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FISCAL IMPACT REPORT

SPONSOR Garcia, M.P. **ORIGINAL DATE** 02/22/11
LAST UPDATED _____ **HB** 574
SHORT TITLE Middle Rio Grande Conservancy District Info **SB** _____
ANALYST Sánchez, A.

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$100.0		\$100.0	Nonrecurring	MRGCD Operating

(Parenthesis () Indicate Expenditure Decreases)

Duplicates Appropriation in the General Appropriation Act
Relates to Appropriation in the General Appropriation Act

SOURCES OF INFORMATION

LFC Files

Analysis based on response to Duplicate Bill House Bill 521

Responses Received From

No responses received

SUMMARY

Synopsis of Bill

House Bill 574 amends the Sunshine Portal Transparency Act to include the annual operating budget, salary schedules and policies, directory of employees, monthly expenditures and revenues, outstanding contracts greater than \$20 thousand and inventory of real property of the Middle Rio Grande Conservancy District (MRGCD) no later than January 1, 2012. The bill requires the MRGCD to work with the Department of Information Technology starting as soon as practicable after July 1, 2012 to create the monthly extract of data. The bill also requires the Middle Rio Grande Conservancy District to have a link to the state sunshine portal on its website.

FISCAL IMPLICATIONS

The Department of Finance and Administration (DFA) reports in its response no fiscal impact to it.

According to DoIT, the bill requires new functionality that will require significant modification to the Sunshine Portal that will include administrative and technical efforts. DoIT estimates \$100 thousand to implement the new functionality.

SIGNIFICANT ISSUES

According to DoIT, it will likely be required to negotiate, manage and maintain contracts associated with the Sunshine Portal.

The MRGCD does not currently procure services offered by DoIT. The portal may have to be added to the service offerings and have a fee attached to the service for non-SHARE related work that is required for the Portal. Requiring DoIT to expend fees earned from services it sells to add the MRGCD to the portal may cause budgetary issues.

PERFORMANCE IMPLICATIONS

According to DFA Local Government Division (LGD), it receives most of the information contained in the bill directly from the Middle Rio Grande Conservancy District. DFA-LGD handles all public information requests for information from MRGCD, which is cumbersome and can often take weeks. Having MRGCD's information posted on the portal would make the information more readily accessible to the public and may reduce administrative work related to the public information requests.

Currently, MRGCD posts its revenue and expenditures in a static format on its website. The data is extracted from its accounting system and may only require to be put into a searchable presentation format such as that used with state agency information.

ADMINISTRATIVE IMPLICATIONS

The Department of Information Technology (DoIT) would have to coordinate with the MRGCD.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Duplicates House Bill 521

Companion to House Bill 436 and Senate Bill 327 requiring local education providers be included in the portal.

Companion to Senate Bill 559 requiring access to all state contracts.

Relates to Senate Bill 49 which requires the Public Regulation Commission to create a process for posting information about its proposed rules and its cases on the Sunshine Portal.

Relates to House Bill 156 which creates the Budget and Corporate Transparency Act requiring corporations to publicly disclose corporate tax liability, economic development incentives, employees in New Mexico and certain tax return information.

Relates to Senate Bill 392 which creates the Local Government Transparency Portal.

Relates to House Bill 379 which requires DoIT to update the Sunshine Portal more often.

Relates to House Bill 386 which creates the Transparency in Private Attorney Contingency Contracts Act placing limitation on a state political subdivision's ability to enter into contingency fee contracts with private attorneys and requires the state attorney general or the executive of a political subdivision to post contracts to its website.

TECHNICAL ISSUES

According to DFA, it is unclear if there is a need for an additional reference to “state agency” since the MRGCD is a local public body.

ALTERNATIVES

Work with DFA-LGD to obtain data reporting requirements which could be used as a starting point since that information is already reported to DFA-LGD.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

MRGCD information will not be available on the portal. Requests for information by the public will have to be sought through a public information request process that could take several weeks to fulfill.

ABS/svb