

LFC Requester:

Julisa Rodriguez

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

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 X **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 2/1/2024

Bill No: HB307

Sponsor: Raymundo Lara

Short Title: Border Authority Members
& Oversight

Agency Name and Code Number: 305 – New Mexico
Department of Justice

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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

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

HB 307 proposes several changes to the Border Authority’s legal status as well as the composition and qualifications of its membership. Specifically, this bill would:

1. Change the Border Authority from a state agency to an adjunct agency under NMSA 1978, Section 9-1-6
2. Remove the seventh member, designated by current statute as the secretary of economic development or her designee.
3. Remove the lieutenant governor as an ex-officio member
4. Removing the ability of the authority to appoint non-voting advisory boards
5. Change the process for appointing members (currently six are appointed by the governor), such that the speaker of the house, president pro tempore of the senate, the minority floor leader of the senate, and the minority floor leader of the house each appoint one member, while the governor appoints two.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

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

SIGNIFICANT ISSUES

While the bill provides that initial members will be appointed to allow for staggered terms, such that two initial members each will serve two-year, three-year, and four-year terms, the bill does not address which appointees will receive shortened terms as a result of this staggering.

Additionally, HB 307 would keep the executive committee of the authority (Section 58-27-7) but reduce its size by one to a total of four members. The executive committee would be subject to requirements of the Open Meetings Act because it would constitute a majority of the Authority membership and also because it is a public body itself due to its creation in statute. As noted in

Section 58-27-7, the Authority would have to delegate duties to the committee by rule for it to function.

PERFORMANCE IMPLICATIONS

Noe

ADMINISTRATIVE IMPLICATIONS

The Department of Justice Office of the Attorney General provides legal counsel to the Border Authority and relies on the Authority working with EDD staff on matters related to budget, procurement, personnel and other matters that are supported through the Authority's administratively attached relationship with EDD. If that relationship and support was removed, the Authority would either need to re-staff, establish an MOU or other contract with other state or private entities to support its administrative needs that are currently relied on from EDD. Such situation would likely require additional resources from the NMDOJ to help with transitioning duties and coordinating new resources.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status Quo

AMENDMENTS