

LFC Requester:	SIMON, Joseph
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.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 February 1, 2024
Bill No: SB272

Sponsor: <u>Hamblen</u>	Agency Name and Code <u>State Personnel Office</u>
Short Title: <u>Gender Identity, Sexual Orientation Data Collection</u>	Number: <u>37800</u>
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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
n/a	n/a	n/a		

(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	NFI	NFI	NFI			

(Parenthesis () Indicate Expenditure Decreases)

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis:

SB272 requires demographic data collection based on voluntary self-identification of sexual orientation and gender identity.

The bill defines “executive department”, “public body” and requires each to collect the information based on federal programs/surveys and in accordance with guidelines issued by the Department of Health for demographic data collection.

SB272 calls for the data to be reported to the legislature along with the method used to collect the data and to make the data available to the public in accordance with state and federal law. Confidential data of personal identifying information is the exception.

SB272 further states the executive department/public body shall only use this information for demographic analysis, coordination of care, quality improvement of its services, conducting approved research, fulfilling reporting requirements, or guiding policy or funding decisions.

The effective date of the provisions of this act is October 31, 2024.

FISCAL IMPLICATIONS

None identified

SIGNIFICANT ISSUES

Currently, this same data is collected on a voluntary basis by classified and exempt employees in the Executive branch in the SHARE system. Governor Lujan Grisham signed EO 2021-048, dated August 16, 2021, mandated that state agencies gather this same voluntary data. SPO now allows employees to voluntarily provide this information through the SHARE system and gathers this data for state employees.

PERFORMANCE IMPLICATIONS

While SB272 details the use of this information, it does not indicate which part of the executive department or public body shall collect the data and how it will use the data for analysis and application.

ADMINISTRATIVE IMPLICATIONS

SB272 does not indicate the process for submitting the data and does not provide details about where the data is to be published for public access.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

Section 1(D)(2) states: “a public body make the data available to the public in accordance with state and federal law, except for **personal identifying information**, which shall be deemed confidential and shall not be disclosed.” This term is not defined in the statute.

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS