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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:

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

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

1 (1) provide policymakers with objective,
2 independent and credible assessments of those agencies to
3 allow policymakers to hold agencies accountable for proper
4 use of public funds;

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

7 (3) determine whether agencies are complying
8 with state and federal procedures relevant to their operation
9 and funding;

10 (4) determine whether policy alternatives
11 could improve operations and save money;

12 (5) assess the effect of agency operations
13 on state finances;

14 (6) determine whether changes to agencies'
15 performance-based budgets pursuant to the Accountability in
16 Government Act should be considered;

17 (7) determine whether to recommend the
18 restructuring of ineffective programs or the elimination of
19 unnecessary programs; and

20 (8) plan future appropriations based on
21 demonstrated performance outcomes and results.

22 D. The program evaluation division, in
23 consultation with agencies, shall establish objective
24 performance measures for evaluating each program.

25 E. Pursuant to this section, the program

1 evaluation division shall report the results of work
2 performed, including recommendations to an agency's
3 performance-based budget, to the legislative finance
4 committee and shall make final reports available to the
5 legislature and the public. Background material, including
6 working papers and notes, used as part of any program
7 evaluation or review are not public records for the purpose
8 of the Inspection of Public Records Act."

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

11 "2-5-7. COOPERATION.--

12 A. Each agency shall, upon request, furnish and
13 make available to the legislative finance committee such
14 documents, material or information as may be requested by the
15 committee or its director or staff. Information provided by
16 an agency under this section that is confidential by law or
17 exempt from public inspection under the Inspection of Public
18 Records Act shall not be disclosed by members of the
19 committee, its director or staff.

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