

LFC Requester:	Jeannae Leger
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AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: January 26, 2025

Check all that apply:

Bill Number: Senate Bill 135

Original X Correction
 Amendment Substitute

Sponsor: Senator Peter Wirth

Agency Name and Code Number: 305 – New Mexico Department of Justice

Short Title: Reimbursement for Certain Legislators

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

None specifically identified at this time.

Duplicates/Relates to Appropriation in the General Appropriation Act

None specifically identified at this time.

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis:

This bill proposes to remove a restriction for legislators who have not filed for candidacy for their position or have been defeated in their position, and who seek reimbursement for conducting legislative business. This bill proposes to remove the approval process requirement for such legislators seeking reimbursement (which had required a three-fourths vote), and instead broadly provides an exception for such legislators. This bill also proposes other clean up language. This bill relates to reimbursement for out-of-state travel, allowing reimbursement for out-of-state travel on legislative business for legislators who are not on a primary or general election ballot.

FISCAL IMPLICATIONS

This bill proposes to remove the restriction for legislators who have not filed for candidacy for their positions or have been defeated in their respective positions, to seek reimbursement for out-of-state travel without having the requirement to seek three fourths approval from the New Mexico Legislative Council for that approval. Without that approval process and without a definition or description of what is legislative business for legislators in this category, it is unclear what fiscal implications this may ultimately have over time.

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

Page 2, Line 11, proposes to remove the phrase “out under the Per Diem and Mileage Act” from the sentence that states that public funds shall be paid out under the Per Diem and Mileage Act

only upon vouchers duly presented with any required receipts attached thereto. The reference to the Per Diem and Mileage Act may have originally been intended to add clarity that the Per Diem and Mileage Act is the authority for payment of public funds for out-of-state travel. While the bill's proposal to remove that phrase is likely intended for non-substantive, clean-up purposes, removing that phrase may make it less clear that the Per Diem and Mileage Act provisions and any associated implementing rules are the required processes to follow.

Page 4, Lines 17-19, propose to remove the phrase "including any member of the legislature" from the sentence that provides that no reimbursement for out-of-state travel shall be paid to any elected public officer including any member of the legislature if after the last day to do so that officer has not filed a declaration of candidacy for reelection to the public officer's currently held office or has been defeated for reelection to the public officer's currently held office in a primary election or any general election. Page 5, Lines 2-5 proposes to remove the exception to that restriction for those legislators which had allowed for reimbursement if the travel had been approved by a three-fourths vote of the New Mexico Legislative Council at a regularly called meeting, and it more broadly provides for the exception without requiring a three-fourth's vote.

By removing the restriction for reimbursement for those legislators in the category referenced in Page 4, Lines 17-19, and by not more clearly defining or describing what is to be considered legislative business as contemplated by the Per Diem and Mileage Act for those legislators, this may create an ambiguity as to what out-of-state travel may be included for reimbursement purposes, without that safeguard that otherwise existed through the New Mexico Legislative Council's approval process.

PERFORMANCE IMPLICATIONS

None at this time.

ADMINISTRATIVE IMPLICATIONS

Although the proposed bill does not reference that a rule is required or should be promulgated, a rules that define or describe what is considered legislative business for legislators who have not declared candidacy or were defeated in their respective positions may add clarity.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None at this time.

TECHNICAL ISSUES

None at this time.

OTHER SUBSTANTIVE ISSUES

None at this time.

ALTERNATIVES

None at this time.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None at this time.