long as the voter provides a valid signature and sufficient information for the judge and canvassing board to determine whether the voter is a qualified voting member.

E. Knowingly executing a false statement constitutes perjury as provided in the Criminal Code [Chapter 30 NMSA 1978], and voting on the basis of such falsely executed statement constitutes fraudulent voting.

F. Upon closing of the polls, provisional ballots shall be kept by the election judge until the canvassing of the votes by the election judge and canvassing board, who shall determine if the ballots will be counted prior to certification of the election.

G. If the voter was registered with the land grant-merced and the canvassing board determines that the individual was left off of the registration book in error, the provisional paper ballot shall be counted; provided that if the qualified voting member did not sign

either the signature roster or the ballot's envelope, the provisional paper ballot shall not be counted.

H. If there is no record of the voter ever having been registered with the land grant-merced, the voter shall be offered the opportunity to register and the provisional paper ballot shall not be counted.

History: 1978 Comp., § 49-1-5.1, as enacted by Laws 2019, ch. 248, § 5.

49-1-6. Repealed.

History: Laws 1907, ch. 42, § 6; Code 1915, § 804; C.S. 1929, § 29-106; 1941 Comp., § 9-106; 1953 Comp., § 8-1-6; repealed by Laws 2004, ch. 124, § 21.

49-1-7. Election; votes required; canvassing votes.

A. The candidates receiving the most votes cast for the open seats on the board of trustees and meeting any precinct restriction requirements established pursuant to Section 49-1-4 NMSA 1978 shall be elected to the board.

B. The election judges and the canvassing board shall meet not later than seven days following the election and canvass the votes cast and issue to each candidate duly elected to a seat on the board a certificate of election.

C. In the event of a tie vote between any candidates for the board of trustees, the determination of which of the candidates shall be declared to have been elected shall be decided by lot. If the method for determining by lot is not set forth in the bylaws of the land grant-merced, the method shall be agreed upon by the tied candidates. The canvassing board shall issue the certificate of election to the candidate chosen by lot.

D. Any unsuccessful candidate for election to the board of trustees or any qualified voting member of a land grant-merced who believes that any portion of a land grant-merced election was conducted in violation of any requirements set forth in Chapter 49, Article 1 NMSA 1978 or the land grant-merced bylaws may contest the outcome of an election; provided that the election contest is filed with the Guadalupe Hidalgo treaty division of the office of the attorney general within thirty days from the issuance of the certificate of the election by the canvassing board.

E. In the event that the conduct or outcome of an election is contested, the person or persons holding a certificate of election shall take possession of and discharge the duties of the office until the contest is decided.

F. The Guadalupe Hidalgo treaty division of the office of the attorney general shall promulgate rules for investigating and deciding the outcome of contested elections, which rules shall include:

- (1) forms for filing an official contest of an election;
- (2) procedures for conducting investigations and collecting evidence for contested elections; and
- (3) administrative procedures for appealing a decision made by the division.

G. The Guadalupe Hidalgo treaty division of the office of the attorney general shall render a decision on election contests within ninety days of the date on which the election contest was filed. If it is determined that the election requirements were violated, the decision shall include whether the election:

- (1) could be remedied and the actions required, including dates of implementation, to effect a remedy; or
- (2) is invalidated; provided that if a new election is required, the decision may include instructions for holding a new election to correct procedures that caused the violations.

History: Laws 1907, ch. 42, § 7; Code 1915, § 805; C.S. 1929, § 29-107; 1941 Comp., § 9-107; 1953 Comp., § 8-1-7; 2004, ch. 124, § 8; 2011, ch. 112, § 1; 2019, ch. 248, § 6.

49-1-8. Organization of board; bonds; vacancies.

A. All members of the newly elected board of trustees shall meet no later than seven days after the votes are canvassed and organize themselves by the election of a president, secretary and treasurer. The treasurer shall perform such duties as may be required by the board and shall furnish to the board a good and sufficient surety bond in a sum as set forth in this section, to be conditioned as are the bonds of other public officials handling public money. It is the duty of the treasurer to deposit all the money coming to the treasurer in a bank or credit union organized and doing business in New Mexico.

B. In the event of the death or resignation of the treasurer, the board shall fill the vacancy by appointing one of the members of the board as treasurer, who shall, before entering into the performance of duties as treasurer, execute and furnish to the board a good and sufficient surety bond, similar to the bond entered into by the predecessor treasurer.

C. The amount of the bond required of the treasurer and the treasurer's successor shall at all times be for a sum of at least double the amount received by and deposited in the bank or credit union by the treasurer.

D. In the event that the board of trustees delegates any other of its members to collect money due the land grant-merced, that person shall be bonded in the same manner as is provided in this section for the bonding of the treasurer.

E. Those authorized to collect money shall give receipts for the money collected, which receipts shall be in the form prescribed by the board of trustees in the bylaws as an official receipt.

History: Laws 1907, ch. 42, § 8; Code 1915, § 806; Laws 1921, ch. 146, § 1; C.S. 1929, § 29-108; Laws 1933, ch. 164, § 3; 1941 Comp., § 9-108; 1953 Comp., § 8-1-8; 2004, ch. 124, § 9; 2015, ch. 40, § 1.

49-1-9. Meetings.

Regular meetings of the board of trustees shall be held no less than quarterly and in a public place as the board may determine in accordance with the bylaws. The time and place of regular meetings shall be posted in Spanish and English in a public place within the land grant-merced at least ten days prior to the meeting. Special meetings may be held at any time on call of the president, with five days' notice being given to each member.

History: Laws 1907, ch. 42, § 9; Code 1915, § 807; C.S. 1929, § 29-109; 1941 Comp., § 9-109; 1953 Comp., § 8-1-9; 2004, ch. 124, § 10.

49-1-10. Quorum.

A majority of the board of trustees shall constitute a quorum for the transaction of business, and the land grant-merced and its inhabitants shall be bound by the acts of the board done pursuant to the provisions of Sections 49-1-1 through 49-1-18 NMSA 1978 and the land grant-merced bylaws.

History: Laws 1907, ch. 42, § 10; Code 1915, § 808; C.S. 1929, § 29-110; 1941 Comp., § 9-110; 1953 Comp., § 8-1-10; 2004, ch. 124, § 11.

49-1-11. Sale or mortgage of common lands; restrictions.

A. A conveyance of a portion or of all of the common lands of a land grant-merced shall be effective only if:

(1) the conveyance is made in accordance with the land grant-merced bylaws and this section;

(2) the conveyance is made for the benefit of the land grant-merced;

(3) the board of trustees of the land grant-merced has approved a resolution to make the conveyance at a regular meeting held in accordance with Sections 49-1-9 and 49-1-12 NMSA 1978;

(4) the board of trustees has petitioned for an order affirming the board's resolution from the district court of the district in which the property is located; and

(5) the district court has issued an order affirming the board of trustees' resolution pursuant to Subsection E of this section.

B. An heir may file a written protest of a conveyance with the board of trustees of the land grant-merced and the district court within thirty days of the date that the resolution approving the conveyance is passed by the board. The board shall address and make a decision on the protest at a special meeting held in accordance with Sections 49-1-9 and 49-1-12 NMSA 1978 within thirty days of receiving the protest.

C. An heir dissatisfied with a decision of the board of trustees may appeal to the district court of the county in which property is located in the following manner:

(1) appeals to the district court shall be taken by serving a notice of appeal upon the board within thirty days of the decision. If an appeal is not timely taken, the action of the board is conclusive;

(2) the notice of appeal may be served in the same manner as a summons in civil actions brought before the district court or by publication in a newspaper printed in the county in which the property is located, once per week for four consecutive weeks. The last publication shall be at least twenty days prior to the date the appeal may be heard. Proof of service of the notice of appeal shall be made in the same manner as in actions brought in the district court and shall be filed in the district court within thirty days after service is complete. At the time of filing the proof of service and upon payment by the appellant of the civil docket fee, the clerk of the district court shall docket the appeal;

(3) costs shall be taxed in the same manner as in cases brought in the district court and bond for costs may be required upon proper application; and

(4) the proceeding upon appeal shall be de novo as cases originally docketed in the district court. Evidence taken in a hearing before the board may be considered as original evidence subject to legal objection, the same as if the evidence was originally offered in the district court. The court shall allow all amendments that may be necessary in furtherance of justice and may submit any question of fact to a jury or to one or more referees at its discretion.

D. If the district court finds that all requirements of this section have been satisfied and that all protests and appeals are concluded, the court shall issue its order affirming the board of trustees' resolution conveying the property.

E. After the district court issues its order, the board of trustees shall execute the necessary documents in the name and under the seal of the land grant-merced, and all heirs shall be bound by the board's conveyance.

History: Laws 1907, ch. 42, § 11; 1913, ch. 58, § 2; Code 1915, § 809; C.S. 1929, § 29-111; 1941 Comp., § 9-111; Laws 1951, ch. 152, § 1; 1953 Comp., § 8-1-11; 2004, ch. 124, § 12.

49-1-11.1. Rights of lessees and purchasers; rights to use of common lands.

A. A person who is not an heir and who has purchased or leased property within the limits of a land grant-merced shall only have a right to the lands acquired through the purchase or lease but not to any common lands within the land grant-merced.

B. The provisions of Chapter 49, Article 1 NMSA 1978 shall not diminish, extinguish or otherwise impair any private property interest located within the boundaries of a land grant-merced or be construed to grant the board of trustees of a land grant-merced regulatory authority over such property interests or lands other than the common lands. As used in this subsection, "property interest" includes valid easements and rights of access, but does not include use rights to the common lands of the land grant-merced.

C. The designation of land grants-mercedes as political subdivisions of the state shall not alter the property rights of the heirs in the common lands. The common lands owned or controlled by a land grant-merced shall not be considered to be, designated or treated as state land.

History: 1978 Comp., § 49-1-22, enacted by Laws 2004, ch. 124, § 2; amended and recompiled as 1978 Comp., § 49-1-11.1 by Laws 2005, ch. 75, § 1; 2011, ch. 96, § 2.

49-1-11.2. Adverse possession.

A land grant-merced managed, controlled and governed as a political subdivision pursuant to Chapter 49 NMSA 1978 shall not be subject to adverse possession claims to or defenses against the common lands administered by the political subdivision, provided that those claims or defenses have not vested prior to the effective date of this section.

History: Laws 2007, ch. 266, § 1.

49-1-12. Meetings to be public; annual report.

A. All meetings of the board of trustees shall be held in accordance with the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. Executive sessions shall not be held except in accordance with the Open Meetings Act. All heirs of the land grant-merced

shall have the right to be present at all times when the board is in session and to be heard on all matters in which they may be interested.

B. The board of trustees shall annually make public a report of all its transactions for that year. The report shall include agendas, minutes, actions taken and all financial transactions. The report shall be maintained in a public place and available for public review; for the purposes of this subsection, filing the report with the land grant council to be kept with the New Mexico community land grant registry shall be considered filing the report in a public place.

C. The secretary of the board shall reduce to writing, in a book kept for that purpose, minutes of the business transacted at each meeting of the board.

History: Laws 1907, ch. 42, § 12; Code 1915, § 810; C.S. 1929, § 29-112; Laws 1933, ch. 164, § 4; 1941 Comp., § 9-112; 1953 Comp., § 8-1-12; 2004, ch. 124, § 13; 2014, ch. 72, § 1.

49-1-13. Vacancies.

If a vacancy occurs on the board of trustees, the remaining members shall fill the vacancy by appointment made at a regular meeting. The person appointed shall hold office for the remainder of the unexpired term of the trustee being replaced.

History: Laws 1907, ch. 42, § 13; Code 1915, § 811; C.S. 1929, § 29-113; 1941 Comp., § 9-113; 1953 Comp., § 8-1-13; 2004, ch. 124, § 14; 2019, ch. 248, § 7.

49-1-14. Salaries of trustees; records; expenditures.

A. The board of trustees may fix in the land grant-merced bylaws and pay to its members a salary not to exceed two hundred dollars (\$200) to any member in one month. The salary as fixed shall be in full as compensation for the duties performed by the board or the individual members within the exterior boundaries of the land grant-merced and for attendance at regularly scheduled meetings. The secretary of the board may be allowed a salary not to exceed two hundred twenty-five dollars (\$225) in one month.

B. Board members may be authorized per diem and mileage pursuant to the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

C. The board of trustees and the treasurer shall keep permanent and legible records capable of audit, and no money or funds shall be paid by the board of trustees or by any person authorized to expend money unless the expenditure is approved by a majority of the board of trustees and is in the form of a written check or in such a form that the date, amount and payee of the transaction are automatically recorded; and the payment is supported by an invoice or receipt.

History: Laws 1907, ch. 42, § 14; Code 1915, § 812; C.S. 1929, § 29-114; Laws 1933, ch. 164, § 5; 1937, ch. 194, § 2; 1941 Comp., § 9-114; 1953 Comp., § 8-1-14; Laws 1979, ch. 184, § 3; 2004, ch. 124, § 15; 2015, ch. 40, § 2.

49-1-15. Removal from land grant-merced; delinquency; forfeiture.

A. If a person holds in possession or claims in private ownership, within the exterior boundaries of a land grant-merced, any tract, piece or parcel of land to which, in the opinion of the board of trustees, the person has no right or title, the board may institute an action of ejectment in district court against the person. If upon the trial it is determined that such possession is without right, judgment shall be rendered in favor of the board for possession of the tract, piece or parcel of land and for such damages as it may have proved for the wrongful detention.

