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FISCAL IMPACT REPORT

SPONSOR Stewart/Wirth/Baca/Brandt **LAST UPDATED** 3/6/23
ORIGINAL DATE 2/14/23
SHORT TITLE Legislative Council Members in Interim **BILL**
Comms **NUMBER** Senate Bill 351
ANALYST Gaussoin

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Senate Bill 351

Senate Bill 351 (SB351) would lift an existing restriction that prohibits a member of Legislative Council from serving as a voting member of an interim committee appointed or created by the council.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Although membership could change, SB351 would not increase the number of members on interim committees and should have no fiscal impact. Should the bill be interpreted to expand the number of members eligible for per diem reimbursement, costs could increase but the impact would be minimal.

SIGNIFICANT ISSUES

NMAG notes Legislative Council members meeting as members of other committees could, in effect, constitute a quorum of the council:

It is unclear whether the New Mexico legislative council constitutes a policymaking body

within the meaning of Section 10-15-1B NMSA 1978 (See N.M. Atty. Gen. Letter to Rep. Kelly Fajardo, et. al., Jan. 30, 2020, for further discussion); however, to the extent the New Mexico Legislative Council is considered a policymaking body subject to the open meetings requirement of the Open Meetings Act, due care should be taken when constituting any interim committee so as to avoid unintentionally creating a quorum of the New Mexico legislative council and thereby making that interim committee subject to the requirements of the Open Meetings Act, NMSA 1978, §10-15-1 through - 4.

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