

LFC Requester:

Julisa Rodriguez

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: 2/21/2025

Check all that apply:

Bill Number: HB492

Original Correction
Amendment Substitute

Sponsor: Rep. Cynthia Borrego

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

Person Writing

Short Title: Economic Development Planning Bureau

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	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 Bill 492 (“HB492” or the “bill”) creates the Planning Bureau, a new bureau within the Economic Development Division of the Economic Development Department (“EDD”), “to address issues relating to the state's growth and development and to help coordinate the state's use of land, facilities and resources.” HB492 also makes a non-reverting appropriation of \$1,000,000.00 from the general fund for fiscal year 2026 and subsequent fiscal years for staffing the Planning Bureau.

Section 1 creates a new section of the Economic Development Department Act NMSA 1978, Sections 9-15-1 to -36. The new section, Section 9-15-4.2, propose to create the Planning Bureau within the Economic Development Division of the EDD “to address issues relating to the state's growth and development and to help coordinate the state's use of land, facilities and resources.” In addition, the new section grants to the new Planning Bureau the authority to prepare a “comprehensive plan” to address future development in the state in collaboration with certain named state agencies and other entities: the New Mexico Department of Transportation, the New Mexico Department of Environment, the New Mexico Mortgage Finance Authority, the state’s regional planning commissions created pursuant to the Regional Planning Act, and the state’s three regional housing authorities. The new section provides that the comprehensive plan is to emphasize (1) the creation of jobs and housing and transportation needs and linkages; and (2) interagency and intergovernmental collaboration and coordination. The new section also charges the Planning Bureau with (1) updating the “development plan” every three years or more frequently, as deemed necessary by the Planning Bureau, and (2) collaborating with an Indian nation, tribe or pueblo on matters relating to development and planning upon request of the Indian nation, tribe or pueblo.

Section 2 of the bill makes an appropriation of \$1,000,000.00 from the general fund to the EDD to staff the Planning Bureau. This section further provides that the appropriation is for fiscal year 2026 and subsequent fiscal years and any unexpended or unencumbered balance remaining at the end of a fiscal year does not revert to the general fund.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

N/A

PERFORMANCE IMPLICATIONS

N/A

ADMINISTRATIVE IMPLICATIONS

N/A

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relationship:

House Bill 20 (“HB20”): Creating, among other things, a new division, the Technology and Innovation Division, within the EDD

Senate Bill 169 (“SB169”): Naming the director of the Economic Development Division of the EDD a committee member to the "strategic economic development site advisory committee" and requiring that the EDD provide “necessary administrative services” to the committee.

TECHNICAL ISSUES

For consistency, when referring to the “state’s three regional housing authorities”, consider including reference to the enabling statute – the “Regional Housing Law”, Chapter 11, Article 3A NMSA 1978 – similar to the bill’s immediately preceding reference to the “Regional Planning Act” when discussing the state's regional planning commissions.

OTHER SUBSTANTIVE ISSUES

Currently HB492 does not directly or inherently conflict with an existing provision of the Economic Development Department Act that grants the Secretary of the EDD to “organize the department into those organizational units he deems will enable it to function most efficiently”, NMSA 1978, Section 9-15-6(B)(3), but HB492 could establish a bureau that could likely only be eliminated by an act of a subsequent legislature. See 2012 Op. Att’y Gen. No. 12-06 (concluding that the “Legal Division [of the Public Regulation Commission] is one of several organizational units *required* by the [Public Regulation Commission Act] to be maintained by the PRC and, as such, may be not abolished, except by an act of the legislature.”).

The broad purpose of the bureau “to address issues relating to the state’s growth and development and to help coordinate the state’s use of land, facilities and resources” could be in conflict with what appears to be a narrower, more specific and primary purpose of the bureau to create a “comprehensive plan” emphasizing certain specific aspects of economic development and the “creation of jobs and housing and transportation needs and linkages.”

The list of state agencies may be underinclusive. Other state agencies overseeing natural resources in the state, for example, include the State Land Office (charged with jurisdiction over certain state-owned land under NMSA 1978, Sections 9-1-1 through -25); the Energy, Minerals and Natural Resources Department (its various divisions charged with oversight over certain natural resources under NMSA 1978, Section 9-5A-1 through -7); and the Office of the State Engineer (granted general supervision over the state’s waters under Chapter 72, NMSA 1978).

ALTERNATIVES

N/A

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS

N/A