

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current and previously issued FIRs are available on the NM Legislative Website (www.nmlegis.gov) and may also be obtained from the LFC in Suite 101 of the State Capitol Building North.

FISCAL IMPACT REPORT

SPONSOR Rue ORIGINAL DATE 1/17/17
LAST UPDATED 2/15/17 HB _____

SHORT TITLE Print & Web-Based Capital Outlay Publication SB 25/aSRC/ec

ANALYST Kehoe

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY17	FY18		
N/A	N/A	N/A	N/A

(Parenthesis () Indicate Expenditure Decreases)

Related to House Bill 121 and House Bill 141

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SRC Amendment

The Senate Rules Committee amendment provides the Legislative Council Service to publish on the New Mexico Legislative website a searchable listing of capital projects within a signed bill to include the name of the legislator, or if the governor, and the amount allocated for each capital project no later than 30 days following adjournment of a legislative session.

Synopsis of Bill

Senate Bill 25 provides for a new section of Chapter 2, Article 3 NMSA 1978, notwithstanding the provisions of Section 2-3-13. The bill proposes that the Legislative Council Service (LCS), within three days after the governor acts on a capital outlay bill, to publish on the New Mexico Legislative website a searchable listing of capital projects within the signed capital bill. The published listing shall include the name of the legislator, or if the governor, who allocated all or a portion of the capital outlay appropriation or bond authorization for each project and the amount of the allocation designated by each legislator and the governor. The bill further provides that the project listing be designed as user-friendly as practicable and requires LCS to provide paper copies of the web-based publication if requested. The bill contains an emergency clause.

SIGNIFICANT ISSUES

Article 3, Section 2-3-13 currently reads as follows: “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, the Legislative Council Service throughout the session, posts all “introduced” capital outlay requests, including the names of the sponsors. Following the signature of a capital outlay bill, the Legislative Council Service posts the final capital bill, the fiscal impact report, spreadsheets with the short title of projects, the amount appropriated, and listings by “county” and by “state agency.” The various listings related to the final bill do not list the sponsor or the amount(s) allocated by the legislator(s) or the governor.

The Legislative Council Service may not disclose the individual sponsor(s) or amount(s) supported by each legislator or the governor in the final bill without permission granted by the sponsor(s).

RELATIONSHIP

House Bill 121 requires the Legislative Council Service to publish on the New Mexico Legislative website a searchable listing of capital projects within a signed bill to include the name of the legislator, or if the governor, and the amount allocated for each capital project funded within 24 hours after the governor has acted on the bill.

House Bill 141 requires the Legislative Council Service to publish on the New Mexico Legislative website a searchable listing of capital projects within a signed bill to include the name of the legislator, or if the governor, and the amount allocated for each capital project within three days after the governor has acted on the bill.

OTHER SUBSTANTIVE ISSUES

Recognizing the shortfalls of the current capital outlay process, representatives of the Association of Counties, the New Mexico Municipal League, and staff of the executive and legislative branches joined efforts to review and develop “administrative” changes aimed at improving the process while at the same time respecting the appropriating authority of the Legislature.

LMK/al/jle