

LFC Requester:	Scott Sanchez
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**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 2/8/24
Bill No: HM 56

Sponsor: Lara & Garratt
Short Title: Study Border Development Act

Agency Name and Code Border Authority 417
Number: _____
Person Writing Joe De La Rosa
Phone: 505-470-7099 **Email** JosephJ.DeLaRosa@dot.nm.gov

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:

The Border Authority received a \$603.7 agency budget recommendation in HB 2

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Requests that the New Mexico Association of Counties convene a meeting of counties and municipalities along the state's border with Mexico to study the Border Development Act, to draft legislation that updates the Border Development.

The memorial claims that the Border Development Act has not been amended since 2011 and many economic changes have occurred since then. It also states that the Border Authority should include membership from the legislative branch and that an unknown level of greater transparency would result from enhanced reporting requirements.

Among the areas to be considered are:

- Updating the Border Development Act to reflect changes in time and circumstance
- Amending the composition of members of the Border Authority to include members from the Legislature who will work with the Governor's appointees
- Regularly updating the Authority's website and information about membership, projects, contracts, memoranda of agreement and discussions between the United States and Mexico.

Requests that proposed legislation be presented to the appropriate interim committees dealing with economic development and infrastructure during the 2024 interim.

Copy to the Executive Director of the New Mexico Association of Counties.

FISCAL IMPLICATIONS

Note:

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

SIGNIFICANT ISSUES

This legislation places the New Mexico Counties in the position of convening member counties and non-member municipalities to draft and propose legislation regarding an executive branch state agency.

It does not provide for the Economic Development Department, currently the administrative state agency attached to the Border Authority, or the Border Authority, to participate in discussions and activities to meet the legislation's purpose.

Additionally, the Study contemplated by the Memorial is poorly defined.

The New Mexico Counties may have specific recommendations associated with their entity's legislative requests, including infrastructure projects which may pose a conflict of interest.

If the intent is to only include the counties along the border, this may be clarified by listing them by name: Dona Ana, Luna, and Hidalgo are the only counties that touch the border with Mexico.

If legislative changes to the Border Development Act are needed, input should be sought from a wide variety of sources (including counties and municipalities along the border) but that process should be led by the state to ensure that the state's policy goals are implemented through appropriate legislation.

PERFORMANCE IMPLICATIONS

The New Mexico Border Authority is already addressing many aspects of the Memorial.

Specifically, the Authority recently secured the services of a consultant to update the NMBA website to include the information requested in HM 56.

Similarly, HB 13 from 2023 was drafted to add additional legislative members to the Authority and to add professional qualifications.

ADMINISTRATIVE IMPLICATIONS

It is unclear why the New Mexico Counties would facilitate this Study or process. Additionally, who would be allowed to represent a county or municipality? How will this be decided? Will elected officials or staff attend? Can one county or municipality have many attendees and another one or none?

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to HB 307 (2024) and HB 13 (2023).

TECHNICAL ISSUES

Who will be responsible for ensuring that all counties and municipalities along the border are invited/included?

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

The Border Authority will be holding meetings in each of the counties along the border in 2024. All elected officials and county/municipal officials will be invited to these meetings. They may provide input on Border Development Act changes via the meetings of the Authority.

Border Authority Officers and Staff will attend all committee meetings by request in the interim with or without this legislation.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Border Development Act can be discussed at any interim committee meetings without this Memorial, as decided by the committee members.

AMENDMENTS