

<b>LFC Requester:</b>	<b>Laird Graeser</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:*

<b>Original</b>	<input type="checkbox"/>	<b>Amendment</b>	<input type="checkbox"/>	<b>Date</b>	<u>March 4, 2015</u>
<b>Correction</b>	<input type="checkbox"/>	<b>Substitute</b>	<input checked="" type="checkbox"/>	<b>Bill No:</b>	<u>SB 319s</u>

<b>Sponsor:</b>	<u>Sen. Carroll Leavell</u>	<b>Agency Code:</b>	<u>Attorney General's Office - 305</u>
<b>Short Title:</b>	<u>County IRB Projects &amp; Complaint Process</u>	<b>Person Writing</b>	<u>Joseph Dworak</u>
		<b>Phone:</b>	<u>827-6986</u>
		<b>Email</b>	<u>jdworak@nmag.gov</u>

**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: See January 29 analysis from the Attorney General for synopsis of original bill and the February 17 analysis for synopsis of the first amendment.

The substitute to SB 319 by the Senate Finance Committee further amends language to clarify two different types of commercial enterprises that are contemplated under the definition of project.

**FISCAL IMPLICATIONS**

The Attorney General’s Office provides legal services to the Board of Finance, but it is uncertain whether the 60-day timeline for review would require additional work from our office.

**SIGNIFICANT ISSUES**

See other issues, below.

**PERFORMANCE IMPLICATIONS**

N/A

**ADMINISTRATIVE IMPLICATIONS**

The Attorney General provides legal services to the Board of Finance but SB 319 will unlikely result in any significant increase in additional staff time.

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

- SB 111 – Repeal County IRB Complaint Process (Sen. Leavell)

SB 111 repeals NMSA 1978, Section 4-59-15, a section of the IRB Act which allows nearby businesses to file a complaint with the county governing body that the proposed IRB project would “directly or substantially compete” with the existing business. The IRB funds are

withheld until the State Board of Finance can review the complaint and determine that the proposed project does not directly or substantially compete with the existing business.

- SB 131 – Local Gov't IRB Notices & Impacts (Sen. Stewart)

SB 131 would require municipalities and counties to notify other local property tax levying entities before taking any action on issuing IRBs. The bill also provides a mechanism for local school districts to negotiate and receive payment in lieu of taxes.

### **TECHNICAL ISSUES**

The Board of Finance generally meets monthly but, at times, does not meet every month. The 60 day requirement may require the BoF to alter its normal meeting schedule or call special meetings to hear these appeals. Also, by removing the earlier condition that if the BoF does not make a determination within 60 days of appeal, any IRB project with a pending complaint may not be disbursed until BoF approval. Another consideration is whether the BoF determination is subject to any administrative or judicial review.

### **OTHER SUBSTANTIVE ISSUES**

#### **ALTERNATIVES**

N/A

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

**Status quo**

#### **AMENDMENTS**

N/A