B. Any delinquent heir shall lose all right that the heir may have had to use the common lands of the land grant-merced unless the heir pays in full all legal assessments or dues due by the heir.

History: Laws 1907, ch. 42, § 15; Code 1915, § 813; C.S. 1929, § 29-115; Laws 1933, ch. 164, § 5[5a]; 1941 Comp., § 9-115; 1953 Comp., § 8-1-15; 2004, ch. 124, § 16; 2005, ch. 75, § 2.

49-1-16. Trespass on common lands or waters; injunctions.

The courts of this state shall entertain bills of complaint filed by the board of trustees of a land grant-merced to enjoin persons from trespassing upon the common lands or using the common waters within the land grant-merced if it appears that the complainant is without a plain, speedy and adequate remedy at law or that the persons committing trespass are insolvent or unable to respond in damages.

History: Laws 1907, ch. 42, § 16; Code 1915, § 814; C.S. 1929, § 29-116; 1941 Comp., § 9-116; 1953 Comp., § 8-1-16; 2004, ch. 124, § 17.

49-1-17. Process; how served on board.

Process in all actions or suits against a board of trustees of a land grant-merced shall be served upon the president or, in his absence, upon the secretary.

History: Laws 1907, ch. 42, § 17; Code 1915, § 815; C.S. 1929, § 29-117; 1941 Comp., § 9-117; 1953 Comp., § 8-1-17; 2004, ch. 124, § 18.

49-1-18. Construction.

Sections 49-1-1 through 49-1-18 NMSA 1978 shall not be construed as applying to any land grant-merced that is managed or controlled in any manner other than that provided in Section 49-1-2 NMSA 1978.

History: Laws 1907, ch. 42, § 19; Code 1915, § 817; C.S. 1929, § 29-119; 1941 Comp., § 9-118; 1953 Comp., § 8-1-18; 2004, ch. 124, § 19.

49-1-19. Failure of trustee to perform duties; penalty.

Any member of the board of trustees who fails or refuses to perform any of the duties required to be performed by the board of trustees of the land grant-merced or any member of the board pursuant to Sections 49-1-1 through 49-1-18 NMSA 1978 or by any other law of New Mexico is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or both.

History: 1941 Comp., § 9-119, enacted by Laws 1933, ch. 164, § 6; 1953 Comp., § 8-1-19; 2004, ch. 124, § 20.

49-1-20. [Sevilleta de La Joya grant; provisions applicable.]

The court having held that the trustees elected under the provisions of Sec. 828 of the special act for the management and control of the Sevilleta de La Joya grant are without authority, the provisions of the general law for the management and control of all Mexican and Spanish grants contained in Sections 49-1-1 to 49-1-18 NMSA 1978 are hereby made applicable for the management and control of the Sevilleta de La Joya grant.

History: Laws 1929, ch. 137, § 1; C.S. 1929, § 29-901; 1941 Comp., § 9-120; 1953 Comp., § 8-1-20.

49-1-21. [Anton Chico grant; rights of lessees and purchasers.]

Any person or persons or corporation who through purchase or lease may come to live within the limits of the Anton Chico land grant shall only have a right to the lands he or they may acquire through said lease or purchase but not to the common lands in said land grant.

History: Laws 1933, ch. 164, § 7; 1941 Comp., § 9-121; 1953 Comp., § 8-1-21.

49-1-22. Recompiled.

History: 1978 Comp., § 49-1-22, enacted by Laws 2004, ch. 124, § 2; recompiled and amended as § 49-1-11.1 by Laws 2005, ch. 75, § 1.

49-1-23. Community land grant registry established; reporting requirements.

A. The land grant council shall establish the "New Mexico community land grant registry".

B. A community land grant organized and governed pursuant to Chapter 49, Article 1 or 4 NMSA 1978 and operating as a political subdivision of the state shall register its bylaws and a list of current officers with the land grant council. The board of trustees of that land grant shall notify the land grant council of the names and positions of the land grant's elected or appointed officers upon their election or appointment.

C. Community land grants organized and operating pursuant to special statutes or other general statutes may also register their bylaws and lists of officers with the land grant council.

D. A community land grant that registers in accordance with Subsection B or C of this section may request the land grant council to keep on file the originals or copies of current or historical documents or maps submitted by the board of trustees to the land grant council; provided that the land grant council shall store the originals of historical documents and maps in the state archives and records center.

History: Laws 2005, ch. 205, § 1; 2013, ch. 4, § 1.

ARTICLE 2

Corporations for Management of Community Land Grants

49-2-1. [Powers granted to certain community land grant corporations.]

That all corporations organized and incorporated under the provisions of an act of the legislative assembly of the territory of New Mexico, approved February 26, 1891, and published as Chapter 86 of the Session Laws of 1891, or under the provisions of an act of the legislative assembly of the territory of New Mexico, approved March 18, 1897, and published as Chapter 54 of the Session Laws of 1897, shall have the powers granted by this act for the purposes hereinafter mentioned.

History: Laws 1917, ch. 3, § 1; C.S. 1929, § 29-201; 1941 Comp., § 9-201; 1953 Comp., § 8-2-1.

49-2-2. Corporate powers enumerated.

They shall be bodies corporate and politic under the respective names designated in the decrees by which they were incorporated, and shall have and possess the following powers:

A. to sue and be sued in their corporate names;

B. to sell, convey, lease, mortgage or otherwise dispose of so much of the land of the grant under their management and control as is held in common by the owners and proprietors.

Provided, however, that no sale of the lands held in common can be made to persons who are nonheirs of the grant unless a majority of such heirs present at a mass meeting to be called fifteen (15) days in advance thereof by the president of the board of trustees vote in favor of any proposed sale to nonheirs, and provided, further, that no lease of the lands held in common can be made to any person whatsoever for a period of time exceeding twenty (20) years; provided, further, nevertheless, that as to any oil and gas lease executed upon lands held in common where oil and gas or either of them in commercial quantities is being, or shall be, produced from lands covered by said lease, then and in such event, this limitation as to the period of time shall not apply as to any such oil and gas lease so long as oil or gas or either of them is being produced in commercial quantities from said land;

C. to make such rules and regulations, not in conflict with the constitution and laws of the United States or the state of New Mexico, as may be necessary for the protection, improvement and management of such common lands and real estate and the use and enjoyment thereof, and of the common waters thereon;

D. to make such assessments against the owners and proprietors as may be necessary to defray the expenses of conducting the business, and to make any other obligations of said corporation and to enforce the payment thereof by such owners and proprietors by suit against any owner and proprietor brought in the name of the corporation before a justice of the peace [magistrate court] or in the district court of the county in which such land grant is situated;

E. to have a corporate seal in such form and device as shall be adopted by the board of trustees of such corporation;

F. to determine the number of animals that may be permitted to graze upon the common lands of the grant, and the price which shall be paid to [by] the owner of such animals for the privilege of grazing thereon, provided, such price shall be uniform to all owners and proprietors;

G. by district court action under rules of civil procedure to determine by name the various persons who are of the class of owners and proprietors having beneficial interest in land of the grant under their management and control, and to determine persons of the class who are eligible to become owners and proprietors by descent from

the class who were determined to be the owners thereof at the time of the incorporation of such grant.

History: Laws 1917, ch. 3, § 2; C.S. 1929, § 29-202; Laws 1933, ch. 47, § 1; 1939, ch. 109, § 1; 1941 Comp., § 9-202; 1953 Comp., § 8-2-2; Laws 1961, ch. 158, § 1.

49-2-3. Board of trustees; corporate powers; election.

The corporate powers of such corporation shall be exercised by a board of nine trustees who are owners and proprietors residing upon such land grant and heads of families. The board of trustees shall be elected by the owners and proprietors on the first Saturday in December of the year 1919, and upon the same day in every third year thereafter. The nine persons receiving the highest number of votes at the election shall become the board of trustees and possess the powers provided for in Sections 49-2-1 to 49-2-17 NMSA 1978, and shall hold their office until the election and qualification of their successors. No trustee shall serve more than two consecutive terms.

History: Laws 1917, ch. 3, § 3; C.S. 1929, § 29-203; 1941 Comp., § 9-203; 1953 Comp., § 8-2-3; Laws 1967, ch. 184, § 1.

49-2-4. [Judges of election; appointment; notice of election; ballots; canvass; certificates of election.]

The election provided for in the preceding section [49-2-3 NMSA 1978] shall be held by three judges who shall be owners and proprietors residing upon said grant, and the heads of families, and shall be designated by votes of two-thirds of the trustees present at the regular meeting of such board of trustees held in October next preceding the date of such election. No more than two of such judges shall reside in the same precinct, if there be more than one precinct in such land grant. It shall be the duty of the outgoing board of trustees to give notice of the time and place of such election by posting not less than three notices in public places in each precinct in which the grant is situated, such notices to be in both the English and Spanish languages, and to be posted not less than twenty days before the date of such election. Said elections shall be by ballot, and each ballot cast shall have the name of the voter casting the same written thereon, and all ballots shall be preserved by the judges of election until the next ensuing meeting of the board of trustees, and so much longer thereafter as said board shall direct. It shall be the duty of such judges of election to canvass the ballots cast at such election and issue certificates of election to each of the nine persons receiving the highest number of votes cast at such election, and such certificates will authorize the persons to whom they are respectively issued to discharge the duties of such trustees for the term for which they were elected and until the election and qualification of their successors.

History: Laws 1917, ch. 3, § 4; C.S. 1929, § 29-204; 1941 Comp., § 9-204; 1953 Comp., § 8-2-4.

49-2-5. [Vacancies in board; filling.]

If a vacancy shall occur in any such board of trustees the remaining members of such board shall fill such vacancy by appointment, to be made at any regular meeting of such board, and the person or persons so appointed shall hold office until there be a general election for members of such board and until the election and qualification of their successor or successors.

History: Laws 1917, ch. 3, § 5; C.S. 1929, § 29-205; 1941 Comp., § 9-205; 1953 Comp., § 8-2-5.

49-2-6. [Majority of board constitutes quorum; acts binding.]

A majority of said board of trustees shall constitute a quorum for the transaction of business, and the corporation shall be in all respects bound by the acts of the majority of its board of trustees done in pursuance of the provisions of this act and within the scope thereof.

History: Laws 1917, ch. 3, § 6; C.S. 1929, § 29-206; 1941 Comp., § 9-206; 1953 Comp., § 8-2-6.

49-2-7. [Regular meetings of board; sale of community lands; handling of moneys.]

The board of trustees of every such corporation shall hold four meetings in each year on the first Saturdays in the months of January, April, July and October for the transaction of all business of the corporation, of which meetings all persons shall be required to take notice. The corporation shall not be bound by any sale, mortgage, conveyance, lease or other disposition of its common property, or any part thereof, unless the same be made and executed in pursuance of a resolution of such board adopted by the affirmative vote of two-thirds of the members present at any of the regular meetings provided for by this section, and duly entered upon the record of such meeting and attested by the president of said board. The board of trustees may determine the method and advisability of disbursing, investing or handling moneys that come into their hands from the sales and revenues of the grant, and shall fix and determine the nature, amount and costs of improvements they may deem necessary to be made upon the grant by vote of two-thirds of the members present at any meeting. All contracts and vouchers for the payment of money must be signed by the president, and no payment or contract shall be made or effected unless the same be directed by two-thirds majority of the members present at any meeting.

History: Laws 1917, ch. 3, § 7; C.S. 1929, § 29-207; 1941 Comp., § 9-207; 1953 Comp., § 8-2-7.

49-2-8. [Special meetings; business to be transacted; calling.]

Such board of trustees may hold special meetings at such times as the business of the corporation shall require, but at such special meetings the only business transacted shall be such as may be necessary to protect the common lands of said grant from trespassers, the making of assessments against owners and proprietors, and such other business as shall relate only to general routine of the corporation, and no sale, mortgage, lease, or other disposition of the common lands of the grant shall be authorized at any such special meeting. Such special meetings may be called by the president at such times as he shall consider necessary, and shall be called at any time upon the request in writing of three or more members of the board.

History: Laws 1917, ch. 3, § 8; C.S. 1929, § 29-208; 1941 Comp., § 9-208; 1953 Comp., § 8-2-8.

49-2-9. [Selection of officers; rules; duties of secretary.]

Each board of trustees elected under the provisions of this act shall at the first meeting held after such election, select one of its members to be president of the board, and another of its members to be secretary and treasurer thereof, and shall adopt rules for the government of such corporation, and for the use of the common lands of the grant and the common waters thereof, and such rules so adopted shall be uniform as to all owners and proprietors. The secretary shall reduce to writing, in a book to be kept for that purpose, minutes of the business transacted at each meeting of the board.

History: Laws 1917, ch. 3, § 9; C.S. 1929, § 29-209; 1941 Comp., § 9-209; 1953 Comp., § 8-2-9.

49-2-10. [Resolutions for disposition of common lands; effective date; binding effect.]

No resolution providing for the sale, mortgage, lease or other disposition of the common lands of such grant shall take effect or become operative until after the expiration of thirty days next following the date of the meeting at which such resolution was adopted, as provided in Section 7 of this act [49-2-7 NMSA 1978]. If no protest shall be filed before such period of thirty days, as provided in the next succeeding section of this act [49-2-11 NMSA 1978], it shall be the duty of the president and secretary of such board of trustees, in the name of and under the seal of such corporation, to execute the necessary deeds and documents to carry such resolution into effect, and such deeds and documents when so executed shall operate to bind all persons interested in such common lands to the same extent as if each of such persons had separately signed, sealed and executed the same.

