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## FISCAL IMPACT REPORT

**LAST UPDATED** \_\_\_\_\_

**SPONSOR** Block **ORIGINAL DATE** 02/28/2025

**BILL**

**SHORT TITLE** Declarations of Emergency Changes **NUMBER** Senate Bill 340

**ANALYST** Lobaugh

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

| Agency/Program   | FY25             | FY26             | FY27             | 3 Year Total Cost | Recurring or Nonrecurring | Fund Affected |
|--|------------------|------------------|------------------|-------------------|---------------------------|---------------|
| <b>Potential Special Legislative Session to Extend Emergency</b> | No fiscal impact | \$0 to \$1,330.0 | \$0 to \$1,330.0 | \$0 to \$2,660.0  | Recurring                 | General Fund  |

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

### Sources of Information

LFC Files

Agency Analysis Received From  
 Office of the Governor  
 Department of Finance and Administration (DFA)  
 Department of Health (DOH)  
 Department of Public Safety (DPS)  
 New Mexico Attorney General (NMAG)  
 Administrative Office of the Courts (AOC)

## SUMMARY

### Synopsis of Senate Bill 340

Senate Bill 340 (SB340) amends the All Hazard Emergency Response Act and the Public Health Emergency Response Act to limit how long the governor can declare a state of emergency or public health emergency. Specifically, SB340 requires a declaration of a state of emergency or public health emergency to expire after 30 days, unless either (1) the Legislature extends the emergency through legislation or (2) the governor extends the emergency with a written determination that the emergency declaration needs to be extended or consultation with the state secretary of health to extend a public health emergency.

The bill prohibits the governor from extending any declaration of emergency or public health emergency more than two times, for a period of 30 days for each extension. In other words, the governor would only be able to declare an emergency or public health emergency for a maximum of 90 days under SB340. Extending an emergency or public health emergency beyond 90 days under SB340 would require legislation from the Legislature.

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**

SB340 does not contain an appropriation.

If an emergency or public health emergency needed to be declared for more than 90 days in a given year, it would cost up to \$1.3 million to convene the Legislature assuming the Legislature needed to meet for seven days to pass emergency legislation. It costs roughly \$190 thousand per day to convene the New Mexico Legislature, based on the total cost of the current first session of the fifty-seventh Legislature (\$11.4 million) divided by 60 days. The \$190 thousand per day cost includes per diem and mileage for legislators, legislative session employee salaries, and other operational expenses.

## **SIGNIFICANT ISSUES**

The state Department of Health (DOH) reports that SB340 would restrict and complicate the ability of the state to respond to public health crises, natural disasters, and other emergencies. The Office of the Governor reports that responding to emergencies requires the ability to respond quickly and with flexibility to changing circumstances in an emergency. The Office of the Governor reports that SB340 would delay state government's processes and ability to respond to emergencies.

If an emergency or public health emergency prevented the ability of the Legislature to convene, the state would be unable to declare an emergency or public health emergency for more than 90 days.

Federal funding for emergency and disaster relief often partially depends on a state's declaration of emergency. DOH notes that federal emergency or disaster relief funding may be terminated or otherwise inhibited by the automatic termination of a declared emergency.

The Department of Finance and Administration notes that it and executive agencies tasked with responding to declared emergencies may be required to disallow cost reimbursements or vouchers related to emergencies and response efforts that expire after 90 days as a result of SB340.

## **TECHNICAL ISSUES**

The New Mexico Attorney General notes that the term "restricts commerce" is undefined within SB340 and has the potential to encompass any action taken by the governor under the All Hazard Emergency Response Act and the Public Health Emergency Response Act.