

LFC Requester:	
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**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: 1/27/2024

Bill No: HJR 11

Sponsor: Rep. Debra Sarinana and
Rep. Janelle Anyanonu

Short Title: Kirkland AFB Land
Jurisdiction

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

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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:

On March 16, 1954, the United States accepted exclusive jurisdiction over approximately 2,365.47 acres of land on, at the request of the State of New Mexico. *See* Letter from Acting Secretary of the Air Force, James H. Douglas, to Governor Edwin L. Mechem, dated March 16, 1954. That assumption of exclusive federal jurisdiction included the approximately seventy acres referenced in House Joint Resolution (“HJR”) 11.

HJR 11 seeks, pursuant to NMSA § 19-2-2(B), to approve a relinquishment of exclusive federal jurisdiction and confirm acceptance by New Mexico of concurrent legislative jurisdiction over approximately seventy acres of land within Kirtland Airforce Base that the resolution refers to as “the enhanced use lease parcel.”

The approval offered in HJR 11 is the final step of a process that required multiple prerequisite steps prior to legislative approval. Specifically:

1. The United States must file a notice of intention to relinquish exclusive legislative jurisdiction with the governor. NMSA § 19-2-2(A);
2. The governor must “furnish the attorney general with a copy of it and shall request his comments and recommendations.” NMSA § 19-2-2(A); and
3. The governor must transmit the notice together with her comments and recommendations as well as the attorney general’s comments and recommendations to the next session of the legislature. NMSA § 19-2-2(B).

The United States provided the required notice and the Attorney General provided his comments and recommendations in a letter to the governor dated April 7, 2023 where he noted that the land is being converted into a commercial area through a lease to a private developer, acknowledged the agreements the federal government has entered into with the City of Albuquerque and Bernalillo County to provide services, and recommended that the notice be transferred to the Legislature at its next session.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

None.

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None other than the prerequisite steps described above.

OTHER SUBSTANTIVE ISSUES

N/A

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The United States will retain exclusive jurisdiction over the seventy acres described in HJR 11 that are within the authorized boundaries of Kirtland Air Force Base and owned by the United States. Failure to enact HJR 11 could pose a challenge to the current plans to lease the land to a private developer for commercial development.

AMENDMENTS