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## FISCAL IMPACT REPORT

 NSOR: Hurt DATE TYPED: 02/08/02 HB \_\_\_\_\_

SHORT TITLE: Legislative Session Restrictions SB SJR 4

ANALYST: Burch

### APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY02	FY03	FY02	FY03		
			30.0	Nonrecurring	General Fund
		\$0.1 See Significant Issues			

(Parenthesis ( ) Indicate Expenditure Decreases)

Relates to Senate Joint Resolution 3

Conflicts with House Voters and Elections Committee Substitute for House Joint Resolution 11

### SOURCES OF INFORMATION

LFC files  
Secretary of State

### SUMMARY

#### Synopsis of Bill

Senate Joint Resolution 4 proposes to amend Article 4, Section 5 of the New Mexico Constitution to:

- Provide for 45-day sessions every year (from 60 days in odd-numbered years and 30 days even-numbered years);
- Provide that bills relating to budgets, appropriations and revenues, special messages of the governor, and bills of the last previous regular session vetoed by the governor be considered in even-numbered years (same as current provisions);
- Provide that bills relating to any subject, except budgets, appropriations or revenues, be considered in odd-numbered years; budgets, appropriations or revenues could be considered only pursuant to special messages of the governor;
- Prohibit legislative interim committees from considering any topic except those topics that constitutionally may be considered by the Legislature during the next regular session, unless

the topic is included in a message of the governor to the specific committee; and

- Limit the total expenditures of interim committees to \$400.0; the limitation in this subsection may be increased by the change in the consumer price index beginning at the end of calendar year 2002.

### Significant Issues

Under this proposal, it would appear that New Mexico would move from producing annual budgets to producing biennial budgets, since budgets, appropriations and revenues could not be considered during odd-numbered years. If such issues needed to be addressed in odd-numbered years, they could be included in a special message of the governor.

Also, it appears that the interim expenditure limitation would apply not only to the legislative interim committees that are administratively supported by Legislative Council Service staff, but also to the three legislative interim committees with permanent staff. The total budgets of these three agencies, plus the budget for legislative interim expenses, exceed the \$400.0 limitation individually; these budgets include staff salaries and other operating expenses. The actual per diem and mileage paid to legislative members for attending interim meetings during FY01 totaled \$1,043.3.

<u>Agency</u>	<u>FY02 Budget</u>	<u>FY01 Board &amp; Commission Expense</u>
Legislative Council Service	4,272.8	279.1
Legislative Finance Committee	2,967.1	100.8
Legislative Education Study Committee	848.9	36.6
Legislative Interim Expenses	886.0	626.8

The bill would also appear to apply the prohibition of the topics of consideration to these three interim committees.

### **FISCAL IMPLICATIONS**

If passed, this question would appear on the ballot in the November 2002 general election. The Secretary of State reports it costs \$30.0 to place an item on the ballot for advertising and printing. Included in the cost is: (1) the publishing of constitutional amendments in English and Spanish for four consecutive weeks in one newspaper in each county of the state; (2) the oral translation and radio broadcast into the Native American languages of Tewa, Tiwa, Towa, Keres, Zuni, Mescalero Apache, Jicarilla Apache and Navajo; and (3) the printing of amendments booklets in English and Spanish (including Spanish language translation cost) and distribution to all county clerks (100,000 booklets were printed for 2000 general election). Therefore, there would be a nonrecurring cost to the general fund of \$30.0 in FY03. This legislation does not include an appropriation needed to fund these costs.

### **RELATIONSHIP**

Senate Joint Resolution 3 limits the topics that a legislative committee may discuss in the interim period before even-numbered years to those specified in Article 4, Section 5 of the state constitution.

**CONFLICT**

House Voters and Elections Committee Substitute for House Joint Resolution 11 proposes to have 45-day sessions annually; sessions in even-numbered years are not limited to fiscal measures as is provided in current law.

**POSSIBLE QUESTIONS**

1. Does the measure intend to apply the limitation on total interim expenditures and topics of consideration to the permanent interim committees such as the Legislative Council, Legislative Finance Committee and Legislative Education Study Committee?
2. Does the measure intend to create a biennial budget process?
3. Does the measure intend to limit the power of the Legislature in determining for itself which topics it should consider?

DKB/njw