

LFC Requester:	Austin Davidson
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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:
Original **Amendment**
Correction **Substitute**

Date 1/17/24
Bill No: HJR 1

Sponsor: Rep. Matthew McQueen/G. Nibert/J. Harper
Short Title: Session Length, Subjects & Overrides, CA

Agency Name and Code AOC 218
Number: _____
Person Writing Kathleen Sabo
Phone: 505-470-3214 **Email** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: None.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HJR 1 proposes to amend Article 4, Section 5 of the Constitution of New Mexico to:

- Provide that each regular legislative session shall not exceed 45 days
- Remove the following restriction currently placed on regular sessions convening during even numbered years:
 - That only budgets, appropriations and revenue bills and bills drawn pursuant to special messages of the governor be considered
- Permits regular sessions convening during even numbered years to consider for veto override bills of a previous regular, special or extraordinary session within the same legislative biennium.

HJR 1 requires the proposed amendment be submitted to voters for approval or rejection at the next general election or at any special election prior to that date.

FISCAL IMPLICATIONS

The FIR for 2021's HJR 13, a substantially similar joint resolution, reported that almost \$5.5 million was appropriated for the 30-day session in 2020 and about \$10.2 million was appropriated for the 2021 60-day session, suggesting that a 45-day session would cost about \$7.85 million and, in effect, that a move to a 45-day session each year should result in savings in odd-numbered fiscal years and additional costs in even-numbered fiscal years and should balance out over two years.

The FIR for 2023's HJR 14, another joint resolution addressing session length, reported that the estimated cost increase from a 30-day session to a 45-day session is \$1.5 million, and noted that shortening the 60-day session to 45 days is likely to reduce costs of that session.

SIGNIFICANT ISSUES

- 1) The FIR for 2021's HJR 13 reported that the NM legislature met every other year until 1964, when voters – apparently persuaded by arguments that that state had become too big to continue to work with biennial budgets – approved a constitutional amendment establishing a 30-day session just for budget issues and to be held during even-numbered years. (See FIR for 2021's HJR 13 at <https://www.nmlegis.gov/Sessions/21%20Regular/firs/HJR13.PDF>.)

- 2) The FIR for 2023's HJR 14 noted that the Section 1(B) removal of limitations as to what bills may be considered in a regular legislative session in an even-numbered year, while permitting consideration of particular bills for veto override, could lead to an argument that by providing for this specific action, any other actions are not authorized during a regular session during an even-numbered year. (See FIR for 2023's HJR 14 at <https://www.nmlegis.gov/Sessions/23%20Regular/firs/HJR14.PDF> .)
- 3) 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 30th 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.
- 4) Many groups have advocated for "modernization" of the NM legislature, producing reports and studies. Links to some of these as well as additional resources can be found at Common Cause NM's legislative modernization webpage at <https://www.commoncause.org/new-mexico/our-work/protect-the-constitution-courts-other-democracy-reforms/modernize-the-nm-legislature/>.
- 5) The following reports and polls that address changes to legislative length and scope have been recently published:
 - *A Report on Legislative Professionalism for the State of New Mexico*, Dr. Timothy Krebs and Dr. Michael Rocca, University of New Mexico, Revised December 2022, https://www.nmethicswatch.org/uploads/1/3/6/2/136215453/legis_modernization_paper_updated_decc.2022_6.pdf

Among, other things, the Professors provide the following recommendation re: days in session:

Days in session should be increased to enhance legislative capacity, especially in bargaining with the executive. Increasing session lengths will allow the legislature to become more involved in making policy, in shaping the budget, and running the government itself. As a result, the legislature will become a constant presence that cannot be ignored by the executive or anyone else.

Krebs and Rocca, p. 40.

- *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

NMEW addresses scope and length of session, pp. 8-10.

- *Legislative Modernization*, UNM Bureau of Business & Economic Research (BBER), November 21, 2022, Presented to the Courts, Corrections & Justice Committee, Research by Rose Elizabeth Roher, <https://www.nmlegis.gov/handouts/CCJ%20112122%20Item%201%20BBER%20LM%20Presentation.pdf>

After polling legislators, BBER reports its preliminary findings on session length and scope, p.11.

- Research & Polling, Inc., research study for Common Cause NM, November 2022, https://www.commoncause.org/new-mexico/wp-content/uploads/sites/19/2023/01/05_COMMON-CAUSERPT.pdf

Research and Polling Inc.'s report addresses session length, p.9.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. It does not appear that this joint resolution will have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See "Fiscal Implications," above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS