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## FISCAL IMPACT REPORT

SPONSOR Dines ORIGINAL DATE 2/9/18  
LAST UPDATED 2/12/18 HJR 13/aHJC

SHORT TITLE Bernalillo Exclusive Legislative Jurisdiction SB

ANALYST Romero/Torres

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

	FY18	FY19	FY20	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		NFI				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

State Land Office

New Mexico Attorney General (NMAG)

### SUMMARY

#### Synopsis of HJC Amendment

The House Judiciary Committee amendment clarifies reference to the New Mexico Air National Guard.

#### Synopsis of Original Bill

Pursuant to the provisions of Section 19-2-2 NMSA 1978, and in reference to the notice received by the legislature from the governor, exclusive legislative jurisdiction is granted to the United States for real property now owned by the United States in Bernalillo County, New Mexico, described as the areas on Kirtland air force base known as:

- Maxwell housing;
- Pershing housing-commissary-Gibson gate; and
- New Mexico national guard.

"Exclusive legislative jurisdiction" means the vesting in the United States of all the rights accorded a sovereign with the broad qualification that such authority is held over matters, including criminal laws, public powers and tax laws to the extent that those rights do not contravene Section 19-2-3 NMSA 1978. It is the right of the federal government to legislate with respect to such land and persons present or residing on it, subject only to the United States and

state constitutional constraints.

**SIGNIFICANT ISSUES**

The State Land Office provided the following:

“Under Section 19-2-2, the federal request that the state cede jurisdiction must “contain a description adequate to permit accurate identification of the boundaries of the land or other area for which the change in jurisdictional status is sought.” It is not clear from HJR 13 that the boundaries have been sufficiently described.

Under Section 19-2-2, after the governor receives the federal request that the state cede jurisdiction, the governor must seek comment from the attorney general. It is not clear from HJR 13 that comments from the Attorney General were solicited.

The state land office manages 160 acres of mineral estate within the Kirtland AFB and approximately 720 acres of mineral estate adjacent to Kirtland AFB to the East. It also manages roughly 130 acres of surface estate adjacent to Kirtland AFB to the East, primarily in a business park known as the Sandia Science & Technology Park, which is managed by Sandia Laboratories. The state land office does not expect that the ceding of exclusive legislative jurisdiction to the lands designated in HJR 13 to significantly affect the state land office’s management of those lands.”

The New Mexico Attorney General’s office indicates the transfer should be in compliance with Section 19-2-2, NMSA 1978.

**TECHNICAL ISSUES**

The New Mexico Attorney General’s office notes that the term “New Mexico National Guard” should be changed to “New Mexico Air National Guard.”

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