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FISCAL IMPACT REPORT

SPONSOR: Maes DATE TYPED: 02/28/01 HB _____
 SHORT TITLE: PRC Per Diem and Mileage and Residence SB 358/aSFI #1
 ANALYST: Valenzuela

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY01	FY02	FY01	FY02		
			\$ 10.0	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files
 Public Regulation Commission (PRC)

SUMMARY

Synopsis of SFI#1 Amendment

The Senate Floor amendment to the original bill adds language that is provided below (amendment language is highlighted in bold, underlined and italicized type):

“Commissioners who are traveling on official business may receive per diem and mileage as provided in the Per Diem and Mileage Act from either their home or their duty station, whichever is applicable; provided, however, they may not receive per diem and mileage for commuting between their home and duty station ***and per diem for only one day per week and mileage for one round trip per week.***”

As written, the intent of the amendment may not be met. The assumption is that the intent of the amendment is to limit PRC Commissioners to receiving per diem for only one day per week and mileage for one round trip per week. However, as drafted, the bill actually allows the Commissioners to receive per diem for up to six days per week and Commissioners will be reimbursed for all in-state travel for any given week, except for one trip per week.

To meet the intent, the following may be an appropriate revision:

“ . . . and ***[may receive]*** per diem for only one day per week and mileage for one round trip per week.”

Synopsis of Original Bill

Senate Bill 358 clarifies the existing statute related to Public Regulation Commissioner residence requirements and adds a new section allowing the Commissioners to collect mileage and per diem on business-related travel from their home district or from their duty of station, which is Santa Fe, New Mexico. The bill prohibits Commissioners from receiving mileage and per diem for commuting from their home to Santa Fe.

Significant Issues

The PRC Commissioners have long argued that serving on the PRC imposes an undue financial hardship on those Commissioners who do not reside in Santa Fe and who represent districts outside of Santa Fe. In fact, in 1999, the PRC voted to designate their post of duty as their city of residence, within their districts. The purpose of the vote was to allow each of the commissioners to receive mileage and per diem for travel to and from their home districts. The Legislature did not appropriate funding for this action and continues to not appropriate funding for these costs.

FISCAL IMPLICATIONS

Though Senate Bill 358 does not contain an appropriation, it would have a fiscal impact on the PRC to be funded from the general fund. The PRC projects that the bill “would require additional funding of approximately \$10.0 per year” to pay for Commissioner in-state travel costs. The cost could be substantially higher because the Commissioners districts are fairly extensive.

The appropriation contained in House Bill 2, the General Appropriations Act, does not contain funding for this purpose.

ADMINISTRATIVE IMPLICATIONS

Enactment of Senate Bill 358 could pose a difficult administrative burden on the PRC. The difficulty would be on making the determination of which Commissioner trips meet the requirements of the bill and the Per Diem and Mileage Act.

MFV/prr/njw