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FISCAL IMPACT REPORT

SPONSOR Rue **ORIGINAL DATE** 1/30/16 **LAST UPDATED** 2/4/16 **HB** _____
SHORT TITLE Web-Based Capital Outlay Publication **SB** 48/aSRC
ANALYST Kehoe

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY16	FY17		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Relates to House Bill 173 and Senate Concurrent Resolution 1

SOURCES OF INFORMATION

LFC Files
 Attorney General's Office (AGO)

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment to Senate Bill 48 requires that a searchable listing shall include the line-item vetoes by the governor by project and the requesting legislator. The amendment further strikes the emergency clause and provides that the provisions of the Act will apply to the 2017 and subsequent legislative sessions.

Synopsis of Original Bill

Senate Bill 48 provides for a new section of Chapter 2, Article 3 NMSA 1978, notwithstanding the provisions of Section 2-3-13. The bill proposes to require the Legislative Council Service (LCS) to publish on the legislative website a searchable listing of capital projects and the names of legislators or the governor who allocated a portion of the capital outlay appropriation or bond authorization for each project and the amount of the allocation designated by each legislator and the governor. The bill further provides that the projects listing be designed as user-friendly as practicable, published within three days after the governor has acted on the capital outlay bill, and requires LCS to provide paper copies of the web-based publication if requested. The bill contains an emergency clause.

SIGNIFICANT ISSUES

Article 3, Section 2-3-13 currently reads as follows: “Neither the director nor any employee of the council service shall reveal to any person outside of the service the contents or nature of any request or statement for service, except with the consent of the person making such request or statement. They shall not urge or oppose any legislation, nor give to any member of the legislature advice concerning the economic or social effect of any bill or proposed bill except upon the request of such member.”

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

House Bill 173 duplicates this bill in part. This bill proposes the listing of capital projects be published within twenty-four hours after the governor has acted on the bill and the bill does not require LCS to design a user-friendly website with searchable capabilities.

Senate Concurrent Resolution 1 proposes a new Joint Rule 13-1 requiring approval by two-thirds of the membership of each house, to report funding allocated by each legislator or the governor to each project in a capital expenditures bill and to be published by the Legislative Council Service within three days after the governor has acted on the bill.

TECHNICAL ISSUES

The analysis by the AGO states, “There is no definite criteria for “searchable”, it is unclear whether the intent is to make it searchable by key-word, subject or by some other criteria. The term “as user-friendly as practicable” is unclear and vague. Both issues could be remedied with clear criteria for the search-ability of the listing and with a statement of purpose (i.e. to make a user-friendly searchable listing)

OTHER SUBSTANTIVE ISSUES

Senate Executive Message 10 submitted to the New Mexico State Senate on January 21, 2016 determined the bill germane.

LMK/jo/jle