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FISCAL IMPACT REPORT

Townsend/Scott/
Montoya,
SPONSOR RD/Nibert/Dow **ORIGINAL DATE** 02/17/21
LAST UPDATED _____ **HB** 281/ec
SHORT TITLE Publication of Additions to Gen Approp Act **SB** _____
ANALYST Lobaugh

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY21	FY22	FY23	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total		\$20.0	\$6.5	\$26.5	Recurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

Relates to the General Appropriation Act of 2021

SOURCES OF INFORMATION

LFC Files and Legislative Council Service (LCS) information.

SUMMARY

Synopsis of Bill

House Bill 281 (HB281) requires the Legislative Finance Committee (LFC) to publish a searchable list of all changes (i.e. additions or deletions) to the General Appropriation Act (GAA) from each stage of bill passage from the first committee through the governor's approval or veto of the GAA. HB281 would require the list of GAA changes to include the names of the legislators, state agencies, or governor who proposed each change to the GAA at each stage of bill passage.

HB281 would require the LFC to publish the list of all GAA changes within three calendar days of the governor's final approval, veto, or nonapproval of the GAA. HB281 requires LFC to provide paper copies of the web-based publication when requested. HB281 includes an emergency clause and would take effective immediately on passage and approval.

FISCAL IMPLICATIONS

HB281 does not include an appropriation. HB281 would place additional administrative and technological responsibilities on LFC staff and information technology staff at Legislative Council Service (LCS). HB281 requires additional reporting requirements and a new database to make available on the LFC website. A similar database and amendment in context software cost LCS an estimated \$20 thousand and recurring cost of \$6.5 thousand.

SIGNIFICANT ISSUES

HB281 requires a published list of all changes to the GAA at every stage of bill passage. However, HB281 does not define what constitutes a stage of bill passage. All actions on annual GAA legislation taken by either the House of Representatives, the Senate, standing committees, or a conference committee are currently published and archived on the Legislature's website.

At the start of each session, initial budget recommendations from the governor and the LFC are published online and provided to the Legislature each year. The initial budget recommendations from the governor and the LFC are traditionally presented to the House Appropriations & Finance Committee (HAFC) each session. HAFC then adopts and revises components from the two budget recommendations before sending an HAFC Substitute for the GAA to the full House of Representatives for consideration. Once the HAFC Substitute for the GAA passes the House of Representatives, the Senate Finance Committee (SFC) then amends the bill and sends it to the full Senate for consideration. Once the Senate passes a version of the bill, the House asks the Senate to recede from its changes or accepts them. If the Senate refuses to recede, legislative leadership appoints a Conference Committee comprised of members from each chamber to negotiate the differences between the House and Senate versions and draft a Conference Committee report or an agreed upon final version of the bill.

After each legislative session, LFC staff annually publish a post-legislative session review. These LFC post-session reviews (1) summarize the final appropriations made by the Legislature, (2) include data comparing different GAA versions, (3) describe other enacted bills with significant fiscal impacts, and (4) catalog governor vetoes affecting the state budget.

HB281's effective date would be immediate as the bill declares an emergency which would require the bill to be enacted for the current legislative session. LFC staff do not currently implement a centralized method for cataloging names associated with each proposed change (additions and deletions) to the GAA, from each stage of bill passage, nor does the name of each entity or individual proposing each change currently exist in a central searchable database for publication onto the Legislature's website. Provided that committee action along with action by the House or Senate is the legal source of additions and deletions to the GAA, HB281 is unclear on what represents the source of who proposed an addition or deletion (be it from a legislator, state agency, or governor) which could create confusion for identifying an actor and creating a searchable list of sources as asked for in the bill. HB281 would require LFC to publish such a list within 72 hours after the governor's action on the GAA from the current legislative session. In effect, HB281 would require LFC staff to begin implementing the bill before HB281 was enacted in order to meet the required deadline for the current legislative session.

ADMINISTRATIVE IMPLICATIONS

HB281 would require LFC staff to develop a process for cataloging all proposed changes to the GAA at every stage of bill passage and assign all proposed changes to either a legislative committee, legislators, state agencies, or the governor. LFC staff and information technology staff from LCS would need to develop a way to display and store this cataloged information on the legislative website.

RELATIONSHIP

HB281 relates to the GAA of 2021.

OTHER SUBSTANTIVE ISSUES

All actions on the GAA taken by either the House of Representatives, the Senate, standing committees, or a conference committee are subject to the state Open Meetings Act, webcast through live video and audio recordings, and then archived for five years on the Legislature's website (Section 10-15-2 NMSA 1978; House Rule 9-5-8; Senate Rule 9-5-8; Joint Legislative Rules 12-1.C).

CSL/rl/sb