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FISCAL IMPACT REPORT

SPONSOR Reps. McQueen and Harper /Sens. Nibert, Moores and Tallman **LAST UPDATED** 2/05/2024
ORIGINAL DATE 1/25/2024
BILL House Joint
SHORT TITLE Session Length, Subjects & Overrides, CA **NUMBER** Resolution 1/aHJC
ANALYST Hanika-Ortiz

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

Agency/Program	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
SOS/Elections	No fiscal impact	\$75.0 - \$85.0	No fiscal impact	\$75.0 - \$85.0	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Relates to House Joint Resolution 2

Sources of Information

LFC Files

Agency Analysis Received From
Administrative Office of the Courts (AOC)
New Mexico Attorney General (NMAG)
Secretary of State (SOS)

SUMMARY

Synopsis of HJC Amendment to House Joint Resolution 1

The House Judiciary Committee amendment to House Joint Resolution 1 clarifies the intent of the joint resolution with regards to when the Legislature may consider bills for veto override.

Synopsis of Original House Joint Resolution 1

House Joint Resolution 1 (HJR1) proposes an amendment to Article 4, Section 5, of the Constitution of New Mexico to provide that each regular session of the Legislature shall not exceed 45 days; removes the restrictions on bills that may be considered in even-numbered years; and provides for consideration of veto overrides for bills of certain special or extraordinary legislative sessions.

The joint resolution provides that the amendment be put before the voters at the next general election (November 2024) or a special election prior to that date called for the purpose of considering the amendment. The amendment would only be effective if approved by voters.

FISCAL IMPLICATIONS

SOS explains that under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the office is required to print samples of the text of each constitutional amendment in both Spanish and English in an amount equal to 10 percent of the registered voters in the state. SOS is required to publish the samples once a week for four weeks preceding the election in newspapers in every county. Further, the number of constitutional amendments on the ballot may impact the ballot page size or cause the ballot to be more than one page, increasing costs. The estimated cost per constitutional amendment is \$75 thousand to \$85 thousand, depending on the size and number of ballots and if additional ballot printing stations are needed. The office noted it also produces a general election voter guide. However, that cost is recurring and built into the operating budget.

Should this proposed constitutional amendment be approved by voters, a move to a 45-day session each fiscal year should result in savings in odd-numbered fiscal years and additional costs in even-numbered fiscal years that should overall balance out. Therefore, the budget impact overall is zero.

SIGNIFICANT ISSUES

Advocates of increasing the number of days in session believe it would give the Legislature more time to bargain with the executive and be more involved in making policy and shaping the budget. However, much of that work is performed during the interim when committees study problems, review agency spending and performance, and develop budget recommendations.

AOC provided links to the following reports that address changes to legislative length and scope:

- *A Report on Legislative Professionalism for the State of New Mexico*, University of New Mexico, December 2022
https://www.nmethicswatch.org/uploads/1/3/6/2/136215453/legis_modernization_paper_updated__decc._2022__6_.pdf
- *In Support of Legislative Modernization*, New Mexico Ethics Watch, January 2023
https://nmethicswatch.weebly.com/uploads/1/4/4/4/144400653/nmew_report_legislative_modernization_v3_2023.pdf
- *Legislative Modernization*, University of New Mexico's Bureau of Business & Economic Research, November 2022
<https://www.nmlegis.gov/handouts/CCJ%20112122%20Item%201%20BBER%20LM%20Presentation.pdf>

ADMINISTRATIVE IMPLICATIONS

If HJR1 is ratified, and until the change is fully adopted, there may be additional work for the Legislative Council Service while they update rules and procedures for the Legislature.

TECHNICAL ISSUES

AOC notes that Section 2-6-1(B) NMSA 1978 imposes a time limit within which bills may be introduced during sessions of the legislature, limiting introduction of most bills to the 30 legislative day in regular sessions held in odd-numbered years and the 15th legislative day in regular sessions held in even-numbered years. This statute would remain in force, which may not give the Legislature enough time in certain fiscal years to consider bills and solicit public comment. However, it would give the Legislature and executive and legislative budget staff more time to finalize the General Appropriation Act than the time afforded now during the current short session length of 30 days.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HJR2 also proposes a constitutional amendment question to require any veto of a bill to include a full explanation of the veto which would then be returned to the chamber where it originated.

AHO/al/hg/rl/ne