History: Laws 1917, ch. 3, § 10; C.S. 1929, § 29-210; 1941 Comp., § 9-210; 1953 Comp., § 8-2-10.

49-2-11. [Protests against disposition of common lands; election.]

Any person interested in the common lands in such grant who shall be dissatisfied with any sale, mortgage, lease or other disposition of any of such common lands so authorized by any resolution of such board of trustees, may, at any time within thirty days next following the date of the meeting at which such resolution was adopted, file with such board of trustees a protest in writing against the carrying out of such resolution, and, if a majority of the owners and proprietors protest against such action within the time aforesaid, then it shall be the duty of the board of trustees to call an election conducted in the same manner as provided for the election of members of the board of trustees, and if at such election a majority of such owners and proprietors vote against such resolution, then such resolution shall become void and of no effect; otherwise it shall be effective and shall be carried out as provided in Section 10 [49-2-10 NMSA 1978] hereof.

History: Laws 1917, ch. 3, § 11; C.S. 1929, § 29-211; 1941 Comp., § 9-211; 1953 Comp., § 8-2-11.

49-2-12. [Compensation of trustees.]

Each member of the board of trustees of the corporation created under the provisions of Chapter 86 of the Laws of 1891, or Chapter 54 of the Laws of 1897, or under the provisions of this act, shall receive for his services as trustee the sum of twenty-four dollars [(\$24.00)] per year, payable quarterly.

History: Laws 1917, ch. 3, § 12; C.S. 1929, § 29-212; 1941 Comp., § 9-212; 1953 Comp., § 8-2-12.

49-2-13. [Lands held in private ownership.]

The board of trustees of any such corporation shall have no power or control over the lands within the exterior boundaries of any such grant which are held or claimed in private ownership, except as hereinafter provided.

History: Laws 1917, ch. 3, § 13; C.S. 1929, § 29-213; 1941 Comp., § 9-213; 1953 Comp., § 8-2-13.

49-2-14. [Lands improperly claimed in private ownership; ejectment.]

If any person or persons shall hold in possession or claim in private ownership within the exterior boundaries of any such land grant any tract, piece or parcel of land, when in the opinion of any such board of trustees such person or persons have no right to hold the same, such board of trustees may institute in the name of the corporation an action of ejectment against such person or persons, and if upon the trial of any such cause it shall appear that the possession or claim of any such person or persons is without right, judgment shall be entered in favor of such corporation for the possession of such tract,

piece or parcel of land and for such damages as may be proved to have been sustained by such corporation by the wrongful detention thereof.

History: Laws 1917, ch. 3, § 14; C.S. 1929, § 29-214; 1941 Comp., § 9-214; 1953 Comp., § 8-2-14.

49-2-15. [Trespass on common lands or waters; jurisdiction of courts; injunction.]

The several courts of this state exercising chancery jurisdiction shall under the practice of courts of chancery entertain bills of complaint filed by any such board of trustees to prevent trespasses upon the common lands and common waters of any such grant, if it shall appear that the complainants are without a plain, speedy and adequate remedy at law, or that the persons committing such trespass are insolvent or unable to respond in damages to such corporation for the injury alleged.

History: Laws 1917, ch. 3, § 15; C.S. 1929, § 29-215; 1941 Comp., § 9-215; 1953 Comp., § 8-2-15.

49-2-16. [Conveyances; effect.]

Any conveyance made in pursuance of the provisions of this act shall operate to conclude all persons claiming the land designated therein by, through or under the original title upon which the owners or proprietors of any such land grant or real estate base their claim thereto.

History: Laws 1917, ch. 3, § 16; C.S. 1929, § 29-216; 1941 Comp., § 9-216; 1953 Comp., § 8-2-16.

49-2-17. Definition of terms; right to vote or hold office.

Whenever the words "owners and proprietors" are used in this act they shall in all cases be construed to mean the members of the colony, community or town to which said grant was made, being all of the class of persons who were determined by the district court to be the owners thereof at the time of the incorporation of such grant by virtue of the act of February 26, 1891, and their descendants, residing within the exterior boundaries of such grant who have so resided continuously for not less than two years, and who own land in common within such exterior boundaries, and have paid taxes thereon. Providing, however, that only such persons as are defined in this section shall be qualified or permitted to participate in the elections provided in this chapter or to hold office as an officer or trustee of the grant.

History: Laws 1917, ch. 3, § 18; C.S. 1929, § 29-218; Laws 1939, ch. 202, § 1; 1941 Comp., § 9-218; 1953 Comp., § 8-2-18; Laws 1961, ch. 158, § 2.

49-2-18. Conversion of corporations organized under Laws 1891, Chapter 86 into general corporations.

Twenty or more owners and proprietors of record of a corporation organized under Laws 1891, Chapter 86 may prepare proposed articles of incorporation and bylaws and a plan of conversion for the purpose of converting the existing corporation into a corporation organized under the general corporation law of this state. Upon notice, the proposers shall call a meeting of all owners and proprietors of record entitled to vote in the affairs of the existing corporation. The notice shall be published in English in a newspaper of general circulation in a county in which the existing corporation is located, once a week for three consecutive weeks, the last publication to be not more than thirty days prior to the date set for the meeting. Similar publication shall also be made in Spanish if there is a Spanish language newspaper of general circulation in the county. The proposed articles of incorporation and bylaws and the plan of conversion shall be presented at the meeting, and, if approved by a vote of the majority of the owners and proprietors of record present at the meeting, then, upon the filing of the articles of incorporation and bylaws with the secretary of state and the issuance of a certificate of incorporation, the corporation organized under Laws 1891, Chapter 86 is converted into a domestic corporation authorized to do business and entitled to all privileges and immunities of a domestic corporation organized under the general corporation laws of this state.

History: 1953 Comp., § 8-2-19, enacted by Laws 1967, ch. 43, § 1; 2013, ch. 75, § 14.

ARTICLE 3

Chaperito Grant

49-3-1. [Management vested in board of trustees; number.]

That the management and control of the community lands of the people of Chaperito, within the county of San Miguel, in the state of New Mexico, within the exterior boundaries of the following described tract of land, to wit:

beginning at the northwest corner of the fence of Rafael Lucero; from thence on a straight line to the point or terminus of the Cuchilla Lagia; thence on a straight line northerly to the point or terminus of the Mesa del Velorio; thence southwesterly on a straight line to the source or beginning of the Rincon de los Torres; thence easterly to the junction of the Canada of the Rincon Hondo with the Canada of Laureano; thence on a straight line to the Puertecito del Norte, which goes to the Canada del Indio; thence northwesterly on a straight line to the intersection thereof with the line of the Las Vegas grant; thence southerly, following the Catron fence, which is easterly from the Canada del Indio to the east boundary line of the land of Rafael Lucero; thence northerly, to the northeast corner of the land of said Rafael Lucero; thence westerly, following the fence of said Rafael Lucero to the place of beginning, as the same was decreed in final decree rendered in cause no. 6419, in the district court of the fourth judicial district of

the state of New Mexico, sitting within and for the county of San Miguel in said district, in that certain cause entitled in the civil docket of said court, Julius G. Day, et als. versus Sostenes Delgado, et als., defendants, and which said final decree was rendered by said court on December 12, 1913, is hereby vested in a board of trustees composed of three members, each of which shall be elected as this chapter provides.

History: Laws 1921, ch. 160, § 1; C.S. 1929, § 29-401; 1941 Comp., § 9-301; 1953 Comp., § 8-3-1.

49-3-2. [Board of trustees; corporate powers; name; process; qualifications.]

That such board shall be a body corporate, having full power to sue and be sued; in all suits the said body corporate shall be styled as "The Board of Trustees of the Community Lands of the People of Chaperito," and all process may be served on either member of the board of trustees. That all members of such board of trustees shall be inhabitants of and owners of lands within the limits of the said community lands of the people of Chaperito.

History: Laws 1921, ch. 160, § 2; C.S. 1929, § 29-402; 1941 Comp., § 9-302; 1953 Comp., § 8-3-2.

49-3-3. [First election of trustees.]

That upon the petition of ten or more inhabitants of and owners of land within the said community lands of the people of Chaperito, it shall be the duty of the board of county commissioners of the county of San Miguel to order an election to be held for the choice of a board of trustees for the said community lands of the people of Chaperito, [and] such board of county commissioners shall appoint three competent and disinterested persons qualified to vote under the provisions of this chapter to serve as judges of such election and shall, by proclamation printed at least once a week for two successive weeks in some newspaper of general circulation published in the said county of San Miguel, give notice of the time and place of such election and the objects thereof.

History: Laws 1921, ch. 160, § 3; C.S. 1929, § 29-403; 1941 Comp., § 9-303; 1953 Comp., § 8-3-3.

49-3-4. [Election of successors; notice; terms of office.]

That within thirty days of the expiration of the terms of office of such board of trustees, it shall be the duty of such board of trustees to call an election for the choice of their successors; to fix the time and place for the holding of the same; to appoint qualified persons to act as judges thereof and to give notice of such election by posting not less than five notices in conspicuous places within the exterior limits of the said

community lands of the said people of Chaperito for the length of time as specified in the preceding section [49-3-3 NMSA 1978]. That the terms of office of such members of such board of trustees shall be for the period of two years and the elections herein provided for shall be held on the first Monday in September of each alternate year, commencing with the first Monday in September, 1922; provided, however, that the trustees elected at the election called in accordance with Section 3 [49-3-3 NMSA 1978] shall hold office only until their successors are elected at the election to be held on the first day of September, 1922.

History: Laws 1921, ch. 160, § 4; C.S. 1929, § 29-404; 1941 Comp., § 9-304; 1953 Comp., § 8-3-4.

49-3-5. Elections; qualifications of electors; canvassing returns; oath.

At all the elections held under the provisions of this article, each actual inhabitant of the community lands of the people of Chaperito and the owners of land therein, who have reached the age of majority, shall be entitled to cast one vote in person, and the persons receiving the highest number of votes cast at any such election shall be the trustees of the community lands of the people of Chaperito for the period of two years as hereinbefore provided and until their successors are elected and qualified. At all elections held under the provisions of this article, the votes shall be canvassed and the result ascertained and determined by the outgoing board of trustees. Elections shall be conducted in a manner as near as possible to that of elections conducted under the Election Code [Chapter 1 NMSA 1978]. Each member of the board of trustees shall qualify within ten days after an election by filing with the secretary an oath subscribed by him to the effect that he will faithfully discharge the duties of his office, which oath shall be recorded in the minutes of the proceedings of the board.

History: Laws 1921, ch. 160, § 5; C.S. 1929, § 29-405; 1941 Comp., § 9-305; 1953 Comp., § 8-3-5; Laws 1973, ch. 138, § 10.

49-3-6. [Officers of board; duties; treasurer's bond; secretary only to be compensated.]

That the board of trustees shall choose from the members thereof, one president, one secretary and one treasurer. The president shall preside at all meetings of the board and act as the executive officer thereof. He shall sign all warrants for the payment of money and other instruments of writing requiring the corporate seal. The treasurer shall give bond to the state of New Mexico, in such sum as the board of trustees shall require, the same to be conditioned for the faithful performance of the duties of his office. The secretary shall keep a record of the proceedings of the board, which record shall be open to public inspection at all reasonable hours, to attest all warrants for the payment of money, and other instruments of writing requiring the signature of the president. No compensation shall be voted at any time to any trustee or to any officer thereof, save the secretary.

History: Laws 1921, ch. 160, § 6; C.S. 1929, § 29-406; 1941 Comp., § 9-306; 1953 Comp., § 8-3-6.

49-3-7. [Meetings of trustees; quorum; vacancies; expenditures; per diem for trustees in attendance.]

That the regular meetings of the board of trustees shall be held on the second Monday of each alternate month. Special meetings may be held at any time on the call of the president of the board. A majority of the board shall constitute a quorum for the transaction of business. All vacancies of the board shall be filled by the remaining, qualified members thereof, the persons appointed to fill such vacancies, to hold their offices until the election and qualification of their successors. All expenses for holding elections under the provisions of this chapter [and] all expenses necessary and proper, incurred in the exercise of the powers herein conferred, may be paid by the board of trustees out of any funds belonging to the said community lands of the people of Chaperito, and such members of the board of trustees shall be entitled to receive the sum of two dollars [(\$2.00)] per day for attending regular meetings, which amount may be paid by the board of trustees out of the funds belonging to the said community lands.

History: Laws 1921, ch. 160, § 7; C.S. 1929, § 29-407; 1941 Comp., § 9-307; 1953 Comp., § 8-3-7.

49-3-8. [Powers of board of trustees enumerated.]

That the said board of trustees shall have the following powers:

A. to control and manage the said community lands of the people of Chaperito and prescribe rules and regulations for the administration thereof;

B. to prohibit all trespasses and depredations upon the same, or any part thereof;

C. to institute action of ejectment to recover the possession of said lands or any part thereof, and any other action or suit that may be necessary and proper in the exercises [exercise] of the powers herein conferred;

D. to pay all taxes and other expenses due on said community lands of the people of Chaperito;

E. to have a common seal;

F. to adopt all necessary rules and regulations for the management and control of the said lands and for the carrying out of the powers conferred in this chapter;

G. in case the income exceeds the expenses, to expend the balance in such improvements upon the said community lands as will be for the general benefit of the people residing within the said lands.

