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FISCAL IMPACT REPORT

ORIGINAL DATE 01/28/13
 SPONSOR Gentry LAST UPDATED 02/20/13 HB 44/aHJC
 SHORT TITLE Prohibit Double Per Diem Payments SB _____
 ANALYST Boerner

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	None	Minimal	Minimal			Legislative Cash Balances

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

General Services Department (GSD)
 Administrative Office of the Courts (AOC)

SUMMARY

Synopsis of HJC Amendment

The HJC amendments clarify language to remove possible ambiguity about “other actual costs” as found on lines 12 and 14 of page 3 and now states other *travel* costs. Amendments also change language to indicate that a legislator may not seek reimbursement for travel costs when those costs are or will be reimbursed by another “person” rather than “any other entity.”

Synopsis of Original Bill

This bill amends Section 2-1-9 NMSA 1978 governing in-state and out-of-state travel by members of the legislature and prohibits a legislator from being reimbursed for travel, parking or other actual costs that are or will be reimbursed by any other entity. The legislator may be reimbursed for the difference of costs that are partially reimbursed by another entity. In addition, it provides for travel reimbursement for the “usual traveled” route rather than the “shortest, most direct” route.

FISCAL IMPLICATIONS

The AOC indicated that there will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the enforcement of this law and commenced prosecutions. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

The AOC notes that there is no specific penalty provided in the bill for a legislator who seeks and/or obtains double per diem payments. Section 2-1-3 NMSA 1978 prohibits a legislator from receiving compensation for services performed as an officer of the state, except such compensation and expense money as the legislator is entitled to receive as a member of the legislature. Section 2-1-5 NMSA 1978 provides that a person violating Section 2-1-3 shall be guilty of a felony and, upon conviction, shall be punished by a fine of not less than \$1,000 nor more than \$2,500 or by a sentence of imprisonment not less than one year nor more than five years, or both such fine and imprisonment.

PERFORMANCE IMPLICATIONS

The GSD notes that while bill does not specifically impact the department, the GSD does support the legislation.

The AOC states that the courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

CEB/blm