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SENATE BILL 187

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

INTRODUCED BY

Timothy M. Keller and Paul C. Bandy

AN ACT

RELATING TO THE LEGISLATIVE FINANCE COMMITTEE; PROVIDING FOR
PROGRAM EVALUATION AND REVIEW BY THE LEGISLATIVE FINANCE
COMMITTEE OF AGENCIES AND ENTITIES THAT RECEIVE STATE FUNDING;
PROVIDING FOR PLANNING BASED ON PROGRAM EVALUATION AND REVIEW;
PROVIDING FOR THE RECEIPT AND PROTECTION OF CONFIDENTIAL
MATERIAL BY THE LEGISLATIVE FINANCE COMMITTEE.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. A new section of Chapter 2, Article 5 NMSA
1978 is enacted to read:

"[NEW MATERIAL] PROGRAM EVALUATION AND REVIEW.--

A. As used in this section, "agency" means any
department, agency, institution or instrumentality of the state
or a political subdivision of the state.

B. The legislative finance committee shall

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1 establish a "program evaluation division" staffed by persons
2 knowledgeable and proficient in program and performance
3 evaluation, research or policy analysis. Program evaluation
4 division staff shall be appointed without regard to party
5 affiliation and solely on the appointees' fitness to perform
6 the duties of the positions for which they are hired.

7 C. The program evaluation division shall conduct
8 program evaluations, information technology evaluations and
9 special reviews of agencies to:

10 (1) provide policymakers with objective,
11 independent and credible assessments of those agencies to allow
12 policymakers to hold agencies accountable for proper use of
13 public funds;

14 (2) determine whether expenditures of public
15 funds are producing desired performance outcomes and results;

16 (3) determine whether agencies are complying
17 with state and federal procedures relevant to their operation
18 and funding;

19 (4) determine whether policy alternatives
20 could improve operations and save money;

21 (5) assess the effect of agency operations on
22 state finances;

23 (6) determine whether changes to agencies'
24 performance-based budgets pursuant to the Accountability in
25 Government Act should be considered;

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1 (7) determine whether to recommend the
2 restructuring of ineffective programs or the elimination of
3 unnecessary programs; and

4 (8) plan future appropriations based on
5 demonstrated performance outcomes and results.

6 D. The program evaluation division, in consultation
7 with agencies, shall establish objective performance measures
8 for evaluating each program.

9 E. Pursuant to this section, the program evaluation
10 division shall report the results of work performed, including
11 recommendations to an agency's performance-based budget, to the
12 legislative finance committee and shall make final reports
13 available to the legislature and the public. Background
14 material, including working papers and notes, used as part of
15 any program evaluation or review are not public records for the
16 purpose of the Inspection of Public Records Act."

17 SECTION 2. Section 2-5-7 NMSA 1978 (being Laws 1957,
18 Chapter 3, Section 6, as amended) is amended to read:

19 "2-5-7. COOPERATION.--

20 A. Each agency [~~or institution of the state and its~~
21 ~~political subdivisions~~] shall, upon request, furnish and make
22 available to the legislative finance committee such documents,
23 material or information as may be requested by [~~the members of~~]
24 the committee or its director or staff [~~which are not made~~
25 ~~confidential by law~~]. Information provided by an agency under

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underscored material = new
~~[bracketed material]~~ = delete

1 this section that is confidential by law or exempt from public
2 inspection under the Inspection of Public Records Act shall not
3 be disclosed by members of the committee, its director or
4 staff.

5 B. As used in this section, "agency" means any
6 department, agency, institution or instrumentality of the state
7 or a political subdivision of the state."

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