

LFC Requester: _____

**NMDOT BILL ANALYSIS
2023 REGULAR SESSION**

{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}

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 2/7/2024

Bill No. HB 307

Sponsor Raymundo Lara and Joy Garratt

Agency Name and Code Number: NMDOT - 805 – Special Projects

Border Authority

Person Writing Analysis: Joe De La Rosa

Short Title Members & Oversight

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY24	FY25		
	\$50	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to 2023 HB 13

Duplicates/Relates to Appropriation in the General Appropriation Act: \$603.7 Border Authority agency budget recommendation in HB 2

SECTION III: NARRATIVE

BILL SUMMARY

Eliminates the Border Authority’s administrative attachment to the Economic Development Department (EDD) and establishes the Border Authority (Authority) as an adjunct agency (Adjunct Agency) no longer administratively attached to the EDD under a provision of the Executive Reorganization Act, 9-1-6 NMSA 1978. Provides for six voting members of the Authority, four appointed by the Legislature and two by the Governor; and an Executive Committee composed of the Chair and three other members appointed by the Chair; removes the Executive Director of the Authority as a nonvoting member of the Committee. Also removes the Lieutenant Governor as an ex-officio non-voting member of the Authority. Transfers assets of EDD related to the duties of the Authority to the Adjunct Agency. Appropriates \$50,000 (GF) to the Authority for FY2025 and in subsequent years from the GF, non-reverting.

BORDER AUTHORITY MEMBERSHIP, reduced from seven gubernatorial appointees, including the Chair of Designee of the EDD, to six appointed as indicated below, must all be

citizens of the state and serve staggered terms as currently provided. Members are appointed as follows:

- One by the Speaker of the House
- One by the President Pro Tem of the Senate
- One by the Minority Floor Leader of the Senate
- One by the Minority Floor Leader of the House
- Two by the Governor.

Vacancies are filled by the original appointing authority. The Secretary of Economic Development is removed from membership. The Chair and Vice Chair are selected from among the membership by Authority members “as it deems necessary.”

FISCAL IMPLICATIONS

No fiscal impact to NMDOT.

SIGNIFICANT ISSUES

HB 307 utilizes 9-1-6 NMSA 1978 of the Executive Reorganization Act, 9-1-2 NMSA 1978 to remove the Border Authority from an administrative attachment to the EDD.

The purpose of the Executive Reorganization Act is:

“to allow for more efficient management of the executive branch by creating an executive cabinet composed of secretaries of departments; to eliminate overlapping and duplication of effort; and to provide for administrative and budgetary controls within this organizational structure. It is also the intent of the legislature to provide for an orderly transfer of powers, duties and functions of the various state agencies to such departments with a minimum of disruption of governmental services and functions and with a minimum expense; and to this end, the governor shall begin immediately making such studies and preparations and taking such actions as are necessary to implement the provisions of all reorganization legislation enacted by the first session of the thirty-third legislature.”

This legislation may impact current cooperative projects between the Authority and NMDOT via intergovernmental agreements if staff or Authority operations are impacted by this legislation. Current projects are coordinated by staff at NMDOT, EDD and the Authority, and cabinet-level coordination is often a key component of advancing projects. EDD represents the Authority at the cabinet level. If the Authority is no longer attached to the cabinet via EDD, administrative issues may develop.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

The Authority is an agency with only four staff members. There are no particular requirements/qualifications required of two of the four staff members, and by removing the attachment to the EDD, effective public administration would be challenging.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to 2023 HB 13

TECHNICAL ISSUES

May require new intergovernmental agreements.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Authority will continue to be administratively attached to the EDD and the current membership provisions will remain in effect.

AMENDMENTS