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## FISCAL IMPACT REPORT

<b>SPONSOR</b>	Sens. Brantley, Ramos, and Thornton/Rep. Terrazas	<b>LAST UPDATED</b>	3/12/2025
<b>SHORT TITLE</b>	Local Gov't Border Support Reimbursement Fund	<b>BILL NUMBER</b>	Senate Bill 399
		<b>ANALYST</b>	Gygi

### REVENUE\* (dollars in thousands)

Type	FY25	FY26	FY27	FY28	FY29	Recurring or Nonrecurring	Fund Affected
		See fiscal implications	See fiscal implications	See fiscal implications	See fiscal implications	See fiscal implications	Local Government Border Support Reimbursement Fund

Parentheses ( ) indicate revenue decreases.

\*Amounts reflect most recent analysis of this legislation.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DFA	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Indeterminate but minimal	Recurring	General Fund

Parentheses ( ) indicate expenditure decreases.

\*Amounts reflect most recent analysis of this legislation.

Relates to House Bill 316, House Bill 376, Senate Bill 87, and Senate Bill 257;

Conflicts with Senate Bill 250

Relates to an appropriation in the General Appropriation Act

### Sources of Information

LFC Files

#### Agency Analysis Received From

Department of Finance and Administration (DFA)

Department of Public Safety (DPS)

#### Agency Analysis was Solicited but Not Received From

New Mexico Border Authority (NMBA)

Department of Homeland Security (DHSEM)

## SUMMARY

### Synopsis of Senate Bill 399

Senate Bill 399 (SB399) establishes the local government border support reimbursement fund as a nonreverting fund in the State Treasury, administered by the Department of Finance and Administration (DFA). The fund will provide reimbursements to local governments for costs incurred due to state and federal border-related requests, including emergency medical services, law enforcement, specialized equipment, humanitarian efforts, illegal dumping, and participation in state and federal drug and human trafficking task forces.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

## FISCAL IMPLICATIONS

SB399 does not include an appropriation and does not specify a revenue source or process for distributions from the fund, so there is no immediate fiscal impact.

Should the bill be enacted, DFA will have to establish the rule, administer the fund, and manage the reimbursement process. However, lacking an appropriation or revenue source, the department cannot determine the impact on its operating budget or need for additional resources. This analysis assumes the impact will be minimal but recurring.

The Department of Public Safety reports no fiscal impact.

## SIGNIFICANT ISSUES

SB399 is part of a suite of bills introduced this session—including House Bills 316 (HB316) and 376 and Senate Bills 87 and 257—that would allow state and local government support of federal immigration and other border enforcement efforts on New Mexico’s southern border. SB399 and HB316 would set up a fund to reimburse local governments for these efforts. This suite of bills runs counter other bills, particularly Senate Bill 250, that would prohibit state and local resources being used to support anticipated scaling up of federal deportations or other border enforcement actions.

In its legislative agenda for 2025, New Mexico Counties prioritized an appropriation request of \$5 million to counties:<sup>1</sup>

For services provided to state and federal agencies to support border humanitarian and crime efforts [emphasis added]. This funding will be used to combat drug and human trafficking networks; to coordinate with community services that provide food, transportation, shelter, and family location; and to coordinate with state and federal agencies on information sharing and coordination of state law enforcement activities.

SB399 does not specify a revenue source or a process for distributions, and does not include an

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<sup>1</sup> <https://www.nmcounties.org/wp-content/uploads/2024/10/2025-NMC-Legislative-Priorities-Sheet-10.21.24.pdf>

appropriation. The Department of Finance and Administration (DFA) asserts the lack of language defining law enforcement agencies eligible for reimbursement could lead to delays and confusion for local government agencies.

## **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB399 relates to HB316 and Senate Bill 87, which would prohibit interference with the enforcement of federal immigration law, and to House Bill 376 and Senate Bill 257, which would establish the Border Security Division within the Department of Public Safety.

SB399 conflicts with Senate Bill 250, which would prohibit state and local agencies from expending resources to enforce federal immigration laws.

SB399 relates to an appropriation in the House version of the General Appropriation Act of \$7.6 million for local public safety infrastructure in certain border counties.

## **TECHNICAL ISSUES**

SB399 does not include an appropriation; however, the header to the bill ends with “Making an Appropriation.”

KG/sgs