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FISCAL IMPACT REPORT

ORIGINAL DATE 1/26/07
 SPONSOR HJC LAST UPDATED 2/27/07 HB 297/HJCS
 SHORT TITLE Conference Committees as Public Meetings SB _____
 ANALYST Wilson

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY07	FY08	FY09	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
Total		\$0.1				General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to SB 288 and SB 322

SOURCES OF INFORMATION

LFC Files

Responses Received From
 Attorney General's Office (AGO)

SUMMARY

Synopsis of Bill

The House Judiciary Committee Substitute to House Bill 297 will amend NMSA Section 10-15-2 of the open Meetings Act to:

- Unless otherwise provided by joint house and senate rule, all meetings of any committee or policy-making body of the legislature held for the purpose of discussing public business or for the purpose of taking any action within the authority of or the delegated authority of the committee or body are declared to be public meetings open to the public at all times.
- The open meeting provisions do not apply to matters relating to personnel or matters adjudicatory in nature or to investigative or quasi-judicial proceedings relating to ethics and conduct or to a caucus of a political party.
- Require "reasonable notice" of meetings to be given to the public via publication on the daily calendars or by the presiding officer in each house at the time the meeting is scheduled.

This bill defines “meeting” to mean a gathering of a quorum of the members of a standing committee or a conference committee held for the purpose of taking any action within the authority of the committee or body.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation of statutory changes. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

Proponents of the bill may cite the mission statement of the Open Meetings Act that say a representative government is dependent upon an informed electorate and all persons are entitled to the greatest possible information regarding the affairs of government and the official acts of those officers and employees who represent them. Section 10-15-1 (A).

Proponents may also cite to Article IV, Section 12 of the state constitution requiring all sessions of each house shall be public to mean that the legislature should not be holding closed conference committee meetings, or closed legislative committee meetings on matters relating to bills not yet presented to either house or general appropriation bills.

Opponents of the bill may cite to a precept of constitutional law that one legislature cannot bind another (with a few exceptions relating to compacts and contracts), and the legislative branch is free to conduct its own internal proceedings without interference from the courts. Given these precepts, it is unclear whether state laws governing the conduct of legislative proceedings are binding on future legislatures, or even the legislative body enacting the law. In addition, opponents may point out that the legislature has already adopted rules governing the conduct of its meetings which appear to conflict with this bill and other provisions in the Open Meetings Act.

HB297/HJCS appears to allow the public to attend meetings of legislative conference committees. Those committees are governed by Joint Rule 3-1 and are convened when one house refuses to concur in the amendments made to a bill in the other house, and the amending house refuses to recede from its amendments.

Some argue good public policy requires that conference committees should be fully open to the public, and that will help guard against new matters being inserted in conference reports.

Others argue that opening conference committees will merely drive sensitive discussions elsewhere in secret and inhibit the frank exchange of ideas needed to resolve disputes in conference committees.

ADMINISTRATIVE IMPLICATIONS

If there are additional enforcement actions, the AGO or a local district attorney office may need to commit additional resources and staffing to this issue.

DUPLICATION/RELATIONSHIP

HB 297/HJCS relates to SB 288 and SB 322.

DW/csd