

LFC Requester:

Scott Sanchez

**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: 2/8/24

Bill No: HM56

Sponsor: Reps. Lara and Garratt

Short Title: Study Border Development Act

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:

House Memorial 56 is a nonbinding expression of legislative desire that would request collaboration with local governments and the Association of Counties, a 501(C)6 nonprofit business organization, to convene a meeting with the intention of drafting legislation that would increase transparency and accountability of the Border Authority, a state agency administratively attached to the Economic Development Department.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

The Memorial states that the Border Authority does not have rulemaking authority. However, to clarify, in the Border Development Act, Section 58-27-10, NMSA 1978 provides that the may “adopt rules governing the manner in which its business is transacted and the manner in which the powers of the authority are exercised and its duties performed.”

The composition of this meeting is unclear from the Memorial as to which municipalities should be included. The Memorial also excludes by omission the counties that do not share a border with Mexico, but still are within the scope of the Border Authority’s geographic area along the greater border region.

PERFORMANCE IMPLICATIONS

None.

ADMINISTRATIVE IMPLICATIONS

The New Mexico Department of Justice provides legal assistance to the Border Authority and would necessarily be involved in any rulemaking and would likely be involved in other legal issues related to changes in the agency’s powers and duties under the Border Development Act.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Related to HB307, which would make changes to the Border Development Act, removing the Border Authority from being administratively attached to the Economic Development Department and changing the composition of the Authority's membership.

TECHNICAL ISSUES

N/A

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

One alternative is to update the Border Development Act to provide greater clarity regarding the Authority's powers and duties, including mandatory reports, identifying specific areas that require rulemaking, and other priorities.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo, and the possibility that the Authority could address some of the subjects raised in the Memorial through its existing rulemaking authority.

AMENDMENTS