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FISCAL IMPACT REPORT

SPONSOR <u>Tobiassen/Hamblen/Trujillo/Block/ Gallegos</u>	LAST UPDATED <u>03/04/2025</u> ORIGINAL DATE <u>02/14/2025</u> BILL NUMBER <u>Senate Bill 299/aSRC/aSJC/aS FI#1</u>
SHORT TITLE <u>Notice of Vacant Legislative Office</u>	ANALYST <u>Gygi</u>

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT*

(dollars in thousands)

Agency/Program	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
SOS	No fiscal impact	No fiscal impact	No fiscal impact			

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Agency Analysis Received From
Secretary of State (SOS)

Agency Analysis was Solicited but Not Received From
New Mexico Counties (NMC)

SUMMARY

Synopsis of SFI#1 Amendment to Senate Bill 299

The Senate Floor amendment to Senate Bill 299 adds language directing the Secretary of State to provide notification of a legislative vacancy to “the governor, the presiding officer of the respective legislative chamber” in addition to the county commissioners in the relevant counties. The amendment also reduces the timeframe for notification from 15 to five days.

Synopsis of SJC Amendment to Senate Bill 299

The Senate Judiciary Committee amendment to Senate Bill 299 strikes the Senate Rules Committee amendment, returning the bill to its original language. The bill assigns responsibility to the Secretary of State to notify county commissioners in the relevant counties regarding a legislative vacancy within 15 days of receipt of a notice of vacancy from the resigning member.

Synopsis of SRC Amendment to Senate Bill 299

The Senate Rules Committee amendment to Senate Bill 299 assigns responsibility to a resigning legislator—rather than the Secretary of State (SOS)—to notify county commissioners in the relevant counties regarding a legislative vacancy. The amendment also removes the proposed 15-day notification requirement for the SOS.

Synopsis of Original Senate Bill 299

Senate Bill 299 (SB299) amends Section 2-1-1 NMSA 1978 (Legislature) to require the Secretary of State (SOS) to provide written notice of a legislative vacancy to the county commissioners of all counties in the district of the vacant legislative office. SOS is required to notify the commissioners within 15 days of receipt of a notice of vacancy.

This bill does not contain an effective date and, as a result, would go into effect 90 days after the Legislature adjourns if enacted, or June 20, 2025.

FISCAL IMPLICATIONS

This bill would have no fiscal impact.

SIGNIFICANT ISSUES

SB299 would clarify in statute the procedure for notifying counties when a legislative vacancy occurs for their county. Currently there is not a standard procedure for notifications when a sitting member of the Legislature resigns. Existing statute directs the member to “file a written statement” with SOS. This written statement could be print, email, or other medium. There is no requirement for the SOS or the legislator to then notify county commissioners. In New Mexico, state legislative vacancies are filled by the board of county commissioners. If a legislative district spans more than one county, the boards of county commissioners each submit one name to the governor, who appoints a candidate from the list.

ALTERNATIVES

The SJC amendment to SB299 struck the earlier SRC amendment which incorporated the following SOS suggestion: The Legislature might consider adding a requirement for the member to also notify appropriate county commissioners in writing upon resignation in Subsection A of 2-1-1 NMSA 1978.

KG/sgs/SL2/RL/rl/SL2/rl/SL2/rl/SL2