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SENATE BILL 531

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

INTRODUCED BY

Timothy M. Keller

AN ACT

RELATING TO THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR PROGRAM EVALUATION AND REVIEW BY THE LEGISLATIVE FINANCE COMMITTEE OF AGENCIES AND ENTITIES THAT RECEIVE STATE FUNDING; PROVIDING FOR THE RECEIPT AND PROTECTION OF CONFIDENTIAL MATERIAL BY THE LEGISLATIVE FINANCE COMMITTEE.

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

Section 1. Section 2-5-3 NMSA 1978 (being Laws 1957, Chapter 3, Section 3, as amended) is amended to read:

"2-5-3. LEGISLATIVE FINANCE COMMITTEE--DUTIES.--The legislative finance committee shall:

A. direct the director of the legislative finance committee in [~~his~~] the director's work;

B. examine the laws governing the finances and operation of departments, agencies, [~~and~~] institutions and

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1 instrumentalities of New Mexico and all of its political
2 subdivisions, the effect of laws on the proper functioning of
3 these governmental units and the policies and costs of
4 governmental units as related to the laws;

5 C. recommend changes in these laws if any are
6 deemed desirable and draft and present to the legislature any
7 legislation necessary;

8 D. evaluate and review operations and management of
9 departments, agencies, institutions and instrumentalities of
10 the state; district attorneys; and school districts; and
11 evaluate and review operations and management of programs of
12 political subdivisions or other entities when those programs
13 receive state funding; and

14 [~~D.~~] E. make a full report of its findings and
15 recommendations for the consideration of each successive
16 legislature following its original establishment, the report
17 and suggested legislation to be available to each member of the
18 legislature on or before the first day of the regular session
19 [~~thereof~~]."

20 Section 2. A new section of Chapter 2, Article 5 NMSA
21 1978 is enacted to read:

22 "[NEW MATERIAL] PROGRAM EVALUATION AND REVIEW.--

23 A. As used in this section, "agency" means:

24 (1) any department, agency, institution,
25 board, commission, committee, branch or instrumentality of the

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1 state;

2 (2) district attorneys;

3 (3) school districts and charter schools; and

4 (4) any program of a political subdivision of
5 the state or other entity that receives state funding.

6 B. The legislative finance committee shall
7 establish a "program evaluation division" staffed by persons
8 knowledgeable and proficient in program and performance
9 evaluation, research or policy analysis. Program evaluation
10 staff shall be appointed without regard to party affiliation
11 and solely on the appointees' fitness to perform the duties of
12 the positions for which they are hired.

13 C. The program evaluation division shall conduct
14 program evaluations, information technology evaluations and
15 special reviews to provide policymakers with objective,
16 independent and credible assessments of agencies to allow
17 policymakers to:

18 (1) determine whether expenditures of public
19 funds are producing desired results;

20 (2) determine whether agencies are complying
21 with state and federal procedures relevant to their operation
22 and funding;

23 (3) determine whether policy alternatives
24 could improve operations and save money; and

25 (4) assess the effect of agency operations on

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1 state finances.

2 D. The program evaluation division shall report the
3 results of work performed pursuant to this section to the
4 legislative finance committee and shall make final reports
5 available to the legislature. Background material, including
6 working papers and notes, used as part of any program
7 evaluation or review are not public records for the purpose of
8 the Inspection of Public Records Act."

9 Section 3. Section 2-5-7 NMSA 1978 (being Laws 1957,
10 Chapter 3, Section 6, as amended) is amended to read:

11 "2-5-7. COOPERATION.--

12 A. Each agency [~~or institution of the state and its~~
13 ~~political subdivisions~~] shall, upon request, furnish and make
14 available to the legislative finance committee such documents,
15 material or information as may be requested by [~~the members of~~]
16 the committee or its director or staff [~~which are not made~~
17 ~~confidential by law~~]. Information provided by an agency under
18 this section that is confidential by law or exempt from public
19 inspection under the Inspection of Public Records Act shall not
20 be disclosed by members of the committee, its director or
21 staff.

22 B. As used in this section, "agency" means:

23 (1) any department, agency, institution,
24 board, commission, committee, branch or instrumentality of the
25 state;

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- (2) district attorneys;
- (3) school districts and charter schools; and
- (4) any program of a political subdivision of
the state or other entity that receives state funding."