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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Sariñana/Anyanonu</u>	<b>LAST UPDATED</b> _____
	<b>ORIGINAL DATE</b> <u>1/28/2024</u>
<b>SHORT TITLE</b> <u>Kirtland AFB Land Jurisdiction</u>	<b>BILL NUMBER</b> <u>House Joint Resolution 11</u>
	<b>ANALYST</b> <u>Hanika-Ortiz</u>

### REVENUE\* (dollars in thousands)

Type	FY24	FY25	FY26	FY27	FY28	Recurring or Nonrecurring	Fund Affected
Bernalillo County/City of Albuquerque		Indeterminate but minimal gain	Recurring	Local Government Funds			

Parentheses ( ) indicate revenue decreases.

\*Amounts reflect most recent analysis of this legislation.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
		Indeterminate but minimal	Indeterminate but minimal		Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

### Sources of Information

LFC Files

Because of the short timeframe between the introduction of this bill and its first hearing, LFC has yet to receive analysis from state and judicial agencies. Specifically, the Administrative Office of the Courts, Office of Military Base Planning, New Mexico Counties, among others. This analysis could be updated if that analysis is received.

## SUMMARY

### Synopsis of House Joint Resolution 11

House Joint Resolution 11 (HJR11) approves the federal government’s withdrawal of exclusive federal legislative jurisdiction over property known as the enhanced use lease parcel on Kirtland Air Force Base to allow for state-federal joint legislative jurisdiction.

HJR11 says, pursuant to the provisions of Section 19-2-2 NMSA 1978, the Legislature approves the retrocession of exclusive federal legislative jurisdiction to concurrent legislative jurisdiction

over real property owned by the United States located in the authorized boundaries of the area on Kirtland Air Force Base known as the enhanced use lease parcel, which consists of approximately 70 acres in Section 35, Township 10 North, Range 3 East, in Bernalillo County. More specifically:

- Section 1 of HJR11 includes the specific and lengthy legal description of the parcel of land in question.
- Section 2 says "concurrent legislative jurisdiction" means: A. the parallel right of both the federal and state government to legislate with respect to such land and persons present or residing on it, subject only to the United States and State constitutional complaints; and B. the vesting in the United States and the State of all rights accorded a sovereign with the broad qualification that such authority is held concurrently over matters, including criminal laws, public powers and tax laws.
- Section 3 says pursuant to Subsection C of Section 19-2-2 NMSA 1978, the transfer of jurisdiction approved in the resolution shall take effect upon the recording of a duly authenticated copy of the jurisdiction retrocession notice and this resolution in the Office of the Bernalillo County clerk.

This joint resolution does not contain an effective date and, as a result, would presumably go into effect 90 days after the Legislature adjourns, or May 15, 2024, if enacted.

## **FISCAL IMPLICATIONS**

Under its enhanced use leasing programs, the military leases land on military bases to the private sector for private development. This could mean a new source of tax revenue for the county.

## **SIGNIFICANT ISSUES**

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HJR11 seeks to establish concurrent legislative jurisdiction, between the United States and New Mexico, over land on Kirtland Air Force Base known as the enhanced use lease parcel.

## **PERFORMANCE IMPLICATIONS**

HJR11 must be approved by the House and Senate and signed by the governor to become law.

## **ADMINISTRATIVE IMPLICATIONS**

Concurrent jurisdiction allows the federal and state government to share jurisdiction and enforce both federal and state laws, as well as provide both federal and state services. However, concurrent jurisdiction can also impact state courts if they share legal authority with the federal government to hear certain types of cases.

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