History: Laws 1921, ch. 160, § 8; C.S. 1929, § 29-408; 1941 Comp., § 9-308; 1953 Comp., § 8-3-8.

ARTICLE 4

Chilili Grant

49-4-1. Chilili land grant-merced; ratification of partitions; governance.

A. All apportionments or partitions of land on the grant of Chilili made by Inez Armenta as trustee or by his successors as trustees of the grant to the bona fide residents on the grant are hereby confirmed.

B. The government and control of the common lands of the Chilili land grant-merced, also known as la merced del pueblo de Chilili, is vested in five trustees, to be known officially as "the board of trustees of the Chilili land grant-merced", who shall manage and control the land grant-merced in accordance with the provisions of Chapter 49, Article 4 NMSA 1978.

History: Laws 1876, ch. 51, § 1; Code 1915, § 839; C.S. 1929, § 29-501; 1941 Comp., § 9-401; 1953 Comp., § 8-4-1; 2007, ch. 145, § 1.

49-4-2. Repealed.

History: Laws 1876, ch. 51, § 2; Code 1915, § 840; C.S. 1929, § 29-502; 1941 Comp., § 9-402; 1953 Comp., § 8-4-2; repealed by Laws 2007, ch. 145, § 21.

49-4-3. Repealed.

History: Laws 1876, ch. 51, § 3; 1899, ch. 47, § 1; Code 1915, § 841; C.S. 1929, § 29-503; 1941 Comp., § 9-403; Laws 1943, ch. 47, § 1; 1953 Comp., § 8-4-3; 2007, ch. 145, § 21.

49-4-4. Management of grant.

The Chilili land grant-merced shall be controlled and governed by the Treaty of Guadalupe Hidalgo, by the provisions of Chapter 49, Article 4 NMSA 1978 as a political subdivision of the state and by all provisions of its bylaws not in conflict with the Treaty of Guadalupe Hidalgo or state law.

History: Laws 2007, ch. 145, § 3.

49-4-4.1. Definitions.

As used in Chapter 49, Article 4 NMSA 1978:

- A. "board of trustees" means the board of trustees of the Chilili land grant-merced;
- B. "common lands" means lands owned by the Chilili land grant for the benefit of the heirs of the land grant-merced;
- C. "heir" means a person who is a descendant of the original grantees and has an interest in the common land of the land grant-merced through inheritance, gift or purchase;
- D. "land grant-merced" means the grant of land made by the government of Mexico to the town of Chilili in 1841, which was confirmed by congress in 1858 and issued a patent by the United States in 1909; and
- E. "qualified voting member" means an heir who is registered to vote in the land grant-merced as prescribed in the land grant-merced bylaws.

History: Laws 2007, ch. 145, § 2.

49-4-5. Board of trustees; management of grant; powers.

The board of trustees shall have the power to:

- A. control, care for and manage the land grant-merced and real estate owned by the land grant-merced; prescribe the terms and conditions under which the common lands may be used and enjoyed; and make all necessary and proper bylaws, rules and regulations that shall be in substantial compliance with applicable statutes for the government thereof;
- B. sue and be sued and have the standing to sue in law or equity to protect and expand the common lands of the land grant-merced;
- C. convey, lease or mortgage the common lands of the land grant-merced in accordance with the land grant-merced bylaws;
- D. determine the number of animals that may be permitted to graze upon the common lands and determine other uses of the common lands that may be authorized;
- E. prescribe the price to be paid for the use of the common lands and resources of the land grant-merced and prohibit a person failing or refusing to pay that amount from using a portion of the common lands while the person continues in default in those payments; provided that the amount fixed shall be in proportion to the number and kinds of livestock pasturing upon the common lands or to other authorized use of the common lands;

F. adopt and use an official seal;

G. appoint judges and clerks of election at all elections provided for in Chapter 49, Article 4 NMSA 1978 and canvass the votes cast in those elections;

H. make bylaws, rules and regulations, not in conflict with the constitution and laws of the United States or the state of New Mexico, as may be necessary for the protection, improvement and management of the common lands and real estate and for the use and enjoyment of the common lands and of the common waters of the land grant-merced;

I. determine land use, local infrastructure and economic development of the common lands of the land grant-merced; and

J. determine zoning of the common lands of the land grant-merced pursuant to a comprehensive plan approved by the local government division of the department of finance and administration that considers the health, safety and general welfare of the residents of the land grant-merced. The department of finance and administration shall select a qualified arbitrator to arbitrate for zoning conflicts between the land grant-merced and neighboring municipalities and counties.

History: Laws 2007, ch. 145, § 4.

49-4-6. Board of trustees; qualifications.

The board of trustees shall consist of five members. If there is more than one precinct in the land grant-merced, no more than three members shall be residents of the same precinct; provided, however, that if the precinct boundaries do not coincide with the boundaries of the land grant-merced, the board of trustees may create districts that better reflect the distribution of population within the land grant-merced and that any one of which has no more than three members of the board of trustees as residents. A person shall be qualified to be a member of the board if the person is a qualified voting member and is not in default of any dues, rent or other payment for the use of any of the common lands of the land grant-merced.

History: Laws 2007, ch. 145, § 5.

49-4-7. Election of members of board of trustees; voters' qualifications; registration.

A. Elections for the board of trustees shall be held on the first Monday in April or on a day designated in the bylaws, either every two or every four years as specified in the bylaws of the land grant-merced.

B. All qualified voting members of the land grant-merced are qualified to vote and may vote for trustees as specified in the land grant-merced bylaws.

C. The registration of qualified voting members shall be conducted in the manner prescribed in the land grant-merced bylaws. The secretary of the board of trustees shall maintain the registration books. Registration shall be closed beginning fifteen days before an election and reopened on the Monday following the election.

D. The registration books compiled before each election shall be used at that election. A person shall not vote at the election unless duly registered in the books, and a ballot of any unregistered person shall not be counted or canvassed.

E. A candidate for the board of trustees shall file a declaration of candidacy with the secretary of the board of trustees. The period when declarations of candidacy may be filed shall begin on the day the proclamation calling the election is published and shall remain open for at least ten days.

F. Whenever an election is to be called or is required by law, the board of trustees shall by resolution issue a public proclamation calling the election. The proclamation shall specify:

- (1) the date on which the election will be held;
- (2) the purpose for which the election is called;
- (3) if positions on the board of trustees are to be filled, the date and time by which declarations of candidacy are to be filed;
- (4) if a question is to be voted upon, the text of that question;
- (5) the location of each polling place in the land grant-merced;
- (6) the hours that each polling place will be open; and
- (7) the date and time of the closing of the registration books.

G. Not less than thirty days nor more than forty-five days before the date of the election, the board of trustees shall publish in Spanish and English the proclamation in a local newspaper of general circulation available within the boundaries of the land grant-merced and post the proclamation in at least five public places within the land grant-merced.

H. The board of trustees shall appoint one election judge and at least two election clerks for each polling place. The election judge shall also be present for the canvass of the vote. No person shall be qualified for appointment or service as an election clerk or judge who is a spouse, parent, child, brother or sister of any candidate to be voted for at the election.

I. The board of trustees shall provide in the bylaws for the forms and procedures by which the land grant-merced elections are conducted. If the board of trustees chooses to provide for early or absentee voting, it shall specify in its bylaws the procedures by which early or absentee voting shall be conducted.

History: Laws 2007, ch. 145, § 6; 2009, ch. 131, § 2.

49-4-8. Election; votes required; canvassing votes.

A. The candidates receiving the most votes cast for the open seats on the board of trustees shall be elected to the board.

B. The election judges and board of trustees shall meet not later than seven days following the election and canvass the votes cast and issue to each candidate duly elected to a seat on the board a certificate of election.

History: Laws 2007, ch. 145, § 7; 2011, ch. 112, § 2.

49-4-9. Organization of board; bonds; vacancies.

A. All members of the newly elected board of trustees shall meet no later than seven days after the votes are canvassed and organize themselves by the election of a president, secretary and treasurer. The treasurer shall perform such duties as may be required by the board and shall furnish to the board a good and sufficient surety bond in a sum as set forth in this section, to be conditioned as are the bonds of other public officials handling public money. It is the duty of the treasurer to deposit all the money of the land grant-merced in a bank or credit union organized and doing business in New Mexico.

B. In the event of the death or resignation of the treasurer, the board shall fill the vacancy by appointing one of the members of the board as treasurer, who shall, before entering into the performance of the duties as treasurer, execute and furnish to the board a good and sufficient surety bond, similar to the bond entered into by the predecessor.

C. The amount of the bond required of the treasurer and the treasurer's successor shall at all times be for a sum of at least double the amount received by and deposited in the bank or credit union by the treasurer.

D. In the event the board of trustees delegates any other of its members to collect money due the land grant-merced, that person shall be bonded in the same manner as is provided in this section for the bonding of the treasurer.

E. Those authorized to collect money shall give receipts for the money collected, which receipts shall be in the form prescribed by the board of trustees in the bylaws as an official receipt.

History: Laws 2007, ch. 145, § 8; 2015, ch. 40, § 3.

49-4-10. Meetings.

Regular meetings of the board of trustees shall be held no less than quarterly and in a public place as the board may determine in accordance with the bylaws. The time and place of regular meetings shall be posted in Spanish and English in a public place within the land grant-merced at least ten days prior to the meeting. Special meetings may be held at any time on call of the president, with five days' notice being given to each member.

History: Laws 2007, ch. 145, § 9.

49-4-11. Quorum.

A majority of the members of the board of trustees shall constitute a quorum for the transaction of business, and the land grant-merced and its inhabitants shall be bound by the acts of the board pursuant to the provisions of Chapter 49, Article 4 NMSA 1978 and the land grant-merced bylaws.

History: Laws 2007, ch. 145, § 10.

49-4-12. Sale or mortgage of common lands; restrictions.

A. A conveyance of a portion of or all of the common lands of the land grant-merced shall be effective only if:

(1) the conveyance is made in accordance with the land grant-merced bylaws and this section;

(2) the conveyance is made for the benefit of the land grant-merced;

(3) the board of trustees has approved a resolution to make the conveyance at a regular meeting held in accordance with Sections 9 and 12 of this 2007 act;

(4) the board of trustees has petitioned for an order affirming the board's resolution from the district court of the district in which the property is located; and

(5) the district court has issued an order affirming the board of trustees' resolution pursuant to Subsection D of this section.

B. An heir may file a written protest of a conveyance with the board of trustees and the district court within thirty days of the date that the resolution approving the conveyance is passed by the board. The board of trustees shall address and make a decision on the protest at a special meeting held in accordance with Sections 9 and 12 of this 2007 act within thirty days of receiving the protest.

C. An heir dissatisfied with a decision of the board of trustees may appeal to the district court of the county in which the property is located in the following manner:

(1) appeals to the district court shall be taken by serving a notice of appeal upon the board within thirty days of the decision. If an appeal is not timely taken, the action of the board of trustees is conclusive;

(2) the notice of appeal may be served in the same manner as a summons in civil actions brought before the district court or by publication in a newspaper printed in the county in which the property is located, once per week for four consecutive weeks. The last publication shall be at least twenty days prior to the date the appeal may be heard. Proof of service of the notice of appeal shall be made in the same manner as in actions brought in the district court and shall be filed in the district court within thirty days after service is complete. At the time of filing the proof of service and upon payment by the appellant of the civil docket fee, the clerk of the district court shall docket the appeal;

(3) costs shall be taxed in the same manner as in cases brought in the district court, and bond for costs may be required upon proper application; and

(4) the proceeding upon appeal shall be de novo as cases originally docketed in the district court. Evidence taken in a hearing before the board of trustees may be considered as original evidence subject to legal objection, the same as if the evidence was originally offered in the district court. The court shall allow all amendments that may be necessary in furtherance of justice and may submit any question of fact to a jury or to one or more referees at its discretion.

D. If the district court finds that all requirements of this section have been satisfied and that all protests and appeals are concluded, the court shall issue its order affirming the board of trustees' resolution conveying the property.

E. After the district court issues its order, the board of trustees shall execute the necessary documents in the name and under the seal of the land grant-merced, and all heirs shall be bound by the board's conveyance.

History: Laws 2007, ch. 145, § 11.

49-4-13. Meetings to be public; annual report.

A. All meetings of the board of trustees shall be held in accordance with the Open Meetings Act [Chapter 10, Article 15 NMSA 1978]. Executive sessions shall not be held except in accordance with the Open Meetings Act. All heirs of the land grant-merced shall have the right to be present at all times when the board of trustees is in session and to be heard on all matters in which they may be interested.

B. The board of trustees shall annually make public a report of all its transactions for that year. The report shall include agendas, minutes, any actions taken and all financial transactions. The report shall be maintained in a public place and available for public review.

C. The secretary of the board of trustees shall reduce to writing, in a book kept for that purpose, minutes of the business transacted at each meeting of the board of trustees.

History: Laws 2007, ch. 145, § 12.

49-4-14. Vacancies.

If a vacancy occurs on the board of trustees, the remaining members shall fill the vacancy by appointment made at a regular meeting. The person appointed shall hold office until the next regular election.

