

LFC Requester:

Laird Graeser

AGENCY BILL ANALYSIS
2024 REGULAR SESSION

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original x Amendment
Correction Substitute

Date Prepared: 2/5/2024

Bill No: SJR18

Sponsor: Cliff R. Pirtle

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

Person Writing Analysis: A. Swenson,
AAG

Short Title: PROPERTY TAX &
FOREIGN NATIONS, CA

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	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 Joint Resolution 18 (SJR 18) proposes to amend Article 8, Section 1 of the Constitution of New Mexico to allow the percentage of value of agricultural property owned by a foreign nation against which property tax rates are assessed to be at a higher rate as provided by law.

FISCAL IMPLICATIONS

None.

SIGNIFICANT ISSUES

SJR18 would likely be federally preempted. *See* U.S. Const. art. VI, cl. 2. The Dormant Commerce Clause precludes states from implementing the type of taxation discrimination contained in this resolution. U.S. Const. art. I, sec. 8, cl. 3; *See e.g., South Dakota v. Wayfair, Inc.*, 138 S. Ct. 2080, 2090–2091 (2018).

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

None.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo.

AMENDMENTS

None.