

<b>LFC Requester:</b>	<b>Scott Sanchez</b>
-----------------------	----------------------

**AGENCY BILL ANALYSIS  
2024 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:**

**AgencyAnalysis.nmlegis.gov**

*{Analysis must be uploaded as a PDF}*

**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**     **Amendment**      
**Correction**     **Substitute**   

**Date** 1.19.24  
**Bill No:** HB 111

**Sponsor:** John Block  
**Short Title:** New Mexico-Mexico Border Barrier

**Agency Name and Code** DHSEM-795  
**Number:** \_\_\_\_\_  
**Person Writing** Matthew Stackpole  
**Phone:** 505-699-5807 **Email** Matthew.stackpole@dhsem.nm.gov

**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
	\$1,500,000	Nonrecurring	General Fund to the New Mexico Department of Homeland Security and Emergency Management

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
NA	NA	NA	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY24</b>	<b>FY25</b>	<b>FY26</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>	NA	NA	NA	NA	NA	NA

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:  
Duplicates/Relates to Appropriation in the General Appropriation Act

**SECTION III: NARRATIVE**

**BILL SUMMARY**

Synopsis: HB 111 appropriates \$1,500,000,000.00 from the General Fund to the Homeland Security and Emergency Management Department for expenditure in FY 25 through FY 28, “to contract for services for the construction of a border barrier at the New Mexico-Mexico border...” HB 111 qualifies that no money shall be expended unless the State of New Mexico has entered into an agreement with the federal government to allow for the said barrier. Any unexpended or unencumbered balance remaining at the end of FY 28 shall revert to the general fund.

**FISCAL IMPLICATIONS**

HB 111 appropriates \$1,500,000,000.00 from the General Fund to the Homeland Security and Emergency Management Department for expenditure in FY 25 through FY 28. Any unexpended or unencumbered balance remaining at the end of FY 28 shall revert to the general fund.

**SIGNIFICANT ISSUES**

The Department of Homeland Security and Emergency Management (DHSEM) has significant reservations about House Bill 111 as currently proposed. Our concerns pivot on the question of cost-effectiveness and the conspicuous absence of an integrated supporting infrastructure. Equally troubling is the omission of a long-term strategic plan for the maintenance, staffing, and operational management of the proposed wall.

DHSEM’s concerns about HB 111 are not only specific to the construction of a physical barrier; they encompass the broader methodology of border security being proposed. This strategy, as it stands, appears to be deficient in its scope of holistic planning and long-term sustainability, potentially leading to insurmountable challenges in its practical implementation and future efficacy.

Furthermore, the allocation of \$1.5 Billion merely for the construction of a border barrier warrants careful scrutiny when considering the myriad of other public safety and disaster

preparedness needs facing New Mexico. This considerable sum represents a significant portion of our state's financial resources, which could potentially be redirected towards more pressing and universally beneficial public services.

## **PERFORMANCE IMPLICATIONS**

**Budget Allocation for Construction Only:** Allocating \$1.5 Billion solely for the construction of a wall raises questions about fiscal responsibility. While this amount is allocated for the physical construction, there is no indication of a comprehensive financial plan that accounts for the total lifecycle cost of the project. This includes crucial post-construction expenses such as maintenance and repairs, which are inevitable for any large infrastructure project.

### **Lack of Supporting Infrastructure:**

- **Inadequacy of Standalone Structures:** A wall, in the absence of supporting infrastructure, may not effectively serve its intended purpose. Effective border security typically requires a system that includes surveillance technology, roads for patrol access, lighting for night-time operations, and other related components that work in tandem with physical barriers to ensure security.
- **Operational Inefficiency:** Without the necessary infrastructure to support the wall—such as technology for monitoring and quick-response capabilities—its utility is significantly compromised. It has the potential to create a false sense of security while failing to adapt to the dynamic challenges of border enforcement.

### **Insufficient Planning for Operation and Upkeep:**

- **No Provision for Personnel:** The absence of appropriations for personnel indicates that there has been no consideration for the human resources required to monitor and operate a barrier effectively. Manning the wall is essential for it to serve its proposed function, and without proper staffing, the wall might quickly become an obsolete structure.
- **Maintenance and Upkeep Overlooked:** The lack of funding for maintenance and upkeep suggests a short-term approach to a long-term investment. Without proper maintenance, the wall could fall into disrepair, leading to potential breaches and reducing its efficacy as a deterrent.
- **Three-Year Distribution Limitation:** The distribution of funds over three years for the contract to build the barrier without a plan for future appropriations could lead to challenges in continuity. It is essential to have a clear, ongoing funding mechanism for such projects to ensure they remain functional and effective over time.

### **Potential for Better Alternatives**

- **Cost-Benefit Analysis:** DHSEM believes that \$1.5 Billion could be better spent on more efficient and technologically advanced border security measures. Modern surveillance systems that the agency is already utilizing, drones, and rapid response teams can provide better security than a static wall.

- **Opportunity Cost:** By reallocating the proposed \$1.5 Billion, New Mexico could significantly enhance its public safety framework, better prepare for emergencies, and invest in disaster mitigation strategies that will save lives and reduce future costs. In essence, the careful reconsideration of this allocation allows New Mexico to address a broader spectrum of public safety concerns, laying the groundwork for a safer, more resilient state that is equipped to face both present and future challenges.

## **ADMINISTRATIVE IMPLICATIONS**

Please see above regarding our Department's concerns over a lack of supporting infrastructure and insufficient planning for any operation or upkeep.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

No conflicts or duplications.

## **TECHNICAL ISSUES**

Please see above concerns.

## **OTHER SUBSTANTIVE ISSUES**

The Department of Homeland Security and Emergency Management (DHSEM) expresses profound apprehensions regarding the enactment of House Bill 111 in its present form. Our concerns hinge on the bill's cost-effectiveness and the stark lack of a comprehensive supporting infrastructure. Additionally, the bill's lack of a detailed, long-term strategy for the ongoing maintenance, personnel allocation, and operational oversight of the proposed barrier is equally disconcerting.

## **ALTERNATIVES**

Please see above alternatives discussed.

## **WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Not enacting HB 111 allows for the allocation of funds towards more innovative and technologically advanced border security measures. These measures can provide a higher return on investment by being both cost-effective and adaptable to the evolving dynamics of border management. Additionally, by not enacting HB 111, the State of New Mexico has the opportunity to invest in a more integrated approach to border security. This includes bolstering our ports of entry with enhanced surveillance and detection technologies, which are vital for preventing illegal activities while facilitating lawful trade and travel.

Furthermore, DHSEM would like to see the Legislature work towards the development of a comprehensive immigration strategy that can address the underlying factors of migration. Moreover, DHSEM believes that by not enacting HB 111, our policy makers underscore our commitment to safeguarding human dignity and upholding our nation's values by seeking humane and effective border control measures.

Not enacting HB 111 affirms our dedication to a border security paradigm that is smart, responsible, and forward-looking, by ensuring that our resources are judiciously used for the

greatest societal benefit. DHSEM believes that it reflects a strategic choice to embrace a vision of border security that respects the environment, protects human rights, and fosters positive international relations.

**AMENDMENTS**

None as of 1.19.24.