

SENATE FLOOR SUBSTITUTE FOR  
SENATE BILL 531

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

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

"NEW MATERIAL] PROGRAM EVALUATION AND REVIEW.--

A. As used in this section, "agency" means any  
department, agency, institution or instrumentality of the state  
or a political subdivision of the state.

B. The legislative finance committee shall  
establish a "program evaluation division" staffed by persons

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1 knowledgeable and proficient in program and performance  
2 evaluation, research or policy analysis. Program evaluation  
3 staff shall be appointed without regard to party affiliation  
4 and solely on the appointees' fitness to perform the duties of  
5 the positions for which they are hired.

6 C. The program evaluation division shall conduct  
7 program evaluations, information technology evaluations and  
8 special reviews of agencies to provide policymakers with  
9 objective, independent and credible assessments of those  
10 agencies to allow policymakers to:

11 (1) determine whether expenditures of public  
12 funds are producing desired results;

13 (2) determine whether agencies are complying  
14 with state and federal procedures relevant to their operation  
15 and funding;

16 (3) determine whether policy alternatives  
17 could improve operations and save money; and

18 (4) assess the effect of agency operations on  
19 state finances.

20 D. The program evaluation division shall report the  
21 results of work performed pursuant to this section to the  
22 legislative finance committee and shall make final reports  
23 available to the legislature and public. Background material,  
24 including working papers and notes, used as part of any program  
25 evaluation or review are not public records for the purpose of

1 the Inspection of Public Records Act."

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

4 "2-5-7. COOPERATION.--

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

15 B. As used in this section, "agency" means any  
16 department, agency, institution or instrumentality of the state  
17 or a political subdivision of the state."

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