

LFC Requester:

Leger

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO

AgencyAnalysis.nmlegis.gov and email to billanalysis@dfa.nm.gov*(Analysis must be uploaded as a PDF)***SECTION I: GENERAL INFORMATION***{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*Date Prepared: 01/27/25

Check all that apply:

Bill Number: SB135Original Correction Amendment Substitute Sponsor: WirthShort Title: REIMBURSEMENT FOR CERTAIN LEGISLATORS

Agency Name

and Code

OSA - 308

Number:

Person Writing David CraigPhone: 505-469-9911 Email David.Craig@osa.nm.**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:
Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

Senate Bill 135 (SB135) allows out-of-state travel reimbursements to be paid to a former legislator after they no longer hold office. SB135 does not carry an appropriation.

FISCAL IMPLICATIONS

The Office of the State Auditor has recently raised concerns about issues related to international, out-of-state travel among members of the Executive branch. Included in these concerns were identification of sudden upgrades in travel arrangements, which raises questions about best practices in being thoughtful stewards of taxpayer funds. For example, on June 13, 2024, the OSA issued a letter of concern to the New Mexico Environment Department (NMED) regarding overriding existing travel controls to upgrade travel arrangements to business class on a flight of the staff's choosing. The result was a modification to the Department of Finance and Administration's (DFA's) Model Accounting Procedures (FIN 5.8 Travel Reimbursement for Per Diem, Actual Expenses, and Mileage) to allow for business (first) class at the lowest rate available.

If SB135 were to pass, the OSA recommends the Legislature implications for international travel and update its relevant policies regarding official travel outside the state by legislators and legislative employees, both within and without the continental United States. OSA further recommends that the legislature include review and consideration of cost disparities and cost control measures as part of its travel approval processes, like those requirements necessary for any other expenditure of public funds for the purchase of goods or services, to address and limit any waste of public funds and ensure the state is a good steward of public funds.

There are likely to be small increases in expenditure reimbursements for travel that would not have been paid previously, but amounts are expected to remain de minimis unless waste occurs.

SIGNIFICANT ISSUES

SB135 creates a disparity in how publicly elected officials in the Executive branch are treated when compared to the Legislative branch. It is unclear why the publicly elected constitutional offices in the Executive (governor, lieutenant governor, secretary of state, state auditor, state treasurer, attorney general and commissioner of public lands) would not be allowed to have out-of-state-travel paid after their term of office ends and they are not running for reelection of their current office while legislators are allowed to do so.

PERFORMANCE IMPLICATIONS

ADMINISTRATIVE IMPLICATIONS

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

If the Legislature is concerned about disparities in pay between the publicly elected constitutional offices in the Executive branch and themselves, one approach would be to pay legislators a professional salary. This would allow comparable reimbursement mechanisms for all publicly elected officials instead of creating further disparities in reimbursement across the branches of government.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS