

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 1/24/24
Bill No: SB 145

Sponsor: Duhigg, Ortiz y Pino, O’Neill
Short Title: Public Bodies and Federal Immigration Violations

Agency Name and Code Border Authority, 41700
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		
N/A	N/A		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
N/A	N/A	N/A		

(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	N/A	N/A	N/A			

(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: The bill prevents public bodies and state agencies from expending/dedicating public resources to facilities or projects associated with the detention of individuals who may have violated federal immigration laws.

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

The legislation prohibits an entity such as the NM Border Authority from selling, trading, leasing, or otherwise disposing of real or personal property to “facilitate detaining individuals. The NM Border Authority may need to partner with US Customs and Border Protection of the US General Services Administration on infrastructure projects at the federal Ports of Entry where individuals are temporarily detained. The bill is not specific enough to differentiate between temporary detention of individuals at US Ports of Entry and other detention facilities.

PERFORMANCE IMPLICATIONS

The Border Development Act allows the Border Authority to pursue development projects to support ports of entry, and some detention of federal immigration law violators may be held, even in temporarily, at POEs. This law may restrict the Border Authority from partnering with federal agencies on POE projects.

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

Border Authority is currently working on a project with US GSA/CBP regarding a sidewalk and parking lot. This project is connected to a facility where immigration laws are enforced. It is not known if that project would be impacted by this law if it were passed.

ALTERNATIVES

Language defining detention facilities or qualifying the levels of immigration violations may provide clarifications.

Clarification may also be provided differentiating between Customs and Border Protection Detention, Immigrations and Customs Enforcement, Border Patrol Detention, or other specific immigration detention facilities.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Border Authority may continue to enter into agreements and pursue joint infrastructure projects with federal partners.

AMENDMENTS