

<b>LFC Requester:</b>	<b>Caroline Malone</b>
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**AGENCY BILL ANALYSIS  
2015 REGULAR SESSION**

**WITHIN 24 HOURS OF BILL POSTING, EMAIL ANALYSIS TO:**

**[LFC@NMLEGIS.GOV](mailto:LFC@NMLEGIS.GOV)**

*and*

**[DFA@STATE.NM.US](mailto:DFA@STATE.NM.US)**

*{Include the bill no. in the email subject line, e.g., HB2, and only attach one bill analysis and related documentation per email message}*

**SECTION I: GENERAL INFORMATION**

*{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}*

*Check all that apply:*

**Original**     **Amendment**      
**Correction**     **Substitute**   

**Date Prepared:** 1/30/15

**Bill No:** HB 209

**Sponsor:** Rep. Tomás E. Salazar

**Agency/Code:** Attorney General's Office

Reversion of Special Funds

**Person Writing Analysis:** Betsy Glenn, CDAG

**Short Title:** & Review of Funds

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**SECTION II: FISCAL IMPACT**

**APPROPRIATION (dollars in thousands)**

Appropriation		Recurring or Nonrecurring	Fund Affected
FY15	FY16		

(Parenthesis ( ) Indicate Expenditure Decreases)

**REVENUE (dollars in thousands)**

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY15	FY16	FY17		

(Parenthesis ( ) Indicate Expenditure Decreases)

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

	<b>FY15</b>	<b>FY16</b>	<b>FY17</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:  
Duplicates/Relates to Appropriation in the General Appropriation Act:

**SECTION III: NARRATIVE**

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.

**BILL SUMMARY**

Synopsis:

HB 209 addresses special funds in the state treasury that do not revert to the general fund. The bill provides that at least one-fifth of all special nonreverting funds shall revert to the general fund each year except for funds that fall under one of nine categories specified in the bill. HB 209 charges the state auditor with reviewing special nonreverting funds and making annual recommendations to the legislative finance committee for reversion to the general fund, repeal or amendment.

**FISCAL IMPLICATIONS**

**SIGNIFICANT ISSUES**

One of the exceptions to bill’s reversion requirement applies to special nonreverting funds that are “created pursuant to court order or made nonreverting pursuant to court order.” This raises two potential issues: (1) do courts have authority to create nonreverting funds in the state treasury and (2) if so, does that authority unconstitutionally interfere with the legislature’s plenary authority over spending? See N.M Const. art. III, sec. 1 (separation of powers) and Art. IV, Sec. 30 (money shall be paid out of the treasury only by appropriations made by the legislature).

**PERFORMANCE IMPLICATIONS**

**ADMINISTRATIVE IMPLICATIONS**

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

**TECHNICAL ISSUES**

**OTHER SUBSTANTIVE ISSUES**

**ALTERNATIVES**

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

**AMENDMENTS**