

Fiscal impact reports (FIRs) are prepared by the Legislative Finance Committee (LFC) for standing finance committees of the NM Legislature. The LFC does not assume responsibility for the accuracy of these reports if they are used for other purposes.

Current FIRs (in HTML & Adobe PDF formats) are available on the NM Legislative Website ([www.nmlegis.gov](http://www.nmlegis.gov)). Adobe PDF versions include all attachments, whereas HTML versions may not. Previously issued FIRs and attachments may be obtained from the LFC in Suite 101 of the State Capitol Building North.

## FISCAL IMPACT REPORT

ORIGINAL DATE 01/24/13

SPONSOR Garcia, M.P./Rue LAST UPDATED \_\_\_\_\_ HB 138

SHORT TITLE MRGCD IN SUNSHINE PORTAL SB \_\_\_\_\_

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		\$200.0* Initial Implementation	\$40.0* Annual Maintenance	\$240.0*	Recurring	DoIT Operating**

(Parenthesis ( ) Indicate Expenditure Decreases)

\*See Fiscal Implications

\*\* The DoIT's enterprise fund comprised of fee revenue the department charges state agencies for DoIT services.

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (OAG)

Department of Information Technology (DoIT)

### SUMMARY

#### Synopsis of Bill

House Bill (HB) 138 amends Sections 10-16D-2 and 10-16D-3 NMSA 1978 to include the middle Rio Grande conservancy district (MRGCD). The bill proposes the following:

To enact a new section of the Sunshine Portal Transparency Act and requires MRGCD information be published on the Sunshine Portal in a downloadable format for free public access, commencing January 1, 2014. The required information includes annual operating budget; salary schedules and policies; directory of district employees by name, title and salary; monthly expenditures by category; monthly revenue by source; all outstanding contracts greater than \$20 thousand; and inventory of all real property owned by the district.

As soon as practicable after July 1, 2013, the MRGCD will begin working with the DoIT to create a monthly data extract from applicable computer database systems and publish the information on the Sunshine Portal.

The MRGCD website shall include a link to the Sunshine Portal.

## **FISCAL IMPLICATIONS**

If the MRGCD cannot meet data requirements (with the assumption that the MRGCD can meet all quality assurance requirements) and the DoIT must lead the technical aspects of the project to develop and support the new requirements for the MRGCD, then there can be significant fiscal implications in terms of contracts, staff resources and administrative areas for the DoIT. Costs are estimated.

If the MRGCD can provide all data to meet basic monthly requirements to the DoIT in an established format (with the assumption that the MRGCD can meet all quality assurance requirements) then the DoIT can implement the mandates of the bill with minimal fiscal impact.

The DoIT notes that, by comparison, when DoIT was required to make similar enhancements regarding local public education provider data in FY11 and FY12, upfront costs were approximately \$145 thousand and recurring costs are about \$16 thousand.

## **SIGNIFICANT ISSUES**

The DoIT also noted that:

- HB138 requires MRGCD to begin working to work with DoIT as soon as practicable after July 1, 2013, but the scope or extent of assistance expected from DoIT is unclear. The bill does not provide sufficient information to distinctly enumerate DoIT responsibilities from that of MRGCD to create the monthly extracts to be published on the Sunshine Portal.
- The DoIT will likely be required to negotiate, manage, and maintain contracts associated with the Sunshine Portal to meet new requirements for the MRGCD information. In addition to one-time costs for the development of new requirements, there will be necessary modifications to accommodate the new functions for on-going costs.
- The information and capabilities that would be required by the Sunshine Portal for NMGCD is disparate of the information and capabilities required of other institutions that are currently required to post. The more entities with different requirements increase the resources necessary to manage the Sunshine Portal.
- HB138 does not contain appropriation for DoIT.

## **PERFORMANCE IMPLICATIONS**

DoIT has reallocated staff resources to perform necessary function of the Sunshine Portal. If this bill is enacted additional resources will need to be allocated in case of scenario 2, discussed above.

## **ADMINISTRATIVE IMPLICATIONS**

Administrative implications associated with this bill perspective to the DoIT include establishing business process criteria with MRGCD. Key personnel and staff will need to be identified and assigned by all respective parties for initial development and ongoing maintenance of the new functionality in the Sunshine Portal.

**ALTERNATIVES**

The DoIT states that an alternative approach may include a static posting of website links on the Sunshine Portal to MRGCD data on MRGCD website if currently available. There will be little costs associated with this approach. As currently written in the bill, a significant modification to the Sunshine Portal web application would be necessary to receive and render MRGCD data dynamically.

Parties may request State agencies provide the data as part of an Inspection of Public Records Act request.

CEB/svb