

LFC Requester:

Henry Jacobs

AGENCY BILL ANALYSIS - 2026 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/1/26

Check all that apply:

Bill Number: SM13

Original X Correction
Amendment Substitute

Sponsor: Rep. Gonzales
Rep. Serrato

Agency Name and Code Number: 305 – New Mexico
Department of Justice

Short Title: Study Restructuring Las Vegas Land Grant

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY26	FY27		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY26	FY27	FY28		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY26	FY27	FY28	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: Senate Memorial 13 requests that the New Mexico Department of Justice’s (“DOJ”) Guadalupe Hidalgo Treaty Division (“Division”) and the New Mexico Land Grant Council (“LGC”) study potential consequences of amending Chapter 49, Article 6 to divest management and appointment authority from the Fourth Judicial District Court over the Las Vegas Land Grant (“Land Grant”) and to restructure the governance of the Land Grant. The memorial further requests that the NMDOJ and the LGC report the findings and conclusions of the study to the appropriate legislative interim committees that address issues impacting land grants and rural communities by December 1, 2026. The memorial requires that copies of the memorial be transmitted to the director of the Division, the chair of the LGC, the president of the board of trustees of the Land Grant and the chief judge of the Fourth Judicial District Court.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

The Las Vegas Land Grant is unique among New Mexico’s land grants-mercedes in that its management, control and administration is vested in a district court, namely, the Fourth Judicial District Court (“Court”). NMSA 1978, Section 49-6-1 (1903). Under current law, the Court exercises the same control over the board of trustees that courts exercise over receivers, thus appearing to create a receivership relationship between the Court and the Land Grant. See Section 49-6-5. While district courts may appoint receivers, it is highly unusual for a court itself to act as a receiver. See generally NMSA 1978, Sections 44-8-1 through -10 (1995)(the Receivership Act); see also *Dydek v. Dydek*, 2012-NMCA-088, ¶ 51 (providing some detail on the history of receiverships in New Mexico and citing *First Interstate Bank v. Heritage Square, Ltd.*, 113 N.M. 763, noting that “a court’s authority to appoint a receiver can be derived from several sources” including a court’s equity jurisdiction, statutory authority or contract). Also, the Court appoints the board of trustees of the Land Grant to control and manage the Land Grant, Section 49-6-2, and the Court is authorized to make and promulgate rules and regulations pertaining to the management, control and administration of the Land Grant, Section 49-6-8. Given the Land Grant’s unique governance structure pursuant to Chapter 49, Section 6, and the purported issues identified in the memorial that stem from this structure, further study into the potential consequences of changing this structure may be warranted.

PERFORMANCE IMPLICATIONS

The memorial's request to have the NMDOJ and the Division investigate and report on the issue is consistent with prior legislative requests. See HJM 1 (2018) (requesting the Division, with other stakeholders, study and report on land title issues relating to the Cristobal de la Serna Land Grant); HM 38 (2019) (requesting the Division examine and report on land claims related to the Santa Cruz de la Canada Land Grant). The NMDOJ and the Division stand ready to assist in investigating and reporting on the issue presented in this memorial.

ADMINISTRATIVE IMPLICATIONS

N/A.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

The memorial is the companion to House Memorial 24 (Gonzales/Serrato) and is identical.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

None.

ALTERNATIVES

N/A.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.