

Duplicates/Conflicts with/Companion to/Relates to:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: House Bill 507 creates an Albuquerque Isotopes Special Registration Plate. A fee of \$35.00 is charged in addition to the vehicle's registration with a renewal fee of \$25.00. Revenues from the fees is distributed to the department (defined under NMSA 1978, § 66-1-4 for purposes of the Motor Vehicle Code to "mean the taxation and revenue department") and to the board of regents of the university of New Mexico for the Carrie Tingley crippled children's hospital.

FISCAL IMPLICATIONS

SIGNIFICANT ISSUES

Article IX, Section 14 of the New Mexico Constitution (the "Anti-Donation Clause") is not implicated when the parties involved in a donative transfer are a state agency and another governmental entity. *See City of Gallup v. N.M. State Park & Recreation Comm'n*, 1974-NMSC-084, ¶ 11, 86 N.M. 745 (holding that the anti-donation prohibition "is inapplicable . . . when the parties involved are the State and its subordinate governmental agencies"); *Wiggs v. City of Albuquerque*, 1952-NMSC-013, ¶ 20, 56 N.M. 214 ("[W]e have held this provision has no application where the lending of credit is under legislative sanction by one subordinate governmental agency to another. Accordingly, if this be a lending of credit by the City of Albuquerque to the University as claimed, it constitutes no violation of this constitutional provision.") (citing *Harrington v. Atteberry*, 21 N.M. 50 (N.M. 1915); *White v. Bd. of Educ. of Silver City*, 42 N.M. 94 (N.M. 1938); and *Hutcheson v. Atherton*, 44 N.M. 144 (N.M. 1940))). The legislature can allow for the transfer of funds to a subordinate governmental entity, including the department and the board of regents of the university of New Mexico, without implicating the Anti-Donation Clause.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS