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## FISCAL IMPACT REPORT

ORIGINAL DATE 2/7/06

SPONSOR Foley LAST UPDATED \_\_\_\_\_ HB 854

SHORT TITLE National Guard Patrolling Southern Border SB \_\_\_\_\_

ANALYST Peery

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY06	FY07		
	\$30,000.0	Recurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SB 747, National Guard Patrolling NM Border

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Department of Public Safety (DPS)  
Department of Military Affairs (DMA)

#### No Responses Received From

Governor's Office/Homeland Security (GHS)  
NM Association of Counties (NMAC)

### SUMMARY

#### Synopsis of Bill

House Bill 854 appropriates \$30,000.0 from the general fund to the Department of Military Affairs for the purpose to support National Guard patrol and protection of New Mexico's southern border through an operation called "Operation Protecting New Mexico's Borders".

### FISCAL IMPLICATIONS

The appropriation of \$30,000.0 contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of fiscal year 2007 shall revert to the general fund.

**SIGNIFICANT ISSUES**

DPS reports the department currently has officers deployed along the United States and Mexico border participating in “Operation Safe Border”. DPS states its presence would not perish as members of the National Guard are specifically prohibited from engaging in police activities by federal law in the Posse Comatatis Act.

DMA states the National Guard will respond to missions when tasked.

**ADMINISTRATIVE IMPLICATIONS**

DMA reports additional staffing would be required to support a program of this magnitude.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

The proposed legislation is a duplication of Senate Bill 747.

RLP/mt