

Agency Instructions for Submitting Bill Analyses to the LFC 2009 Regular Session

Agencies must adhere to a standard file format and naming convention when completing bill analyses. They must also email analyses and attachments to **lfc@nmlegis.gov** within 24 hours of receiving LFC bill analysis requests. The Department of Finance and Administration has also requested that agencies send copies of all bill analyses to **dfa@state.nm.us**.

When submitting bill analyses, agencies will type only one bill number (e.g., HB2) in the subject line of their email messages. This will allow a Microsoft Outlook script to automatically route all bill analyses and supporting documents to appropriate legislative network bill analysis folders. As a result, only one bill analysis may be attached to each email message.

Please use the following abbreviations when naming the agency bill analysis file:

HB	House Bill	SB	Senate Bill
HCR	House Concurrent Resolution	SCR	Senate Concurrent Resolution
HR	House Resolution	SR	Senate Resolution
HJR	House Joint Resolution	SJR	Senate Joint Resolution
HJM	House Joint Memorial	SJM	Senate Joint Memorial
HM	House Memorial	SM	Senate Memorial

Agencies must also use the LFC bill analysis template (available from the Legislative Website, FTP downloads page) using Microsoft Word software. When saving files, the following file naming convention should be used:

- 1. Name the file to correspond to the appropriate chamber of the Legislature followed by the bill number;**
- 2. Add a hyphen and specify your agency code; and**
- 3. Add the date when the analysis was completed. The date is important since it lets the LFC know which bill analysis is the most current version.**

Two examples are shown below:

HB75-665 Jan 30.doc House Bill 75 - Analysis from the Department of Health

SJM36-366 Feb 4.doc Senate Joint Memorial 36 - Analysis from PERA

Instructions for Completing the Agency Bill Analysis Form

In general, the following rules apply when completing an agency bill analysis:

1. Deadlines for analysis are critical. In general, agencies have 24 hours to complete analyses. However, shorter time frames may apply in special cases (e.g., when committee substitutes are developed or toward the end of the session). If an agency does not respond in the time required, the lack of response will be cited in the bill analysis submitted to legislative committees.
2. On the morning after bill introduction, all legislation will be available in HTML and Adobe PDF format at <http://www.nmlegis.gov/lcs/>. The PDF version will accurately match the original bill's page and line numbers.
3. Bill analyses are to be factual and should address all information requested on the form. Please do not submit only a summary of the bill. In addition, **do not return the copy of the bill with your analysis.**
4. Statements of opinion as to whether a bill is a good or bad piece of legislation are not to be included in the analysis. Technical or substantive problems and areas of concern should be noted in the analysis in the form of suggestions and questions, but not in the form of opinions. If you perceive a bill has serious problems and you want to express an opinion, please attach a separate note to the analysis.

Form Completion

The agency bill analysis is divided into three (3) sections.

Section I: General Information

Section I provides general information about the bill. Please be sure to note whether it is a House or Senate bill and the type of bill, along with the bill number as follows:

HB	House Bill	SB	Senate Bill
HCR	House Concurrent Resolution	SCR	Senate Concurrent Resolution
HR	House Resolution	SR	Senate Resolution
HJR	House Joint Resolution	SJR	Senate Joint Resolution
HJM	House Joint Memorial	SJM	Senate Joint Memorial
HM	House Memorial	SM	Senate Memorial

Under "Short Title", use the short title from the bill locator, or use the title of the act.

Section II: Fiscal Impact

Section II provides a brief overview of a bill's fiscal impact. Three general types of entries can be made in Section II:

1. Actual dollar amount.
2. NFI for no fiscal impact.

3. In cases where a bill has a fiscal impact, but the firm dollar amount cannot be provided, terms such as minimal, substantial and indeterminate may be used. However, every effort should be made to determine an actual dollar amount of the estimated fiscal impact. Also if a bill has a fiscal year, please write future impact in the table and indicate the estimated amount of such impact and the fiscal year in which it will occur.

Please state the numbers in thousands i.e., \$100,000.00 should be stated \$100.0.

Appropriation

- **Columns 1 and 2. Appropriation Contained:** Under the appropriate fiscal year, insert the amount actually appropriated by the bill. If an appropriation covers more than one fiscal year, enter the entire amount in the column which indicates the fiscal year in which it will begin. If a fiscal year is not associated with the appropriation, it becomes effective 90 days after constitutional adjournment, unless it is passed with an emergency clause. If a bill has an emergency clause, it becomes effective upon signature and therefore has impact in the current fiscal year.

If the bill increases expenditures, please use the number without parentheses.

If the bill decreases expenditures, place the number in parentheses.

- **Column 5. Recurring and Nonrecurring:** If a bill provides for a one-time capital expense (e.g., construction of a building), the expense is considered to be nonrecurring. The term nonrecurring should be used when this one-time impact affects the General Fund or when bonds or other revenue sources are involved.

