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SENATE JOINT MEMORIAL 84

45TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2001

INTRODUCED BY

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A JOINT MEMORIAL

REQUESTING THE UNITED STATES CONGRESS TO APPROPRIATE ADEQUATE FUNDS TO REIMBURSE COUNTIES THAT SHARE BOUNDARIES WITH MEXICO FOR THE COSTS ASSOCIATED WITH FEDERAL IMMIGRATION AND DRUG LAWS AND POLICIES THAT RESULT IN THOSE COUNTIES PROVIDING LAW ENFORCEMENT, CRIMINAL JUSTICE AND EMERGENCY MEDICAL SERVICES FOR UNDOCUMENTED ALIENS.

WHEREAS, according to a report conducted by the United States/Mexico border counties coalition from a grant funded by the United States department of justice, in fiscal year 1999 the twenty-four border counties in New Mexico, Texas, Arizona and California spent approximately one hundred eight million dollars (\$108,000,000) to provide law enforcement, criminal justice and emergency medical services for illegal immigrants;

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1 and

2 WHEREAS, New Mexico alone has three border counties - Dona
3 Ana, Luna and Hidalgo - that incurred total costs in 1999 of
4 four million seven hundred thousand dollars (\$4,700,000) for
5 providing services for undocumented aliens, representing an
6 average burden of over twenty-three dollars (\$23.00) per person
7 in the three counties; and

8 WHEREAS, New Mexico's border counties have neither the
9 fiscal capability nor the governmental responsibility to
10 shoulder the burden of providing costly, under-available and
11 resource-draining services to vast numbers of undocumented
12 aliens; and

13 WHEREAS, it is the federal government, and not any of the
14 fifty individual states, that maintains exclusive control over
15 immigration and drug laws and policies and is ultimately
16 responsible for protecting the integrity of the United States'
17 borders; and

18 WHEREAS, the federal government clearly bears a
19 responsibility to the citizens of local communities for the
20 adverse effects of national immigration and drug laws and
21 policies and any negative consequences flowing from the
22 implementation of those laws and policies; and

23 WHEREAS, many examples exist of federal laws and policies
24 that, as implemented, negatively impact communities bordering
25 foreign countries, Mexico in particular, due to the high influx

1 of undocumented aliens and the transportation of illegal drugs;
2 and

3 WHEREAS, under Section 4723 of the federal Balanced Budget
4 Act of 1997, the United States government reimburses some
5 states for the costs of providing emergency medical services to
6 undocumented aliens; the law authorizes the payment of twenty-
7 five million dollars (\$25,000,000) for each year between 1998
8 and 2001 and for reimbursements to the twelve states providing
9 the most emergency medical services, but New Mexico ranks
10 fourteenth among the states in providing such services to
11 undocumented aliens and consequently is ineligible for
12 reimbursement under that law; and

13 WHEREAS, to conserve federal resources the United States
14 government uses a threshold amount to determine if the quantity
15 of narcotics illegally in the possession of an individual
16 crossing the border warrants federal prosecution and as such,
17 individuals possessing narcotics in a quantity below that
18 threshold amount are turned over to county officials for
19 prosecution on state charges; and

20 WHEREAS, many individuals transporting illegal drugs
21 across national borders are all too keenly aware of the federal
22 government's threshold requirements and, preferring if caught
23 not to be prosecuted on federal drug charges, make certain that
24 the quantity of drugs in their possession is an amount just
25 below the threshold amount; and

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WHEREAS, the number of individuals prosecuted by border counties on state drug charges is astronomical and continues to grow, and the effects of and costs associated with the prosecution of those cases are equally astronomical; and

WHEREAS, through the state criminal alien assistance program, the United States department of justice provides partial payment for the detention of undocumented aliens; however, the twenty-four counties bordering Mexico only receive two percent of those funds that are available nationwide and New Mexico's border counties only receive twenty-three percent of their eligible detention costs and six percent of the total costs of providing law enforcement, criminal justice and emergency medical services to illegal immigrants; and

WHEREAS, the rural counties of New Mexico and other states continue to suffer an inequity in payments from the federal government because the formula used by the department of justice in providing those payments highly favors urban areas; and

WHEREAS, as a direct byproduct of the immigration and drug laws and policies of the federal government and like many other border states, New Mexico, its border counties and the citizens of the state bear a huge financial burden, yet lack adequate finances to accommodate the monetary expense and strain on resources; and

WHEREAS, the citizens of New Mexico are the first to

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1 recognize the tremendous benefits derived from and
2 contributions made to the state by immigrants - both documented
3 and undocumented; and

4 WHEREAS, New Mexico looks forward to a day when it has the
5 financial resources to provide law enforcement, criminal
6 justice and emergency medical services to its citizens and all
7 others in need who are within its borders; and

8 WHEREAS, until New Mexico and like border states can pay
9 the astounding costs and possess the resources necessary to
10 meet the unrelenting demands for services, they will remain in
11 need of reimbursement from the federal government;

12 NOW, THEREFORE, BE IT RESOLVED BY THE LEGISLATURE OF THE
13 STATE OF NEW MEXICO that the United States congress be
14 requested to appropriate adequate funds to reimburse the
15 counties bordering Mexico for the costs associated with federal
16 immigration and drug laws and policies that result in those
17 border counties providing law enforcement, criminal justice and
18 emergency medical services to undocumented aliens; and

19 BE IT FURTHER RESOLVED that the New Mexico congressional
20 delegation be requested to join the delegations from other
21 states to introduce and pass legislation to provide adequate
22 funding to counties in states that share boundaries with Mexico
23 to help pay the costs associated with federal immigration and
24 drug laws and policies that result in those counties providing
25 law enforcement, criminal justice and emergency medical

1 services for illegal immigrants; and

2 BE IT FURTHER RESOLVED that copies of this memorial be
3 transmitted to the New Mexico congressional delegation.

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