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## FISCAL IMPACT REPORT

**SPONSOR** Lopez **ORIGINAL DATE** 02/24/11  
**LAST UPDATED** 03/17/11 **HB** \_\_\_\_\_

**SHORT TITLE** Create Interim Redistricting Committee **SB** 408/aSFL#1

**ANALYST** Aledo

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY11	FY12	FY13	3 Year Total Cost	Recurring or Non-Rec	Fund Affected
<b>Total</b>		\$150.0		\$150.0	Nonrecurring	General Fund

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Public Education Department (PED)

### SUMMARY

#### Synopsis of Senate Floor Amendment #1

The Senate Floor Amendment to Senate Bill 408 changes the number of members on the legislative redistricting committee from 16 to 18; 9 from the House of Representatives and 9 from the Senate.

#### Synopsis of Original Bill

Senate Bill 408 creates a joint interim legislative redistricting committee consisting of 16 members, of which 8 are from the House of Representatives and 8 are from the Senate appointed by the Senate. Each house is to make appointments so as to give the two major political parties in each house the same proportional representation on the committee as prevails in that house. Senate appointments are made by the committees' committee of the Senate or, if the Senate is not in session, by the president pro tempore after consultation and agreement of a majority of the members of the committee's committee. House of Representative appointments are made by the Speak of the House. Term of service, vacancies, selection of co-chairs, subcommittee composition, and staffing are defined in the legislation.

The bill calls for the redistricting committee to hold an organizational meeting to develop work plan and budget. The work plan and budget must be approved by the New Mexico legislative council. Upon approval the redistricting committee is responsible for examining the constitution, laws, rules and court decisions governing redistricting, using the redistricting guidelines developed by legislative council to develop procedures, criteria and standards for redistricting plans to meet legal and constitutional mandates. The committee is also required to conduct public hearings and recommend redistricting legislation for congressional, legislative, Public Regulation Commission and Public Education Commission to a special session of the 50<sup>th</sup>.

SB 408 includes an emergency clause.

### **FISCAL IMPLICATIONS**

The bill calls for the redistricting committee to develop a budget; however SB 408 does not make an appropriation.

In 2001, during the last redistricting committee, \$108,089 was spent on per diem and mileage for committee members. In 2001, the per diem and mileage reimbursement was \$136 and \$0.345, respectively. Currently, per diem is \$153 and mileage reimbursement is \$0.51. Using the consumer price index and accepted formulas for estimating current costs based on previous costs, the cost for the per diem and mileage of the redistricting committee will be approximately \$150,000.

Other costs including staffing and legal/technical services have been included in FY12 budget recommendations for legislative council services.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB 408 is nearly identical to HB 332, except that the composition of the committee in HB 332 is a total of 18 members, with 9 each representing the House and the Senate, while SB 408 has a total of 16 members, 8 each from the House and the Senate.

### **OTHER SUBSTANTIVE ISSUES**

The Attorney General's office offers the following three comments:

(1) The provision requiring "consultation and agreement of a majority" of the members of the committees' committee would likely invoke the Open Meetings Act requirements at section 10-15-2 (pertaining to meetings of any committee of the legislature).

(2) Ordinarily, action of a body may be taken by majority vote of a quorum, meaning a majority of a body. The provision requiring, in the case of subcommittee creation, a majority vote of "all members appointed to the committee" could inject doubt as to the sufficiency of a vote in situations where a majority, but not all, of the committee members are present.

(3) The committee's report, consisting of its recommended redistricting plans, must be submitted to a "special session" of the 50<sup>th</sup> legislature. Under Article IV, Section 6, "special sessions" are called by the governor upon proclamation. "Extraordinary sessions" are called by three-fifths of the membership of each house.