History: Laws 2007, ch. 145, § 13.

49-4-15. Salaries of trustees; records; expenditures.

A. The board of trustees may fix in the land grant-merced bylaws and pay to its members a salary not to exceed two hundred dollars (\$200) to any member in one month. The salary as fixed shall be in full as compensation for the duties performed by the board of trustees or the individual members within the exterior boundaries of the land grant-merced and for attendance at regularly scheduled meetings. The secretary of the board of trustees may be allowed a salary not to exceed two hundred twenty-five dollars (\$225) in one month.

B. Board of trustees members may be authorized per diem and mileage pursuant to the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

C. The board of trustees and the treasurer shall keep permanent and legible records capable of audit, and no money or funds shall be paid by the board of trustees or by any person authorized to expend money unless the expenditure is approved by a majority of the board of trustees and is in the form of a written check or in such a form that the date, amount and payee of the transaction are automatically recorded; and the payment is supported by an invoice or receipt.

History: Laws 2007, ch. 145, § 14; 2015, ch. 40, § 4.

49-4-16. Protection of common lands; delinquency; forfeiture.

A. If the board of trustees brings an action in accordance with Subsection B of Section 4 of this 2007 act [49-4-5 NMSA 1978] and judgment is rendered in favor of the board of trustees, the court may award to the board of trustees possession of the tract,

piece or parcel of the land and such damages as it may have proved for the wrongful detention and any other remedy provided for by law.

B. A delinquent heir shall lose all right that the heir may have had to use the common lands of the land grant-merced unless the heir pays in full all legal assessments or dues due by the heir.

History: Laws 2007, ch. 145, § 15.

49-4-17. Trespass on common lands or waters; injunctions.

The courts of this state shall entertain bills of complaint filed by the board of trustees of the land grant-merced to enjoin persons from trespassing upon the common lands or using the common waters within the land grant-merced if it appears that the complainant is without a plain, speedy and adequate remedy at law or that the persons committing trespass are insolvent or unable to respond in damages.

History: Laws 2007, ch. 145, § 16.

49-4-18. Process; how served on board.

Process in all actions or suits against the board of trustees of the land grant-merced shall be served upon the president or, in the president's absence, upon the secretary.

History: Laws 2007, ch. 145, § 17.

49-4-19. Registration.

The board of trustees shall register its bylaws and a list of current officers with the land grant council in accordance with the provisions of Section 49-1-23 NMSA 1978. The board of trustees shall notify the land grant council of the names and positions of the land grant-merced's elected or appointed officers upon their election or appointment.

History: Laws 2007, ch. 145, § 18; 2013, ch. 4, § 2.

49-4-20. Failure of trustee to perform duties; penalty.

Any member of the board of trustees who fails or refuses to perform any of the duties required to be performed by the board of trustees of the land grant-merced by Chapter 49, Article 4 NMSA 1978 or by any other law of New Mexico is guilty of a misdemeanor and upon conviction shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100) or by imprisonment in the county jail for a period of not less than thirty days nor more than ninety days, or both.

History: Laws 2007, ch. 145, § 19.

49-4-21. Rights of lessees and purchasers.

A. A person who is not an heir and who purchases or leases property within the limits of the land grant-merced shall only have a right to the lands acquired through the purchase or lease but not to any common lands within the land grant-merced.

B. The provisions of Chapter 49, Article 4 NMSA 1978 shall not diminish, extinguish or otherwise impair any private property interest located within the boundaries of the land grant-merced or be construed to grant the board of trustees regulatory authority over such property interests or lands other than the common lands held by the land grant-merced. As used in this subsection, "property interest" includes valid easements and rights of access, but does not include use rights to the common lands of the land grant-merced.

History: Laws 2007, ch. 145, § 20.

ARTICLE 5

Dona Ana County Grants

49-5-1. [Management vested in boards of trustees; exception.]

That the management and control of the community land grants within the county of Dona Ana, in the state of New Mexico, and the legal and equitable title to all the lands within the exterior boundaries of such grants to which any colony or community is entitled on February 23, 1905, are hereby vested in boards of trustees, each of which shall be elected as in this article provided: provided, however, that nothing in this article shall be construed to in any way affect any land grant now incorporated under the provisions of any general or special act.

History: Laws 1905, ch. 21, § 1; Code 1915, § 818; C.S. 1929, § 29-301; 1941 Comp., § 9-501; 1953 Comp., § 8-5-1.

49-5-2. [Corporate powers; name; process.]

That each of such boards shall be a body corporate, having full power to sue and be sued, besides the other powers hereinafter mentioned. In all suits the said body corporate shall be styled, "The Board of Trustees of the Community Grant," and all process may be served on either the president or the secretary-and-treasurer of the board of trustees.

History: Laws 1905, ch. 21, § 2; Code 1915, § 819; C.S. 1929, § 29-302; 1941 Comp., § 9-502; 1953 Comp., § 8-5-2.

49-5-3. [Qualifications of trustees.]

That all members of such boards of trustees shall be inhabitants of, and the owners of lands within the limits of the particular grant for which they shall have been elected trustees.

History: Laws 1905, ch. 21, § 3; Code 1915, § 820; C.S. 1929, § 29-303; 1941 Comp., § 9-503; 1953 Comp., § 8-5-3.

49-5-4. [First election of trustees; notice.]

That upon the petition of twenty or more inhabitants of, and owners of lands within, any one of such land grants, it shall be the duty of the board of county commissioners of the said county of Dona Ana to order an election to be held for the choice of a board of trustees for the grant specified in the petition. Such board of county commissioners shall appoint three competent and disinterested persons, qualified to vote under the provisions of this article, to serve as judges of such election and shall by proclamation printed at least once a week for two successive weeks in some newspaper of general circulation published in the said county of Dona Ana give notice of the time and place of such election and the objects thereof.

History: Laws 1905, ch. 21, § 4; Code 1915, § 821; C.S. 1929, § 29-304; 1941 Comp., § 9-504; 1953 Comp., § 8-5-4.

49-5-5. [Election of successors; notice; judges.]

That within thirty days of the expiration of the terms of office of any such board of trustees, it shall be the duty of such board to call an election for the choice of their successors, to fix the time and place for the holding of the same, to appoint qualified persons to act as judges thereof, and to give notice of such election in the manner and for the length of time specified in the preceding section [49-5-4 NMSA 1978].

History: Laws 1905, ch. 21, § 5; Code 1915, § 822; C.S. 1929, § 29-305; 1941 Comp., § 9-505; 1953 Comp., § 8-5-5.

49-5-6. Election; electors; canvassing returns; oath.

At all the elections held under the provisions of this article, each actual inhabitant of the grant and owner of land therein, who has reached the age of majority, shall be entitled to cast one vote in person, and the five persons receiving the highest number of votes cast at any such election shall be the trustees of the grant and hold their offices for the period of two years and until their successors are elected and qualified. At all elections held under the provisions of this article the votes shall be canvassed and the result ascertained and determined by the outgoing board of trustees. Elections shall be conducted in a manner as near as possible to that of elections conducted under the

Election Code [Chapter 1 NMSA 1978]. Each member of the board of trustees shall qualify within ten days after his election by filing with the secretary-and-treasurer an oath subscribed by him to the effect that he will faithfully discharge the duties of his office, which oath shall be recorded in the minutes of the proceedings of the board.

History: Laws 1905, ch. 21, § 6; Code 1915, § 823; C.S. 1929, § 29-306; 1941 Comp., § 9-506; 1953 Comp., § 8-5-6; Laws 1973, ch. 138, § 11.

49-5-7. [Officers; duties; secretary-treasurer's bond; compensation.]

That the board of directors shall choose a president and a secretary-and-treasurer. The president shall be chosen from the members of the board, shall preside at all meetings of the board and act as the executive officer thereof. He shall sign all warrants for the payment of money and all deeds and other instruments of writing requiring the corporate seal.

The secretary-and-treasurer shall give bond to the state of New Mexico in such sum as the board of trustees shall require, the same to be conditioned for the faithful performance of the duties of his office. It shall be his duty to keep a record of the proceedings of the board, which record shall be open to public inspection at all reasonable hours, to attest all warrants for the payment of money and all deeds and other instruments of writing requiring the signature of the president. He shall be the custodian of all funds, moneys and papers belonging to the board of trustees. No compensation shall be voted at any time to any trustee or to any officer thereof, save the secretary-and-treasurer.

History: Laws 1905, ch. 21, § 7; Code 1915, § 824; C.S. 1929, § 29-307; 1941 Comp., § 9-507; 1953 Comp., § 8-5-7.

49-5-8. [General powers of board.]

That said board of trustees shall have the following powers:

A. to control and manage the land grant and prescribe rules and regulations for the administration thereof; to prohibit all trespasses and depredations upon the unallotted and unappropriated lands within the grant; to institute actions of ejectment to recover the possession of any such unallotted and unappropriated lands and any other action or suit that may be necessary and proper in the exercise of the powers herein conferred;

B. to sell, convey, lease, mortgage or otherwise dispose of, under such rules and regulations as the board shall adopt for the purpose, the unallotted and unappropriated lands within the grant; but no such sale, conveyance or mortgaging of any such lands, or lease thereof for a longer period than five years, shall be made until such lands shall have first been appraised by at least two disinterested inhabitants of the grant, to be

appointed by the judge of the district court for the county, nor for a sum less than two-thirds of the appraised value;

C. to recognize and confirm by deed of conveyance all bona fide adverse holdings of real estate within the grant: provided, however, that if any such board shall fail or refuse to make such conveyance upon demand the person aggrieved shall have the right to file a bill of complaint in the district court for the county, praying that such board may be compelled to confirm and convey to him and his heirs and assigns the lands described in the bill of complaint. If, upon the hearing of such cause, it shall appear that such person is entitled, under the laws, usages and customs of Spain, Mexico, the state of New Mexico or the United States, to such land, a decree shall be entered in such cause requiring such board of trustees to confirm and convey to him, and his heirs and assigns, the lands aforesaid: provided, however, that no part of the costs of such suit or proceeding [proceedings] shall be taxed to the board of trustees or paid by such board.

Any conveyance made in pursuance of the provisions of this article shall operate to conclude all persons claiming by, through or under the original title upon which the owners of such grant base their claim thereto the lands described in such conveyance. The words "owner" or "owners," wherever the same occur in this article, shall be construed to mean the members of the colony or community to which said grant was originally made, or their successors in interest, including all persons residing within the limits of the grant who shall have been in occupancy and adverse possession of any part or portion of such grant for a period of two years or more next preceding February 23, 1905;

D. to have a common seal;

E. to adopt all necessary rules and regulations for the carrying out of the powers conferred in this article.

History: Laws 1905, ch. 21, § 8; Code 1915, § 825; C.S. 1929, § 29-308; 1941 Comp., § 9-508; 1953 Comp., § 8-5-8.

49-5-9. [Disposition of lands; authorization.]

That no sale, mortgage, lease or other disposition of the unallotted and unappropriated lands within the grant, authorized under the provisions of this article, nor any confirmation or conveyance, as provided in Section 49-5-8 NMSA 1978, shall take effect or become operative until after the regular meeting of the board of trustees held next after the meeting at which the resolution authorizing such sale, mortgage, leasing confirmation, conveyance or other disposition of the lands involved is passed, and the corporation shall not be bound by any such resolution unless the same shall have been passed at a regular meeting of the board and by a majority vote of all the members of the board.

History: Laws 1905, ch. 21, § 9; Code 1915, § 826; C.S. 1929, § 29-309; 1941 Comp., § 9-509; 1953 Comp., § 8-5-9.

49-5-10. [Meetings of board; quorum; vacancies; expenditures.]

That the regular meetings of the board of trustees shall be held on the first Monday of each alternate month. Special meetings may be held at any time on the call of the president of the board. A majority of the board shall constitute a quorum for the transaction of business, save as hereinbefore provided. All vacancies in the board shall be filed [filled] by the remaining qualified members thereof, the persons appointed to fill such vacancies to hold their offices until the election and qualification of their successors. All expenses for holding elections under the provisions of this article, and all expenses necessary and proper incurred in the exercise of the powers herein conferred may be paid by the board of trustees out of the funds belonging to the corporation.

History: Laws 1905, ch. 21, § 10; Code 1915, § 827; C.S. 1929, § 29-310; 1941 Comp., § 9-510; 1953 Comp., § 8-5-10.

ARTICLE 6

Las Vegas Grant

49-6-1. [Jurisdiction vested in district court.]

That the district court of San Miguel county, in the state of New Mexico, is vested with jurisdiction to manage, control and administer that land claim known as "The Las Vegas Land Grant," confirmed by the act of congress on the twenty-first day of June, A.D. 1860, to the town of Las Vegas.

History: Laws 1903, ch. 47, § 1; Code 1915, § 842; C.S. 1929, § 29-601; 1941 Comp., § 9-601; 1953 Comp., § 8-6-1.

49-6-2. [Appointment of board of trustees.]

On July first in each alternate year after July 1, 1914, the district court of San Miguel county, New Mexico, shall appoint a board of trustees to have the control and management of the tract of land known as the Las Vegas land grant, to be known and designated as the board of trustees of the town of Las Vegas, and said board in and by said name may sue and be sued, and shall hold their office for a term of two years, and until their successors are appointed and qualified. And it shall be the duty of said board when so appointed to immediately organize by selecting from among its members a president, a vice president and a treasurer of said board and to employ a suitable and competent person who shall not be a member of said board as the clerk or secretary thereof whose compensation shall be fixed by said board.

