

<b>LFC Requester:</b>	<b>Anne Hanika-Ortiz</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 checked="" type="checkbox"/>	<b>Amendment</b>	<input checked="" type="checkbox"/>	<b>Date</b>	<u>January 29, 2015</u>
<b>Correction</b>	<input type="checkbox"/>	<b>Substitute</b>	<input type="checkbox"/>	<b>Bill No:</b>	<u>SB 320</u>

<b>Sponsor:</b>	<u>Sen. Jacob Candelaria</u>	<b>Agency Code:</b>	<u>Attorney General's Office</u>
<b>Short</b>	<u>Healthcare Emergency</u>	<b>Person Writing</b>	<u>Patricia Padrino Tucker, AAG</u>
<b>Title:</b>	<u>Procurement and Audits</u>	<b>Phone:</b>	<u>505-222-9082</u> <b>Email</b> <u>ptucker@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: Senate Bill 320 eliminates the health care exemption from the procurement code, clarifies that certain specific situations do not qualify as emergencies for purposes of the procurement code, and requires the state to contract annually and in advance of the need for audit and on-call services. Senate Bill 320 also confers standing on the attorney general, the state auditor and the legislative finance committee to seek judicial review of certain purchasing practices. Senate Bill 320 requires the state auditor to compile and maintain a list of audit firms approved to perform audits and makes an appropriation for that purpose.

**FISCAL IMPLICATIONS**

Senate Bill 320 asks for \$100,000 from the General Fund to the state auditor to compile and maintain a list of audit firms approved to perform audits.

**SIGNIFICANT ISSUES**

None. Senate Bill 320 seeks to prevent emergency procurements for purposes of conducting audits, or purchasing health care services or equipment necessitated by an investigation into a healthcare provider for overpayment or fraud, or due to a determination of credible allegation of fraud. While this provision deals with a very specific situation, the language does not appear to present any significant legal issues.

**PERFORMANCE IMPLICATIONS**

Senate Bill 320 confers standing on the attorney general to seek judicial review of certain purchasing practices, but provides no appropriation for the performance of these additional duties. This may impact the agency’s other performance based budget targets.

**ADMINISTRATIVE IMPLICATIONS**

N/A

**CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

N/A

**TECHNICAL ISSUES**

N/A

**OTHER SUBSTANTIVE ISSUES**

N/A

**ALTERNATIVES**

N/A

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

**Status quo**

**AMENDMENTS**

N/A