However, in the case of a bill appropriating money to construct a building, the hidden costs of utilities, maintenance and so forth are recurring expenses. This is also true for large computer projects. A bill may appropriate money to implement a certain program. This would be a recurring expense since future appropriations, probably under the General Appropriation Act, would likely be required.

- **Column 6. Fund Affected:** In this column, insert the fund from which the expense will come (e.g., General Fund, Road Fund, Severance Tax Bonding Fund, etc.).

***Estimated Additional Operating Budget Impact**

This is a new section that requires the agency provide information regarding the impact of a proposed appropriation. If a program activity is mandated in the legislation and the amount proposed is considered inadequate to effectively implement the program, enter only the amount needed in addition to the appropriation in the FY08, FY09 and FY10 columns as appropriate. Total costs and funds(s) affected should be entered in the columns provided.

- Duplicates/Relates to Appropriation in the General Appropriation Act: In the space provided indicate whether the appropriation contained in the bill either duplicates or is related to an appropriation already contained in the General Appropriation Act. Relationship applies when the bill relates to the same general subject matter.

Following both the appropriation and revenue tables is an area to be filled in if the bill being analyzed affects another pending bill.

- Duplicates/Conflicts with/Companion to/Relates to. Following is an explanation, with examples. A narrative explanation should be included in Section III.5.

Duplication. This reference is made when two bills have an identical purpose. Each usually provides for the same appropriation and each is worded identically, even though they have different sponsors and one is introduced in the House, the other in the Senate. As an example, House Bill 39 and Senate Bill 100 have the same purpose (are identical). Normally you will recognize the duplication immediately upon receipt of the second bill, Senate Bill 100.

When completing the analysis on Senate Bill 100, make the following entries: Circle the word duplicates and enter House Bill 39 in the space provided.

Conflict. Suppose Senate Bill 5 and Senate Bill 10 each affect the same area and section of law but have different purposes (e.g., it is obvious that if both bill passed there would be a direct conflict in the law). This will usually be discovered when you receive the second bill, Senate Bill 10.

When completing the analysis on Senate Bill 10, make the following entries: Circle the words conflict with and enter Senate Bill 5 in the space provided.

Companionship. This reference applies to bills which are inseparable (i.e., one should not be passed without the other.) An example would be if House Bill 11 is passed, then House Bill 22 should also be passed. Here again, companionship will be recognizable upon reading the second bill, House Bill 22.

When completing the analysis on House Bill 22, make the following entries: Circle the words companion to and enter House Bill 11 in the space provided.

Relationship. This reference applies to bills which affect the same section of law or which relate to the same general subject matter but which do not fall under the categories of conflict, duplication or companionship. For example, Senate Bill 33 appropriates money for magistrate retirement and Senate Bill 66 appropriates money for equipping magistrates' offices. There is no conflict, duplication or companionship; however, both bills relate to special appropriations for magistrates.

Please use some discretion with this category to assure that the relationships indicated are meaningful. For example, it is not useful to list 30 bills that deal with taxation. Of use would be to list 4 or 5 bills that deal with the same area of the

income tax statutes. The existence of the relationship will be evident with the reading of the second bill, Senate Bill 66.

When completing the analysis on Senate Bill 66, make the following entries: Circle the works relates to and enter Senate Bill 33 in the space provided.

Revenue

This portion must be filled out if provisions in the bill will increase or decrease revenues. For example, a bill concerning tax reduction or increase is a revenue bill, and this portion of Section II must be completed.

- Columns 1 and 2. Estimated Revenue: Under the appropriate fiscal year, insert the estimated revenue impact.
- If the bill will reduce revenues, place the number in parentheses.
- If the bill increases revenue, do not use parentheses.
- Column 3. Subsequent Years Impact: If the bill relates to revenues and the estimated revenue impacts will occur in fiscal years beyond the years in column 1 and 2, please insert figures in this column.
- Column 4. Recurring and Nonrecurring: If a bill provides for a one-time revenue impact, the revenue is consider to be nonrecurring or from surplus. The term nonrecurring is to be used when bonds or other revenue sources are involved.
- Column 5. Fund Affected: In this column, insert the fund name for the fund affected by the revenue increase or decrease.

Section III: Narrative

Section III details pertinent information about the bill. At a minimum, Section III should include a discussion of the items listed on the form (i.e., Bill Summary; Fiscal Impact; Administrative Impact; Duplication, Conflict, Companionship or Relationship; Technical Issues (e.g., bill drafting errors); and Substantive Issues. It is important to discuss alternatives, consequences of not enacting the bill and any amendments.

For complex and/or lengthy bills, the Bill Summary narrative should be a section-by-section analysis of the bill.

Please note that in Section III, 1.b), you are to list and briefly describe significant issues related to the bill. This should not be the catch-all section for your analysis.