History: Laws 1909, ch. 103, § 1; Code 1915, § 852; C.S. 1929, § 29-611; 1941 Comp., § 9-602; 1953 Comp., § 8-6-2.

49-6-3. [Board of trustees; number; residence qualification.]

That said district court shall, in the exercise of the jurisdiction conferred upon it, appoint a board of trustees to consist of not less than three nor more than five persons from among residents upon the land embraced within the exterior boundaries of said Las Vegas land grant.

History: Laws 1903, ch. 47, § 2; Code 1915, § 843; C.S. 1929, § 29-602; 1941 Comp., § 9-603; 1953 Comp., § 8-6-3.

49-6-4. [Officers; quorum in board meetings.]

That said board of trustees shall organize by selecting one of their number as chairman of said board of trustees who shall preside over the meetings of said board, and another, of said board, as secretary, whose duties it shall be to keep and preserve the records and doings of said board of trustees. A majority of said board shall constitute a quorum for the transaction of any and all business coming before said board.

History: Laws 1903, ch. 47, § 3; Code 1915, § 844; C.S. 1929, § 29-603; 1941 Comp., § 9-604; 1953 Comp., § 8-6-4.

49-6-5. [Control of board by court.]

That the said district court of San Miguel county shall exercise the same control over the said board of trustees, and over the acts and doings of said board of trustees, that courts of equity exercise over receivers appointed by them and over the acts and doings of their receivers.

History: Laws 1903, ch. 47, § 4; Code 1915, § 845; C.S. 1929, § 29-604; 1941 Comp., § 9-605; 1953 Comp., § 8-6-5.

49-6-6. [Bonds of trustees.]

That any and all persons appointed by said court as trustees under the provisions of this article, shall give bond to the state of New Mexico conditioned as receiver's bonds are.

History: Laws 1903, ch. 47, § 5; Code 1915, § 846; C.S. 1929, § 29-605; 1941 Comp., § 9-606; 1953 Comp., § 8-6-6.

49-6-7. [Compensation of trustees.]

Said trustees shall be paid such reasonable compensation as the said district court shall order or direct: provided, that it shall in no event exceed three hundred dollars [(\$300)] per year for each member thereof.

History: Laws 1903, ch. 47, § 6; Code 1915, § 847; C.S. 1929, § 29-606; 1941 Comp., § 9-607; 1953 Comp., § 8-6-7.

49-6-8. [Transaction of business by board; authority of district court to make rules.]

That said board of trustees shall be known and designated as the "Board of Trustees of the Town of Las Vegas," and under that name shall contract and transact all business coming before said board, and said district court is hereby authorized to make and promulgate rules and regulations under and pursuant to which said board of trustees shall conduct and transact all business pertaining to the management, control and administration of said land grant.

History: Laws 1903, ch. 47, § 8; Code 1915, § 849; C.S. 1929, § 29-608; 1941 Comp., § 9-608; 1953 Comp., § 8-6-8.

49-6-9. [Lease, sale or mortgage of land.]

Such board of trustees shall have the power, under the direction of said court, to lease, sell or mortgage any part or parts of said tract of land, for such price and upon such terms or conditions as may by said court and said board be deemed advisable and use the proceeds thereof for such purposes as said board and court may deem to be for the best interests of the community for the benefit of which said grant was made.

History: Laws 1903, ch. 47, § 9; Code 1915, § 850; C.S. 1929, § 29-609; 1941 Comp., § 9-609; 1953 Comp., § 8-6-9.

49-6-10. [Vested rights not affected; issuance of deeds; prior deeds validated.]

This article shall not interfere with or prejudice any vested rights in and to any of the lands embraced within the boundaries of said Las Vegas grant, or preclude a judicial examination or adjustment thereof, and it is hereby made the duty of said board of trustees to make, execute and deliver deeds of conveyance to any and all persons who hold a title to any such lands, which became or was perfect or entitled them to the possession thereof at the time of the acquisition of New Mexico, under the treaty of Guadalupe Hidalgo, or at any other time subsequent thereto. It is made the further duty of said board of trustees, by and with the approval of the judge of the district court for San Miguel county, to make, execute and deliver deeds of conveyance, free of cost, except for surveys, platting the same and other necessary expenses, to any and all persons making application therefor, who have held sufficient lands embraced within the

boundaries of said Las Vegas grant, in actual possession, for a period of not less than ten years prior to the date of said application, to entitle them to receive one hundred and sixty acres of land under the rules of the board: provided, however, that not more than one hundred and sixty acres shall be so granted or deeded to any one person, and also provided, that where community settlements of titles can be made, only such amounts of land shall be granted as have been under cultivation and a reasonable amount additional as in the opinion of the board shall be just and equitable to all the resident [residents] of said grant. And all such deeds executed by said board of trustees prior to March 18, 1909 and approved by the court are hereby validated and confirmed.

History: Laws 1903, ch. 47, § 7; 1909, ch. 103, § 7; Code 1915, § 848; C.S. 1929, § 29-607; 1941 Comp., § 9-610; 1953 Comp., § 8-6-10.

49-6-11. [Investment of funds; permanent school fund established.]

It shall be the duty of the board of trustees of the town of Las Vegas administering the Las Vegas grant to invest any and all moneys in its hands or under its control, or which may be received by said board, except such amount as the district court for San Miguel county, New Mexico, may from time to time deem necessary to be held to pay the current and other expenses of said board, as follows:

A. in interest-bearing bonds of the United States, or of the state of New Mexico, or of any county, municipality or political subdivision thereof authorized by law to issue bonds;

B. in first mortgage bonds of any corporation, organized for the purpose of acquiring, constructing and operating a storage reservoir at the Sanguijuela Arroyo in San Miguel county, New Mexico, and irrigation works in connection therewith to irrigate lands on the Las Vegas grant, secured by first mortgage on such reservoir and irrigation works, and all lands belonging to the Las Vegas grant coming under the said irrigation system and irrigable therefrom and which bonds shall bear interest at the rate of not less than six per centum per annum; or in a loan or loans to such a corporation or to any person, firm or corporation contracting to acquire, construct or operate such reservoir, water rights pertaining thereto and irrigation works, such loan or loans to be secured by first mortgage on said reservoir and water rights pertaining thereto, and irrigation works, and all lands belonging to the Las Vegas grant coming under the said irrigation system and irrigable therefrom, or by a contract which will assure the repayment of said moneys, with interest at the rate of not less than six per centum per annum. Provided, that all bonds purchased under the provisions of this section shall be first mortgage bonds, and that no bonds or securities shall be purchased or loans made out of such moneys without the approval of said court.

Said moneys when so invested shall constitute a permanent school fund for the purposes hereinafter stated, the principal of which shall under no circumstances be lessened or impaired and shall remain inviolate. Such moneys may be temporarily deposited in some bank or banks, designated by said court and said board of trustees,

upon certificates of deposit bearing interest at the rate of not less than four per centum per annum.

History: Laws 1909, ch. 103, § 2; 1912, ch. 64, § 1; 1913, ch. 86, § 1; Code 1915, § 853; C.S. 1929, § 29-612; 1941 Comp., § 9-611; 1953 Comp., § 8-6-11.

49-6-12. [Bonds and securities; custody by county treasurer; collection of principal and interest.]

The bonds and securities in which said funds are from time to time invested shall be forthwith deposited with the treasurer of San Miguel county, New Mexico; and it is made the duty of said treasurer to receive and have the custody of such bonds and securities, to collect and pay the same over to the treasurer of said board of trustees, the principal thereof at maturity, to be reinvested and forthwith to pay the same over to the treasurer of the board of trustees of the town of Las Vegas administering the Las Vegas grant to be by said board reinvested in other bonds or securities chosen and approved by said board and court; and it shall also be the duty of the said treasurer of said county to collect the interest on all such bonds and securities and to place the same or such portion thereof as may be determined by such board and court as hereinafter provided, to the credit of the several school districts within the Las Vegas grant in proportion to the number of children of school age within said districts respectively.

History: Laws 1909, ch. 103, § 3; 1913, ch. 86, § 2; Code 1915, § 854; C.S. 1929, § 29-613; 1941 Comp., § 9-612; 1953 Comp., § 8-6-12.

49-6-13. [School district apportionment; improvement, repair and construction of school buildings; advertising for bids; contractor's bond.]

It is the duty of the superintendent of schools of said San Miguel county, on or before the tenth day of January of each year, to certify to said county treasurer the number of children of school age residing in each of the school districts within the Las Vegas grant, and said treasurer shall thereupon place to the credit of each of said school districts the amount to which it may be entitled under said apportionment, to be drawn out and expended as other moneys of said school district.

If at any time said district court and said board of trustees shall deem it necessary, expedient and proper, they may expend such sums of money as they may consider necessary and proper, of the interest derived from said permanent fund and such parts, portions and amounts of said permanent fund, or any other fund under the control of said board of trustees in improving and repairing the public school buildings in the town of Las Vegas, or in constructing such public school building or buildings within the said town of Las Vegas, as in their judgment they may deem necessary and proper; provided, however, that no improvements or repairs to the public school buildings of the town of Las Vegas shall be made, nor shall any public school building or public school

buildings be constructed within the said town of Las Vegas, unless the board of education of the town of Las Vegas, New Mexico, agree and consent thereto; and

provided further, that before any improvements or repairs to the school buildings in the town of Las Vegas are made, or any new building or buildings are constructed, that the said board of trustees of the town of Las Vegas administering the Las Vegas grant, if said expenditure exceeds the sum of three hundred dollars [(\$300)], be required to advertise the said work for at least twenty days in some newspaper published in the English language within the said county of San Miguel before the letting of the said work, and let the said work to the lowest responsible bidder, which bidder shall be required to enter into a good and sufficient bond for double the amount of the contract price, for the faithful performance of said contract for said work.

History: Laws 1909, ch. 103, § 4; 1913, ch. 86, § 3; Code 1915, § 855; C.S. 1929, § 29-614; Laws 1933, ch. 182, § 1; 1941 Comp., § 9-613; 1953 Comp., § 8-6-13.

49-6-14. [Construction of veterans' memorial public school.]

That the board of trustees of the town of Las Vegas (administering the land grant known as "The Las Vegas Land Grant," confirmed by the act of congress on the twenty-first day of June, A.D. 1860 to the town of Las Vegas) be and the same hereby is authorized and empowered to expend the sum of \$30,000.00 towards the cost of constructing a public school building within the exterior boundaries of the town of Las Vegas, the said building to be named "Veterans' Memorial Public School," in honor of all the men and women from San Miguel county, state of New Mexico, who served in the armed forces of the United States of America.

History: 1941 Comp., § 9-614, enacted by Laws 1945, ch. 121, § 1; 1947, ch. 96, § 1; 1953 Comp., § 8-6-14.

ARTICLE 7

Manzano Grant (Repealed.)

49-7-1. Repealed.

History: Laws 1907, ch. 39, § 1; Code 1915, § 856; C.S. 1929, § 29-701; 1941 Comp., § 9-701; 1953 Comp., § 8-7-1; repealed by Laws 2019, ch. 241, § 2.

49-7-2. Repealed.

History: Laws 1907, ch. 39, § 2; Code 1915, § 857; C.S. 1929, § 29-702; 1941 Comp., § 9-702; 1953 Comp., § 8-7-2; repealed by Laws 2019, ch. 241, § 2.

49-7-3. Repealed.

History: Laws 1907, ch. 39, § 4; Code 1915, § 858; C.S. 1929, § 29-703; 1941 Comp., § 9-703; 1953 Comp., § 8-7-3; repealed by Laws 2019, ch. 241, § 2.

49-7-4. Repealed.

History: Laws 1907, ch. 39, § 5; Code 1915, § 859; C.S. 1929, § 29-704; 1941 Comp., § 9-704; 1953 Comp., § 8-7-4; repealed by Laws 2019, ch. 241, § 2.

49-7-4.1. Repealed.

History: Laws 1987, ch. 163, § 1; repealed by Laws 2019, ch. 241, § 2.

49-7-4.2. Repealed.

History: Laws 1987, ch. 163, § 2; repealed by Laws 2019, ch. 241, § 2.

49-7-4.3. Repealed.

History: Laws 1993, ch. 290, § 1; repealed by Laws 2019, ch. 241, § 2.

49-7-5. Repealed.

49-7-6. Repealed.

History: Laws 1907, ch. 39, § 7; Code 1915, § 861; C.S. 1929, § 29-706; 1941 Comp., § 9-706; 1953 Comp., § 8-7-6; repealed by Laws 2019, ch. 241, § 2.

ARTICLE 8

Nuestra Senora del Rosario, San Fernando y Santiago Grant

49-8-1. Nuestra Senora del Rosario, San Fernando y Santiago Grant; trustees; election.

The government and control of the common lands of the land grant known as the "Nuestra Senora del Rosario, San Fernando y Santiago land grant" is vested in five trustees, to be known officially as "the board of trustees of the Nuestra Senora del Rosario, San Fernando y Santiago land grant", who shall be elected biennially by the owners of interests in the grant either by inheritance from the original grantees or by purchase from an heir.

History: Laws 1909, ch. 52, § 1; Code 1915, § 862; C.S. 1929, § 29-801; 1941 Comp., § 9-801; 1953 Comp., § 8-8-1; Laws 1997, ch. 16, § 1.

49-8-2. Elections; right to vote.

A. On the first Monday of April of each alternate year, an election shall be held after the trustees have given at least seven days notice thereof by posting not less than five notices in conspicuous places within the grant, which shall include the post offices at Truchas, Cordova, formerly known as Quemado, and Chimayo. Except as provided in Chapter 49, Article 8 NMSA 1978, the election shall be conducted as nearly as practical in the same manner as provided in the Election Code [Chapter 1 NMSA 1978] for the conduct of general elections, provided that the board of trustees of the Nuestra Senora del Rosario, San Fernando y Santiago land grant and the secretary of the board shall perform the functions designated in that code for the county commission and the county clerk, respectively, and provided further that no registration shall be required. Official ballots for voting shall contain the names of not less than five owners of interests in the grant. The five persons receiving the highest number of votes shall be elected as trustees for the ensuing two years.

B. At all elections, every owner of an undivided interest in the grant shall be entitled to one vote. The trustees in charge of the election shall prepare from the best information obtainable a list of all owners of interest in the grant and shall deliver the list to their successors. Any person claiming to be the owner of an interest whose claim is not admitted by the trustees may file with them an oath in writing, stating that he is an owner and giving as fully as he can the chain of title to his interest. If his claim is substantiated by the oaths in writing of two owners of such interests, he shall be permitted to vote at the election.

History: Laws 1909, ch. 52, § 2; Code 1915, § 863; C.S. 1929, § 29-802; 1941 Comp., § 9-802; 1953 Comp., § 8-8-2; Laws 1997, ch. 16, § 2.

49-8-3. Officers; meeting; vacancies.

The members of the board of trustees so elected shall meet within one week after the election and organize by the election of a president, secretary and treasurer who shall perform such duties as may be required of them by the board. A majority of the board shall constitute a quorum for the transaction of business. All meetings of the board shall be open to all owners of interests in the grant, who shall have the right to be present and to be heard on all matters on which they may be interested. If a vacancy occurs in the board, the remaining members shall fill the vacancy by appointment until the next election. The board may make such rules as to its meetings and order of business as it deems proper.

History: Laws 1909, ch. 52, § 3; Code 1915, § 864; C.S. 1929, § 29-803; 1941 Comp., § 9-803; 1953 Comp., § 8-8-3; Laws 1997, ch. 16, § 3.

49-8-4. Board of trustees; powers.

The board of trustees shall have the following general powers:

A. to control, care for and manage the common lands of the grant and all the property pertaining thereto, to prescribe the terms on which they may be used and to make all necessary and proper regulations for the government thereof;

B. to sue and be sued under the title set forth in Section 49-8-1 NMSA 1978;

C. to lease any portions of the common land or the pasturage thereon and to sell any timber, wood, stone, grass or other product or personal property of the grant;

D. to pay all taxes and other expenses due on the common land; and

E. in case the income exceeds the expenses, to expend the balance to benefit all the owners equitably or for improvements upon the common land that will be for the general benefit of the owners.

The board of trustees shall make a report in writing of its transactions during the preceding year, including an account of all money received and expended, at the opening of the annual meeting of the owners.

History: Laws 1909, ch. 52, § 4; Code 1915, § 865; C.S. 1929, § 29-804; 1941 Comp., § 9-804; 1953 Comp., § 8-8-4; Laws 1997, ch. 16, § 4.

ARTICLE 9

Socorro Grant

49-9-1. [Trustees of grant; applicants for deeds; city of Socorro.]

Whereas, the court of private land claims, at a session of said court held in the city of Santa Fe, in the month of August, in the year 1892, did make and enter of record its decree granting and confirming to the city of Socorro and Candelario Garcia, in trust, for the benefit [benefit] of said city and the inhabitants thereof, four square Spanish leagues of land, having for their center the center of the Roman Catholic church of the city of Socorro, and have [having] for their boundaries one Spanish league distant from the center of said Roman Catholic church to each cardinal point of the compass; and

Whereas, said decree confirmed said land to the city of Socorro and to Candelario Garcia, in trust, for the use and benefit of the holders thereon and those holding any portion of said land from or under any lawful authority, and as to those lands not held by private ownership under any lawful deed or grant, were decreed to be held by said city and said Candelario Garcia, in trust, for the whole people of said grant; and

Whereas, there is a large quantity of said lands so confirmed as aforesaid held in severalty by persons claiming ownership thereof or interest therein, and such persons are entitled to deeds to the same from said trustees and are entitled to have their titles perfected to said lands so held in severalty, and there is also a large portion of the said

lands within the limits of said grant not claimed or held in severalty, and the title to which is held by said trustees, in trust, as aforesaid; and

Whereas, there is no power or authority given to said city or said Candelario Garcia by said decree or by law to carry out said trust, or to make deeds to the persons owning portions of said grant in severalty, or to sell or to dispose of the portion of such grant the title to which is held by said trustees as aforesaid, and it is necessary that such power and authority should be given to the said trustees; wherefore,

Be it enacted by the authority aforesaid that said Candelario Garcia, who is the cotrustee with said city, shall have the right and power, if he so desires, to surrender and convey his trust in said lands to said city of Socorro, and in case he, the said cotrustee with said city, shall decline, neglect, refuse or be unable because of death or otherwise, or unwilling to act in conjunction with said city to carry out said trust in the manner and under authority herein given, then in such case said city of Socorro shall be and is hereby made the sole trustee herein to carry out said trust; and that said city, in the event of said cotrustee failing, neglecting or being unable to act as aforesaid, be and it is hereby vested with the sole and full power to carry out and execute said trust.

And the said city council of said city, in the event it becomes the sole trustee, shall by its mayor and city clerk make, execute and deliver a deed or deeds conveying to any individual, company or corporation applying for the same a full and complete title to all of the property so conveyed, the said individual or corporation or company first satisfying said city council that he or it is entitled to such deed or deeds for which the land or lands or some portion thereof or interest therein for which application for deed or deeds have been so made: provided, that if the said cotrustee acts with said city in the execution of this trust he shall sign and execute said deed or deeds in conjunction with said city.

History: Laws 1893, ch. 77, § 1; 1909, ch. 143, § 1; Code 1915, § 866; C.S. 1929, § 29-1001; 1941 Comp., § 9-901; 1953 Comp., § 8-9-1.

49-9-2. [Persons entitled to deed; refusal to grant; appeal to district court.]

Any person, company or corporation who shall, by themselves or by or through their grantors, have been in the actual continuous and undisputed possession of any portion of any of said lands within the limits of said grant for a period of ten years next immediately preceding the date of the entering of the said decree of said land court confirming said grant to said trustees, or who shall be the owner of any portion of the said lands under any deed or conveyance from the original town of Socorro, or from or by or through any conveyance from any of the original settlers or lotholders within the limits of said grant, or from any deed or conveyance from any other lawful authority, shall be entitled to a deed as against said trustees to that portion of said land of which he, it or they shall have been so in possession, or to which he, it or they shall have title thereto as aforesaid: provided, however, that the action of said city council or trustees in

refusing said deed to any person, company or corporation shall not be final, but all question as to the right of said person, company or corporation to said deed or deeds shall be left to the determination of the district court in the county where said grant is situated, in a proper proceeding instituted therefor by said individual, company or corporation within thirty days after the refusal of said city council or trustees to execute said deed, and the court in determining the right of said person, company or corporation to said deed or deeds for said lands as against said city and trustees shall be governed by the same rules of law and equity as now govern the courts of this state in determining the rights and titles to lands as between individuals, subject to the provisions of this article.

History: Laws 1893, ch. 77, § 2; 1909, ch. 143, § 2; Code 1915, § 867; C.S. 1929, § 29-1002; 1941 Comp., § 9-902; 1953 Comp., § 8-9-2.

49-9-3. [Application for deed; fee; survey of land; investigation; execution of deed.]

Any person, company or corporation desiring a deed or deeds from said city or trustees to any portion of said lands as aforesaid, shall make application to said city council in writing therefor by filing his or its application with the city clerk of said city, setting forth a description of the lands claimed by him or it, by lots, blocks, dimensions, boundaries and quantities, so that the same can be readily identified, and shall briefly set forth the nature of his or its title thereto, and the manner in which the same has been obtained, which application shall be signed and sworn to by the party or parties applying therefor; said application shall be accompanied by a fee of fifteen dollars (\$15.00), which fee shall be all the fee required or collected from any such applicant: provided, that an applicant must, if required by the council of said city, cause the land claimed to be surveyed and the costs of making such survey shall be paid by the applicant. Said application when so made shall be by the mayor of said city referred to the city attorney, or some other attorney whom he may designate who shall investigate said application and if upon investigation such applicant appears to be entitled to a deed and no protest has been filed by the said city, or by any other person, for himself or on behalf of said city, against the granting of said deed as hereinafter provided, then the said attorney or attorneys shall, within thirty (30) days after the filing of said application and reference of the same to him, or them, prepare a deed in proper form covering the said land to the person, company or corporation entitled thereto, and shall make his report upon said application and deliver the said deed to the said city council, which may order the mayor and city clerk of said city to sign and execute said deed on behalf of said city and said cotrustee may also sign the same.

History: Laws 1893, ch. 77, § 3; 1909, ch. 143, § 3; Code 1915, § 868; C.S. 1929, § 29-1003; 1941 Comp., § 9-903; 1953 Comp., § 8-9-3.

49-9-4. [Notice of application; publication; protest; time limit on application.]

When application shall be made, as herein provided, for a deed to any portion of the lands within the limits of such grant, the clerk of said city is hereby required, within ten (10) days after the receipt of such application, to publish a notice of the same in a newspaper published and of general circulation in said city in one issue of said newspaper, giving in said notice the name of the applicant and a description of the lands for which a deed is asked. Any person, or persons, either on behalf of themselves or on behalf of said city who claims an adverse interest in any part or portion of land or lands for which application for a deed, or deeds, is so made, shall have the right to file, at any time within thirty (30) days after the publication of such notice, a protest against the execution of a deed, or deeds, to the applicant or applicants for the land applied for, or such portion thereof in which he or they may claim an interest, which protest shall be in writing, setting forth the ground of his, or their, objection and a description of that portion of the land in which he, or they, for themselves, or for said city, claim an adverse interest, and shall be sworn to by at least one protestant and filed with the city clerk of said city: provided, that if said protest is filed on behalf of said city the same shall be signed and sworn to by at least ten (10) citizens of the said city who are the owners of real estate within said grant. And provided, further, that no deed shall be executed by either said city or said cotrustee under any such application, unless said application is filed with the said city clerk within five years from the 18th day of March, A.D. 1909, and all lands within the limits of said grant for which a deed has not been executed by said city, or for which application has not been made within said five years, shall be the property of said city of Socorro.

History: Laws 1893, ch. 77, § 4; 1909, ch. 143, § 4; 1912, ch. 60, § 1; Code 1915, § 869; C.S. 1929, § 29-1004; 1941 Comp., § 9-904; 1953 Comp., § 8-9-4.

49-9-5. [Protests; institution of suit; adjustment of controversy.]

The individual, company or corporation filing said protest shall be required to follow the same with a proper proceeding in law or in equity, instituted in the proper district court of said county in which said city is located, against the said party or parties applying for said deed or deeds to said land to test the question as to who is the owner of said land and entitled to the deed therefor from said trustees: provided, that if said protest shall be filed by said citizens on behalf of said city as aforesaid, then said city and trustees shall institute and prosecute said suit in the name and on behalf of and at the expense of said city. Said suit or proceeding shall be instituted by the party filing said protest within twenty days of the filing of said protest: provided, that if the party filing said protest is in possession of said land then the adverse party shall institute said suit within said time, and the city council and trustees of said city shall withhold the execution and delivery of any deed to either of said parties for any portion of said land so in controversy until such controversy shall be settled and the court shall determine as to who is rightfully entitled to the deed therefor from said city or town: provided, that parties to such controversy shall have the right to amicably adjust said controversy as to such land and upon such adjustment shall file a statement thereof with the city clerk, and upon such statement being filed the city council and trustees shall cause to be

executed deed or deeds to the parties as may be agreed upon between them and shown in such adjustment so filed.

History: Laws 1893, ch. 77, § 5; Code 1915, § 870; C.S. 1929, § 29-1005; 1941 Comp., § 9-905; 1953 Comp., § 8-9-5.

49-9-6. [Issuance or refusal to issue deeds; contesting right of possession.]

If no protest should be filed with the city clerk against the granting of said deed to any applicant, within the time and manner as above provided, or if the said protest should be filed and the party whose duty it is fails or neglects to institute his proceeding in the district court contesting the right of said applicant to said deed within the time as above provided, the said city council shall be authorized to make, execute and deliver a deed for the said land to the person who shall have first applied for said deed: and provided, further, that should any person make application for a deed to any portion of said land within the limits of said grant, and should said city council, upon investigation thereof, be not satisfied that the land for which such deed is applied for is in fact owned by said applicant, then said city council shall refuse to execute or cause to be executed a deed to said applicant for said land until the court shall determine, in a proceeding properly instituted therefor, that the city should execute said deed to said applicant; or in case any individual, company or corporation shall be in possession of or shall claim any part or portion of the land within the limits of said grant to which they or it may be not entitled as against said city holding said lands in trust as aforesaid, then the city council of said city shall direct the city attorney, or other attorney or attorneys, to institute on behalf of said city and said trustees a proper proceeding in the district court in which the said grant is situated to contest the right and title of said individual, company or corporation to any of said lands so held or claimed, which suit shall be instituted by said city against said parties within twelve months after February 23, 1893, or within twelve months after the said claim is so set up to said lands by said individual, company or corporation.

