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FISCAL IMPACT REPORT

ORIGINAL DATE 1/17/08

SPONSOR Sanchez, B LAST UPDATED _____ HB _____

SHORT TITLE Regulatory Process Task Force SB 57

ANALYST Sanchez

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY08	FY09		
\$150		Recurring (Through FY11)	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General (AGO)

Economic Development (EDD)

SUMMARY

Synopsis of Bill

SB 57 appropriates \$150 thousand from the general fund to legislative council services for the purpose of creating the "Regulatory Process Task Force" functioning from July 1, 2008 to December 15, 2011 and consisting of 21 members, including one member representing the interests of the judicial branch, appointed by the chief justice of the New Mexico Supreme Court. The bill requires the task force to take specific action, including reviewing the 2008 model Administrative Procedures Act to be released by the National Conference of Commissioners on Uniform State Laws, reviewing rulemaking and adjudicatory and accountability systems in other states, and determining any necessary legislative action to improve regulatory processes and developing a strategy and time line for implementation of any recommended changes.

The Legislative Council Service and the State Records Administrator would provide staff for the task force.

The task force would be required to report its findings and make recommendations regarding reform, strategies, and possible legislation to the Governor and to the State Legislature prior to the beginning of the 2009, 2010, and 2011 legislative sessions.

FISCAL IMPLICATIONS

There would be a minimal fiscal impact upon state agencies relating to staff review of task force recommendations or staff response to task force inquiries.

The appropriation of \$150 thousand contained in this bill is a recurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY09 shall revert to the general fund.

SIGNIFICANT ISSUES

The bill appropriates funds to the Legislative Council Service “to pay costs associated with the regulatory process task force.” Presumably those costs will include per diem and mileage expenses incurred by state officials serving on the task force. However, the bill is not clear, and it is possible that the agencies represented on the task force would be required to pay those costs from their operating budgets.

PERFORMANCE IMPLICATIONS

No performance implications in the short term. Long-term, there could be significant performance implications if rulemaking and adjudicatory procedural changes were made based upon Task Force findings. Such changes could entail extensive rulemaking changes, public education and statutory changes.

TECHNICAL ISSUES

The bill states that the appropriation available for expenditure in fiscal years 2008-2011, but there is no emergency clause allowing for a fiscal year 2008 start date. In addition, section A of the bill states that the task force shall function from July 1, 2008 to December 15, 2011. A July 1, 2008 start date is the beginning of fiscal year 2009.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

The Regulatory Process Task Force will not be created.

CS/mt