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## FISCAL IMPACT REPORT

ORIGINAL DATE 03/19/09

SPONSOR Rue LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Study State Government Process and Rules SM 101

ANALYST Ortiz

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY09	FY10		
	NFI		

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to SJR16, HB393, HB600 and SB18

### SOURCES OF INFORMATION

LFC Files

### SUMMARY

#### Synopsis of Bill

Senate Memorial 101 requests legislative council to appoint or identify a committee to review the current processes and procedures and rules of all branches of state government. It further requests the committee tasked with this duty to seek ways to encourage greater efficiency, effectiveness and economy in state government that leads to access and transparency for the public.

### CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Senate Joint Resolution 16 proposes to amend the New Mexico constitution by adding a new section making rules and regulation adopted by an executive agency to have the force and effect of a law but not be equal in status to statutory law. It allows the legislature to nullify an administrative regulation or rule of an executive agency by passing a resolution by the majority of both the house and senate.

House Bill 393 amends the Opens Meeting Act by requiring that (1) conference committees be open to the public and (2) reasonable advance notice is given to the public at the time the meeting is scheduled.

House Bill 600 amends the Inspection of Public Records Act (“IPRA”) by adding a criminal penalty. It provides that a person who knowingly and willfully withholds public records subject to inspection is guilty of a misdemeanor punishable by a fine of not more than \$500 for each offense.

## **Senate Memorial 101 – Page 2**

Senate Bill 18 amends Section 9-1-9 of the Executive Reorganization Act to permit a department secretary to establish a committee to negotiate and develop a proposed rule. The decision to establish a committee is left to the discretion of the secretary if he or she determines it would be in the public interest. If a committee is established, it must be composed of a balanced representation of interested persons and stakeholders and the bill's requirements for notifying the public, applying for membership on the committee and reporting by the committee will apply. A secretary who establishes a negotiated rulemaking committee must submit a written report to the governor, president pro tempore of the senate, speaker of the house and appropriate interim legislative committees. A final rule is not required to reflect the consensus of the committee, but if it does not, the secretary's report must explain why the agency departed from the consensus.

EO/svb