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FISCAL IMPACT REPORT

SPONSOR <u>Montoya/Martinez, A</u>	LAST UPDATED _____ ORIGINAL DATE <u>2/3/2024</u>
SHORT TITLE <u>Legislative Session Changes</u>	BILL NUMBER <u>House Joint Resolution 9</u>
ANALYST <u>Hanika-Ortiz</u>	

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 to \$85.0	No fiscal impact	\$75.0 to \$85.0	Nonrecurring	General Fund

Parentheses () indicate expenditure decreases.
 *Amounts reflect most recent analysis of this legislation.

Conflicts with House Joint Resolution 5 and Senate Joint Resolution 4
 Duplicates House Joint Resolution 1 and Senate Joint Resolution 3

Sources of Information

LFC Files

SUMMARY

Synopsis of House Joint Resolution 9

House Joint Resolution 9 (HJR9) proposes to amend 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 bills also in certain special or extraordinary legislative sessions.

The joint resolution provides 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

Under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the Secretary of State (SOS) 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 in the state. 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, also 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 estimated cost increase from a 30-day session to a 45-day session is \$1.5 million. However, shortening the 60-day session to a 45-day session is likely to reduce costs by a similar amount. 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 overall should balance out. Therefore, budget impact is considered zero.

SIGNIFICANT ISSUES

If ratified, HJR9 would eliminate alternating 30-day and 60-day sessions. HJR9 would also remove the requirement that the governor choose the bills the Legislature works on in a 30-day session.

Section 2-6-1(B) NMSA 1978 limits introduction of most bills to the 30th legislative day in sessions held in the odd numbered years and the 15th legislative day in sessions held in even-numbered years. These limitations would need to be reexamined, if HJR9 is approved by voters.

PERFORMANCE IMPLICATIONS

Currently, the constitution only requires the governor to explain objections to bills that are vetoed while the Legislature is in session.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

HJR9 duplicates HJR1 and SJR3, which both create annual 45-day sessions, and conflicts with HJR5 and SJR4, which both create annual 60-day sessions.

TECHNICAL ISSUES

The wording in Section 1(B) declares, “Every regular session, the Legislature may consider for veto override bills of a previous regular, special or extraordinary session...”. To make clear the Legislature may now consider any bill each session, not just those with special messaging from the governor, strike “~~Every regular session...~~” and start the section with “The Legislature may...”.

OTHER SUBSTANTIVE ISSUES

Advocates of increasing the number of days in session believe it would give the Legislature more time to negotiate 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 and staff study problems, review agency spending and performance, and develop budget recommendations.

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Extending 30-day sessions would allow for more time to develop the General Appropriation Act.

AHO/hg/rl