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FISCAL IMPACT REPORT

SPONSOR McQueen/Tallman **ORIGINAL DATE** 01/22/21 55/aHf1#1/aSRC/aSf1#
LAST UPDATED 03/18/21 **HB** 1/ec
SHORT TITLE Publication of Capital Outlay Allocations **SB** _____
ANALYST Olson/Kehoe

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		See Fiscal Implications				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Sf1#1 Amendment

The Senate floor #1 amendment as twice amended, clarifies the effective date of the provisions of the bill shall begin with the First Session of the Fifty-Fifth Legislature.

Synopsis of SRC Amendment

The Senate Rules Committee amendment to House Bill 55 as amended, changes the effective date of the bill from the First Session to the Second Session of the Fifty-Fifth Legislature; strikes the “notwithstanding provisions” in Section 1 of the bill; provides that the searchable website of capital projects will list the “name of each legislator” rather than the “names of legislators”; and provides that the list, including vetoes, shall be published within 30 days after adjournment of each legislative session that a capital project list is approved by both chambers of the Legislature. A new Section 2 provides the act will apply to the first session of the Fifty-Fifth Legislature and succeeding Legislatures.

Synopsis of Hf1#1 Amendment

House floor #1 amendment to House Bill 55 requires the provisions of the bill to take effect beginning with the “First” rather than the “Second” Session of the Fifty-Fifth Legislature, making it effective following the current session. The amendment inserts an emergency clause providing for the bill to become effective immediately upon signature by the governor.

Synopsis of Original Bill

House Bill 55 requires the Legislative Council Service (LCS) to publish on the legislative website a searchable list of capital projects passed beginning with the 2022 Legislature. The list shall include the capital project, the amount authorized by the Legislature, the appropriation or bond authorization amount allocated by each legislator or the governor, including those projects that may be vetoed. The LCS is required to publish the list within ten days following enactment or failure of the bill.

The bill, if enacted, would take effect 90 days following adjournment of the Legislature.

FISCAL IMPLICATIONS

HB55 does not contain an appropriation, but the bill may place additional administrative and technology responsibilities on LCS. It is unknown if the bill can be implemented with existing personnel and technological infrastructure.

SIGNIFICANT ISSUES

Section 2-3-13 NMSA 1978 currently reads: “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.”

Currently, throughout the session, LCS posts all “introduced” capital outlay requests, including the names of the sponsors. Following the signature of a capital outlay bill, LCS posts the final capital bill, the fiscal impact report, reports listing the short title of projects, the amount appropriated, and listings by “county” and by “state agency.” However, the reports do not name the sponsor, or the amount allocated by a legislator or the Governor.

OTHER SUBSTANTIVE ISSUES

The Department of Finance & Administration (DFA) reports all government agencies, and the Judicial Branch of government are required to follow the Sunshine Portal Transparency Act, which provides transparency and accountability to New Mexico taxpayers. DFA references previous legislation attempts to reform the capital outlay process that would require planned and prioritized capital needs that would provide for state funds to be spent in a more efficient and effective manner. Such a process would reduce the large amounts of state funds that sit idle without creating jobs and impacting the economic.

SO/LMK/al