History: Laws 1893, ch. 77, § 6; 1909, ch. 143, § 5; Code 1915, § 871; C.S. 1929, § 29-1006; 1941 Comp., § 9-906; 1953 Comp., § 8-9-6.

49-9-7. [Distribution of fees.]

Out of the fifteen dollars (\$15.00) which shall be paid by any applicant for a deed as hereinbefore provided, to the city clerk, the said city clerk shall receive on [one] dollar (\$1.00) for his services. The attorney, or attorneys, to which such application is referred shall receive ten dollars (\$10.00) and the publisher of the newspaper, in which the notice herein provided for is published, shall receive four dollars (\$4.00).

History: Laws 1909, ch. 143, § 6; Code 1915, § 872; C.S. 1929, § 29-1007; 1941 Comp., § 9-907; 1953 Comp., § 8-9-7.

49-9-8. [Disposition of lands; ground rent; deeds; appraisal.]

As to all of said lands within the limits of said grant which are not owned in severalty by individuals, companies or corporations and which are in and by said decree of said court of private land claims decreed to belong to said city and cotrustee, in trust, for the benefit of the inhabitants of said grant, said city council and trustees shall have the power and authority to sell and dispose of said lands at public or private sale for the best possible price they can obtain for the same, which said sales of said lands shall be duly advertised before said sales are made. Such city council and trustee shall have the right to sell and dispose of said lands or lease or rent the same or any part thereof in such parcels and in such portions and in such manner and upon such terms as the city council of such city may deem best, and shall have the right to sell and dispose of the same for cash or on credit and may provide for perpetual ground rent in the way of interest for any unpaid purchase money and may make titles forfeitable for nonpayment of such ground rents in such manner and upon such terms as it may think most conducive to the benefit and advantage of the inhabitants of said grant, and shall make and execute and deliver all necessary deeds in the premises: provided, that the said land and no portion thereof shall be sold as above provided until said lands so offered for sale shall first be appraised by three disinterested property owners resident on said grant, appointed by said city council, at its full cash value: and provided, that no sale shall be made unless the said land so sold shall bring at such sale at least two-thirds of such appraised value.

History: Laws 1893, ch. 77, § 8; Code 1915, § 873; C.S. 1929, § 29-1008; 1941 Comp., § 9-908; 1953 Comp., § 8-9-8.

49-9-9. [Disposition of proceeds of land sales.]

All proceeds realized on the sale of said lands so made as aforesaid shall be appropriated to pay off the bonded indebtedness of the city of Socorro or for public improvements within the limits of said grant as may be determined by the city council of said city.

History: Laws 1893, ch. 77, § 9; Code 1915, § 874; Laws 1921, ch. 130, § 1; C.S. 1929, § 29-1009; 1941 Comp., § 9-909; 1953 Comp., § 8-9-9.

49-9-10. [Ordinances for enforcement of act.]

The city council of said city is hereby authorized and empowered to enact and pass all ordinances, rules and regulations necessary to enable said city, with the aid of its cotrustee, to carry out and fully perform all the duties and powers herein by this act granted to said city.

History: Laws 1893, ch. 77, § 10; Code 1915, § 875; C.S. 1929, § 29-1010; 1941 Comp., § 9-910; 1953 Comp., § 8-9-10.

49-9-11. [Attorney's fees; method of payment.]

It is hereby made the duty of the mayor and city clerk to ascertain the amount of indebtedness outstanding on account of attorney's fees for services rendered in behalf of securing title to the land grant of such city and certify such indebtedness to the city treasurer, who shall register the same in his books, giving the description and form of such indebtedness; if in bonds, the number, the amount, rate of interest, when due and date of issue. The mayor and city clerk shall endorse on such evidences of indebtedness issued in payment of attorney's fees, hereinbefore mentioned, the following:

"The within evidence of indebtedness has been issued in payment of attorney's fees for services rendered in behalf of securing title for land grants for the city of Socorro."

Such evidence of indebtedness shall constitute a preference claim against the said city and a lien upon its lands and the city treasurer is hereby required upon presentation of such evidence of indebtedness so certified in whatever form the same may be, to pay the interest or principal when due out of any moneys on hand, except the water interest funds, and said city is hereby authorized to sell any portion of its lands and apply the proceeds thereof to the payment of the indebtedness hereinbefore mentioned.

History: Laws 1909, ch. 143, § 8; Code 1915, § 876; C.S. 1929, § 29-1011; 1941 Comp., § 9-911; 1953 Comp., § 8-9-11.

49-9-12. [Application of article.]

This article is intended to apply to the grant of land heretofore made and confirmed to the city of Socorro and Candelario Garcia, trustee, and to none other.

History: Laws 1893, ch. 77, § 11; Code 1915, § 877; C.S. 1929, § 29-1012; 1941 Comp., § 9-912; 1953 Comp., § 8-9-12.

ARTICLE 10

Tecolote Grant (Repealed.)

49-10-1. Repealed.

History: Laws 1903, ch. 77, § 1; Code 1915, § 878; C.S. 1929, § 29-1101; 1941 Comp., § 9-1001; 1953 Comp., § 8-10-1; repealed by Laws 2013, ch. 83, § 2.

49-10-2. Repealed.

History: Laws 1903, ch. 77, § 2; Code 1915, § 879; C.S. 1929, § 29-1102; 1941 Comp., § 9-1002; 1953 Comp., § 8-10-2; repealed by Laws 2013, ch. 83, § 2.

49-10-3. Repealed.

History: Laws 1903, ch. 77, § 3; Code 1915, § 880; C.S. 1929, § 29-1103; 1941 Comp., § 9-1003; 1953 Comp., § 8-10-3; repealed by Laws 2013, ch. 83, § 2.

49-10-4. Repealed.

History: Laws 1903, ch. 77, § 4; Code 1915, § 881; C.S. 1929, § 29-1104; 1941 Comp., § 9-1004; 1953 Comp., § 8-10-4; repealed by Laws 2013, ch. 83, § 2.

49-10-5. Repealed.

History: Laws 1903, ch. 77, § 5; Code 1915, § 882; Laws 1927, ch. 107, § 1; C.S. 1929, § 29-1105; 1941 Comp., § 9-1005; 1953 Comp., § 8-10-5; Laws 1971, ch. 300, § 1; repealed by Laws 2013, ch. 83, § 2.

49-10-6. Repealed.

History: Laws 1903, ch. 77, § 6; Code 1915, § 883; C.S. 1929, § 29-1106; 1941 Comp., § 9-1006; 1953 Comp., § 8-10-6; repealed by Laws 2013, ch. 83, § 2.

ARTICLE 11

Land Grant Support

49-11-1. Short title.

This act [49-11-1 to 49-11-5 NMSA 1978] may be cited as the "Land Grant Support Act".

History: Laws 2009, ch. 94, § 1.

49-11-2. Definitions.

As used in the Land Grant Support Act:

- A. "council" means the land grant council; and
- B. "land grant" means a patented community land grant-merced organized and operating as a political subdivision of the state.

History: Laws 2009, ch. 94, § 2.

49-11-3. Land grant council; purpose.

A. The "land grant council" is created and is administratively attached to the department of finance and administration. The general purposes of the council are to establish a land grant support program to provide advice and assistance to land grants and to serve as a liaison between land grants and the federal, state and local governments.

B. The council shall consist of five members appointed by the governor from the boards of directors of land grants for staggered terms of four years, with two members of the initial council selected by lot to serve an initial term of two years.

C. The council may hire staff and contract for services to carry out the purposes of the Land Grant Support Act.

D. The council shall appoint a chairperson and may appoint such other officers as it deems necessary.

E. The council shall meet at least quarterly. Meetings of the council shall be called by the chairperson of the council or at the request of at least three members of the council.

F. Members of the council are entitled to receive per diem and mileage in accordance with the provisions of the Per Diem and Mileage Act [10-8-1 to 10-8-8 NMSA 1978].

History: Laws 2009, ch. 94, § 3.

49-11-4. Land grant support program; council director powers and duties.

A. The council, through its staff or contract agents, may apply for and accept any public or private grants, gifts or donations for the benefit of the land grant support program, the council or land grants in general or particular.

B. The council, through its staff or contract agents, may:

(1) assist land grants in all areas of land grant fiscal and programmatic management, including planning, economic development and infrastructure development;

(2) establish cooperative purchasing capabilities for land grants;

(3) perform special studies and undertake surveys of interest to land grants and report the findings;

(4) serve as fiscal agent and administrator for federal and state grants-in-aid and other funding for a land grant when necessary;

(5) facilitate or enter into agreements with state and federal agencies on behalf of land grants;

(6) enter into contracts to carry out the purposes of the Land Grant Support Act; and

(7) provide other assistance to land grants.

C. The council, through its staff or contract agents, shall:

(1) facilitate the exchange of experience and advice among land grants;

(2) serve as a liaison between land grants and federal, state and local agencies;

(3) promote cooperation between land grants and, by consultation and advice, assist in the coordination of land grant programs;

(4) provide board development opportunities and technical assistance to the governing boards of land grants;

(5) provide short- and long-range planning assistance to land grants;

(6) conduct training sessions for land grants on topics of interest, such as:

(a) local, state and national zoning trends and concerns and other land-use issues;

(b) state requirements for political subdivisions on such topics as open meetings, public records, procurement, risk management, tort claims and financial accountability;

(c) techniques of historical research;

(d) grant writing;

(e) economic development strategies; and

(f) rangeland management and water conservation;

(7) disseminate information to relevant federal, state and local agencies on land grant issues and activities and, when requested, on the status of individual land grants;

(8) develop and promote federal legislation for an appropriate congressional response to longstanding community land grant claims in New Mexico; and

(9) review state and federal policies, plans and legislation affecting land grants in New Mexico.

History: Laws 2009, ch. 94, § 4.

49-11-5. Report to governor and legislature.

The council shall report to the governor and the legislature by December 1 of each year on the state of land grants in New Mexico and the activities of the council for that year.

History: Laws 2009, ch. 94, § 5.

49-11-6. Land grant-merced assistance fund created; distribution.

A. The "land grant-merced assistance fund" is created in the state treasury and shall be administered by the department of finance and administration. The fund consists of gifts, grants, donations, appropriations to the fund and distributions to the fund made pursuant to the Tax Administration Act [Chapter 7, Article 1 NMSA 1978].

B. On or before September 1, 2023 and on or before September 1 of each subsequent year, the state auditor shall provide a list to the land grant council of the land grants-mercedes that are in compliance with the Audit Act [12-6-1 to 12-6-15 NMSA 1978] and the category of compliance required for each land grant-merced pursuant to Subsection B of Section 12-6-3 NMSA 1978.

C. Within thirty days of the receipt of the list of Audit-Act-compliant land grants-mercedes and their Audit Act compliance levels provided by the state auditor pursuant to Subsection B of this section, the land grant council shall determine the land grants-mercedes on the list that are assistance-qualified pursuant to Paragraph (1) of Subsection F of this section and their distribution categories pursuant to Subsection D of this section and provide a list of those determinations to the department of finance and administration and the state treasurer.

D. An assistance-qualified land grant-merced with an annual revenue, calculated on a cash basis of accounting, exclusive of capital outlay funds or federal or private grants disbursed directly by an administrating agency or previous year distributions from the land grant-merced assistance fund, shall receive an annual distribution amount starting in fiscal year 2024 and continuing in each subsequent fiscal year in accordance with the following:

(1) less than fifty thousand dollars (\$50,000), the assistance-qualified land grant-merced shall receive a full distribution;

(2) at least fifty thousand dollars (\$50,000) but not more than two hundred fifty thousand dollars (\$250,000), the assistance-qualified land grant-merced shall receive seventy-five percent of a full distribution;

(3) at least two hundred fifty thousand dollars (\$250,000) but not more than five hundred thousand dollars (\$500,000), the assistance-qualified land grant-merced shall receive fifty percent of a full distribution; and

(4) five hundred thousand dollars (\$500,000) or more, the assistance-qualified land grant-merced shall receive twenty-five percent of a full distribution.

E. Within thirty days of receiving the list of assistance-qualified land grants-mercedes pursuant to Subsection C of this section, the state treasurer shall distribute to each assistance-qualified land grant-merced the amount determined pursuant to Subsections C and D of this section. If the balance in the fund as of the preceding June 30 exceeds the sum of certified amounts distributed, the difference shall revert to the general fund.

F. As used in this section:

(1) "assistance-qualified land grant-merced" means a land grant-merced that has supplied an account of its previous fiscal year revenue calculated in the same manner used for an annual calculation pursuant to Subsection D of this section to the land grant council, is in compliance with Chapter 49, Article 1 or 4 NMSA 1978, including having an elected board of trustees, and is in compliance with the Audit Act; and

(2) "full distribution" means an amount equal to the annual amount of money in the land grant-merced assistance fund at the start of a fiscal year divided by the total number of assistance-qualified land grants-mercedes as determined by the land grant council pursuant to Subsection C of this section for that fiscal year.

History: Laws 2022, ch. 32, § 2.