

1 HOUSE BILL 358

2 **53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017**

3 INTRODUCED BY

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10 AN ACT

11 CREATING A JOINT INTERIM LEGISLATIVE PUBLIC FEES AND FUNDS
12 STUDY COMMITTEE; MAKING AN APPROPRIATION.

14 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

15 SECTION 1. [NEW MATERIAL] PUBLIC FEES AND FUNDS STUDY
16 COMMITTEE CREATED--TERMINATION.--The "public fees and funds
17 study committee" is created as a joint interim legislative
18 committee. The committee shall function from the date of its
19 appointment until December 1 prior to the first session of the
20 fifty-fourth legislature.

21 SECTION 2. [NEW MATERIAL] MEMBERSHIP--APPOINTMENT--
22 VACANCIES.--

23 A. The public fees and funds study committee shall
24 be composed of eight members. The New Mexico legislative
25 council shall appoint four members from the house of

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1 representatives and four members from the senate. At the time
2 of making the appointments, the legislative council shall
3 designate the chair and vice chair of the committee.

4 B. Members shall be appointed from each house so as
5 to give the two major political parties in each house the same
6 proportionate representation on the committee as prevails in
7 each house; provided, however, that in no event shall either
8 party have less than one member from each house on the
9 committee.

10 C. At the request of the committee chair, members
11 may be removed from the committee by the New Mexico legislative
12 council for nonattendance according to legislative council
13 policy. Vacancies on the committee, however caused, may be
14 filled by the legislative council, or the legislative council
15 may reduce the size of the committee by not making replacement
16 appointments. If the legislative council reduces the size of
17 the committee, it need not readjust party representation unless
18 a party has less than one member on the committee.

19 D. No action shall be taken by the committee if a
20 majority of the total membership from either house on the
21 committee rejects the action.

22 SECTION 3. [NEW MATERIAL] DUTIES.--

23 A. After its appointment, the public fees and funds
24 study committee shall hold one organizational meeting to
25 develop a work plan and budget for the ensuing interim. The

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1 work plan and budget shall be submitted to the New Mexico
2 legislative council for approval.

3 B. Upon approval of its work plan and budget, the
4 committee shall:

5 (1) study federal and state constitutional,
6 statutory and rule provisions governing special funds;

7 (2) study the proliferation of earmarked and
8 other funds and accounts that are created separately from the
9 general fund, including revenue sources, profits and losses on
10 investment of the funds and accounts, management and efficiency
11 of funds and accounts and the degree of legislative control
12 over appropriations from the funds and accounts;

13 (3) assess the costs and benefits of these
14 separate funds and accounts, including whether the need for a
15 special earmarked fund or account still exists;

16 (4) study statutory fees and state agency-
17 created administrative fees, how they are accounted for and
18 their uses and whether they are subject to appropriation by the
19 legislature;

20 (5) assess the efficiency of allowing state
21 agencies to keep and budget fees rather than depositing fees in
22 the general fund for legislative appropriation; and

23 (6) study other matters pertaining to money
24 received from the public and accounted for separately from the
25 general fund.

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1 C. The committee may recommend legislation or other
2 changes to the first session of the fifty-fourth legislature.

3 SECTION 4. [NEW MATERIAL] REPORT.--The public fees and
4 funds study committee shall make an interim report to the
5 second session of the fifty-third legislature and a final
6 report of its findings and recommendations for the
7 consideration of the first session of the fifty-fourth
8 legislature. The reports and proposed legislation shall be
9 made available to the New Mexico legislative council on or
10 before December 15 preceding the legislative session.

11 SECTION 5. [NEW MATERIAL] STAFF.--The staff for the
12 committee shall be provided by the legislative council service.

13 SECTION 6. APPROPRIATION.--Forty thousand dollars
14 (\$40,000) is appropriated from the general fund to the
15 legislative council service for expenditure in fiscal years
16 2018 and 2019 to reimburse the per diem and mileage expenses of
17 the public fees and funds study committee members and to pay
18 the other expenses of the committee. Payments from the
19 appropriation shall be made on warrants drawn by the secretary
20 of finance and administration on vouchers signed by the
21 director of the legislative council service or the director's
22 authorized representative. Any unexpended or unencumbered
23 balance remaining at the end of fiscal year 2019 shall revert
24 to the general fund.