



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

	<b>FY16</b>	<b>FY17</b>	<b>FY18</b>	<b>3 Year Total Cost</b>	<b>Recurring or Nonrecurring</b>	<b>Fund Affected</b>
<b>Total</b>						

(Parenthesis ( ) Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:

**SECTION III: NARRATIVE**

**BILL SUMMARY**

This analysis is neither a formal Attorney General’s Opinion nor an Attorney General’s Advisory Letter. This is a staff analysis in response to an agency’s, committee’s, or legislator’s request.

**Synopsis:**

House Bill 172 (“HB 172”) amends the Per Diem and Mileage Act and also creates a new fund, the “governor’s contingency fund” (the “Fund”) to “pay for expenses directly connected with obligations of the elected office of governor.” HB 172, Section 1. The Fund is subject to the provisions of the Audit Act and Procurement Code, and requires the Governor’s Office to “provide monthly reports to the department of finance and administration and the legislative finance committee about expenditures from the fund, including an itemized list of expenditures and the balance remaining in the fund.” *Id.*

HB 172 also makes some grammatical changes in Section 2.

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

Under existing law, “money expended by the governor from the appropriations made for his [or her] office and contingent and other expenses are not subject to” the Per Diem and Mileage Act, (NMSA 1978, §§ 10-8-1 through 10-8-8). *Id.* § 10-8-5(C).

To the extent HB 172 would remove the current exemption of “money expended by the governor” from the application of the Per Diem and Mileage Act, the bill would subject the Governor’s “contingent and other expenses” to the same provisions that currently apply to all other state governmental officers and employees (except for jury commissioners, Section 10-8-3(B), and legislators, Section 10-8-6).

To the extent HB 172 would require the Governor to provide “monthly reports” to the Department of Finance and Administration and the Legislative Finance Committee about expenditures from the fund, the bill appears to require a more stringent level of oversight than applies to most public offices/agencies. *But see* Section 16-6-3.1 (State Fair Commission required to submit monthly finance reports to DFA); Section 7-32-14 (Taxation and Revenue required to submit monthly reports of certain taxes collected and distributed).

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

**WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL**

Status quo

**AMENDMENTS**