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FISCAL IMPACT REPORT

ORIGINAL DATE 2/3/2009

SPONSOR Asbill LAST UPDATED _____ HB _____

SHORT TITLE Expand Definition of Nepotism in Schools SB 212

ANALYST Aguilar

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
NFI			

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Public Education Department (PED)

Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

Senate Bill 212 expands the definition of nepotism by increasing the list of family members prohibited being employed by a superintendent.

FISCAL IMPLICATIONS

None Noted.

SIGNIFICANT ISSUES

Statute prohibits school superintendents or the head administrator of a charter school from employing or approving the employment of certain family members. Senate Bill 212 expands the definition of nepotism for school superintendents to include "brother, brother-in-law, sister, and sister-in-law".

Current statute provides that a local school board or governing board of a charter school may waive the nepotism rule for family members of a local superintendent of head administrator. Although contained in current statute, this appears to be in direct conflict with language regarding the anti-nepotism provision.

The Public Education Department (PED) notes that the bill does not address the situation that could also occur if the Domestic Partnership Act is enacted. Whether or not that Act is passed, nepotism statutes are generally aimed at avoiding inefficiency in public office by preventing officials from favoring their relatives and appointing those who may not be qualified to serve. Even if not the case, an employment by a board or head school administrator of their domestic partner/”significant other” may justifiably arouse public suspicion that the person was employed on the basis of their relationship instead of their qualifications.

Although both provisions in current law permit waiver of the hiring of a superintendent’s family member by their board/governing body, it seems imprudent to ever permit a superintendent/head administrator to hire a close relative or spouse as the school business official.

The Office of the Attorney General (AGO) states that the bill erases an obvious loophole in the nepotism statutes for employment decisions.

TECHNICAL ISSUES

The Office of the Attorney General (AGO) suggests that the following amendment be considered:

The bill should be expanded to include all public hiring.

PA/mc