

LFC Requester:	Scott Sanchez
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO
AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.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}

Date Prepared: 02/05/2025 *Check all that apply:*
Bill Number: SB 257 Original Correction
 Amendment Substitute

Sponsor: Anthony L. Thornton **Agency Name and Code** 790 – Department of Public Safety
Short Title: Create Office of Border Security **Number:** _____
Person Writing Louise Riebe
Phone: 505-827- **Email:** Louise.Riebe@dps.nm

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		
NFI	NFI	N/A	N/A

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		
NFI	NFI	NFI	N/A	N/A

(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	NFI	NFI	NFI	NFI	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

Creates a new Office of Border Security as an adjunct agency under the Executive Reorganization Act, instituting a new office charged with enforcing border security with the power to exercise eminent domain; appropriates \$6 million (GF).

FISCAL IMPLICATIONS

No fiscal impact to DPS.

SIGNIFICANT ISSUES

SB 257 would appropriate \$4 million for FY 2026-2029 to create a border fence between New Mexico and Mexico and \$2 million (for the same time period) for operational expenses related to running the new Office of Border Security, including personnel, office space, furniture, equipment and supplies.

The bill would grant the governor authority to appoint a director with the advice and consent of the senate. Allows the new office to enter into joint powers agreements with the federal government, and states that it should help coordinate efforts with the federal government to create and maintain a border fence, and to help supply security along the border.

If passed, the constitutionality of this bill would likely be challenged in the courts given Congress's assertion of exclusive authority over immigration as derived from the Supremacy Clause in the U.S. Constitution which provides that federal law is the supreme law of the land. State and local governments are preempted from making laws in areas where the federal government has asserted its authority.

PERFORMANCE IMPLICATIONS

No performance implications to DPS.

ADMINISTRATIVE IMPLICATIONS

No administrative implications to DPS.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

No conflict, duplication, companionship or relationship to DPS.

TECHNICAL ISSUES

No technical issues to DPS.

OTHER SUBSTANTIVE ISSUES

No other substantive issues to DPS.

ALTERNATIVES

Not applicable as no impact to DPS.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo will remain.

AMENDMENTS

None at this time.