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## FISCAL IMPACT REPORT

SPONSOR Ely ORIGINAL DATE 1/28/22  
LAST UPDATED \_\_\_\_\_ HJR 8

SHORT TITLE Create Office of Consumer Affairs, CA SB \_\_\_\_\_

ANALYST Mulvaney

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

	FY22	FY23	FY24	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
<b>Total</b>		See Fiscal Implications				

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
General Services Department (GSD)  
New Mexico Attorney General (NMAG)  
Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

House Joint Resolution 8 proposes to amend the New Mexico Constitution to create an executive agency, the "Office of Consumer Affairs," with the charge to "promote and protect the interests of the consumers of New Mexico as provided by law." The agency would be headed by a "commissioner of consumer affairs", who would be an attorney appointed by the governor, subject to confirmation by the senate, for a term of six years and may be reappointed. The commissioner of consumer affairs could be removed before the expiration of his or her term only for incompetence, neglect of duty, or malfeasance in office.

Before the constitutional amendment is adopted, the amendment would need to be approved or rejected by voters during a general or special election.

HJR8 does not delegate any specific authority or power to the "Office of Consumer Affairs." Any delegation of statutory authority or power would need to occur through separate legislative action.

## **FISCAL IMPLICATIONS**

The SOS supports and understands the Legislature’s prerogative to place constitutional amendments before the voters of the state. For the purposes of determining the costs involved, the SOS wishes to inform legislators that, under Section 1-16-4 NMSA 1978, the SOS is required to print the full text of each proposed constitutional amendment, in both Spanish and English. The cost of producing the voter guide will change depending upon the number and length of the constitutional amendments passed and the number of registered voters but can be estimated at \$25 thousand.

The SOS is also constitutionally required to publish the full text of each proposed constitutional amendment once a week for four weeks preceding the election in one newspaper in every county in the state. In 2020, the SOS spent \$351,015 for the required newspaper publications, however, the cost is dependent upon the number and length of the constitutional amendments that are passed. For planning purposes, an estimate of \$20.72 per word may be used to represent the costs realized in the 2020 general election to estimate the cost of publishing each constitutional amendment.

The number of constitutional amendments that pass may also impact the page size of the ballot, or if the ballot size is caused to become greater than one page, front and back, which may increase the cost of producing the ballots for the general election. In addition to the cost of the ballot, there may be time added to the voting process, which would require additional ballot printing systems in order to ensure a smooth and efficient voting process within the bounds of national best practices. The additional requirement that the SOS publish a certificate for every law that is repealed by the counties will be an added cost to the SOS, although it is difficult to estimate the cost at this time.

## **SIGNIFICANT ISSUES**

NMAG notes, if passed HJR8 will be submitted to the voters for approval without specific or sufficient information about the role and scope of the proposed commissioner’s duty or the costs of the creation of the new office.

## **ADMINISTRATIVE IMPLICATIONS**

As per NMAG:

In the absence of any parameters outlining the duties of a new commissioner of consumer affairs, it is unclear as to what the scope of the new commissioner’s jurisdiction would be and how he or she could “promote and protect the interests of the consumers of New Mexico. Such responsibility may require significant statutory amendments and extensive coordination across multiple agencies, including Aging and Long Term Services, Office of the Superintendent of Insurance, Department of Health, Office of the Attorney General, Higher Education, Human Services, Division of Vocational Rehabilitation, Regulation and Licensing, Public Regulation Commission, Indian Affairs and others.

## **OTHER SUBSTANTIVE ISSUES**

Salary, subject matter qualifications, and staffing levels are not specified.

BM/al