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FISCAL IMPACT REPORT

LAST UPDATED _____

SPONSOR Matthews **ORIGINAL DATE** 02/24/23

BILL

SHORT TITLE State Agency Website Info **NUMBER** House Bill 479

ANALYST Hitzman

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
DPS Admin	NFI	\$117.4	\$117.4	\$234.8	Recurring	General Fund
HSD Admin	NFI	\$37.6	\$37.6	\$75.2	Recurring	General Fund
HSD Admin	NFI	\$44.7	\$44.7	\$89.5	Recurring	Federal Funds
AOC Admin	\$27.7	\$27.7	\$27.7	\$83.1	Recurring	General Fund
CYFD Admin	NFI	\$180.0	\$180.0	\$360.0	Recurring	General Fund
Other Large Agency Admin	\$0 - \$200.0	\$0 - \$200.0	\$0 - \$200.0	\$0 - \$600.0	Recurring	General Fund
Total	\$0 - \$227.7	\$407.4 - \$607.4	\$407.4 - \$607.4	\$814.8 - \$1,442.5		

Parentheses () indicate expenditure decreases.

*Amounts reflect most recent analysis of this legislation.

Sources of Information

LFC Files

Responses Received From

New Mexico Corrections Department (NMCD)
 Department of Cultural Affairs (DCA)
 Department of Public Safety (DPS)
 Administrative Office of the Courts (AOC)
 Administrative Office of the District Attorneys (AODA)
 Law Offices of the Public Defender (LOPD)
 Human Services Department (HSD)
 Indian Affairs Department (IAD)
 Gaming Control Board (GCB)
 Department of Information Technology (DoIT)
 Regulation and Licensing Department (RLD)
 Department of Finance and Administration (DFA)
 Office of the State Auditor (OSA)
 Office of the Attorney General (AG)
 Aging and Long Term Services Department (ALTSD)
 Tourism Department (TOUR)
 Office of the State Engineer (OSE)
 Children, Youth and Families Department (CYFD)

SUMMARY

Synopsis of House Bill 479

House Bill 479 (HB479) adds new material to statute to require state agencies that maintain a website for the public to make available an organizational chart, an explanation of the responsibilities of its organizational unit, and a list of staff, job titles, and contact information. The information shall be updated at least monthly and shall be easy to navigate and linked on the agency's website homepage.

This bill does not contain an effective date and, as a result, would go into effect June 16, 2023, (90 days after the Legislature adjourns) if signed into law.

FISCAL IMPLICATIONS

Agencies will be required to update their website information on a regular basis under HB479. This will require additional staff resources at agencies to implement those changes and perform updates on at least a monthly basis. Also, agencies with more turnover may experience a higher demand on their administration to ensure information on employee job titles and contact information is up-to-date, since they will experience more frequent changes in their roster and organizational chart. The Administrative Office of the District Attorney (AODA) echoed this concern.

For instance, the Department of Public Safety (DPS) notes it “has 722 officer positions, 531 civilian positions and 65 NMSP recruit positions for a total of 1,318 positions.” DPS notes this work would require an additional “IT Applications Developer I position to serve as the agency’s Webmaster dedicated solely to web administration at an annual cost of \$117,400 to perform the duties as indicated.”

The Human Services Department (HSD) “has more than 1,400 employees so updating the organizational chart and list of staff on a monthly cadence would require dedicated staff time that does not exist within the agency today,” estimating the need for \$82.3 thousand per year in general and federal funds to support this work.

For the Administrative Offices of the Courts (AOC), the bill “will add approximately \$1,731 annually to the operating costs of each judicial entity, for a total impact to the judiciary of \$27,692. This is a recurring cost.”

Another large agency, the Children, Youth and Families Department (CYFD), notes it “employs between 1600 and 2100 employees at any given time” and would not be able to absorb the costs of this work with its existing operating budget, likely requiring \$180 thousand per year to support additional FTE.

However, other agencies, like the Law Offices of the Public Defender, the General Services Department, and the Regulation and Licensing Department, note the cost would be minimal and could likely be absorbed into its existing agency operating budget.

For larger agencies that did not respond or provide an estimated fiscal impact, it is estimated there would be similar needs, so the analysis assumes between \$0 and \$200 thousand would be needed to support other agency administrative costs. However, this is only an estimate and could be higher if other agencies determine there to be a substantial need for FTE or other support to implement HB479.

SIGNIFICANT ISSUES

DPS notes concerns over employee privacy and safety, providing the following:

Providing high-level contact information of key employees is beneficial; however, Section 1.A. (3) requires publishing a list of staff that includes job titles and contact information that can be accessed by external recruiters, solicitors, telemarketers, and other individuals which could be used to harass, stalk or threaten employees via spam telephone calls, phishing emails, and potentially cyberattacks.

The Department of Information Technology (DoIT) also cites the potential for cyber-attacks and other threats to employees. Further, DoIT notes “providing an explanation of each position’s role would be labor intensive. In addition, providing additional contact information may be redundant in that many Agency websites already provide key contact information.”

LOPD echoes these concerns, noting that posting “publicly available contact information for each individual employee could subject employees to harassment, impact protective orders, and result in an overwhelming amount of direct contact from outside the attorney-client relationship.”

AOC also notes this concern related to judges, where parties who are “unhappy with the outcome of a case to harass a judge, leading to wasted time or possibly threats to safety.”

HSD notes “the bill does not address whether the information would be provided in languages other than English.”

Further, AOC notes “HB479 does not define state agency. This could lead to confusion for boards, commissions, offices, and independently elected officials, legislative, and judicial entities.”

PERFORMANCE IMPLICATIONS

Gaming Control Board reported the provisions in this bill could contribute to increased transparency, noting “the intent of a transparent, fair and open government is best executed when its citizens have access to it and those who work in it.” The Indian Affairs Department agrees, noting “an organizational chart is significant, and a well-designed, accessible org chart is used to add transparency and accountability to agency structure and processes.”

However, AOC notes adding “all staff members may cause confusion for the public by introducing uncertainty about the best way to contact a court for information,” since the agency already includes key contact information on its website for all courts.

To this end, by including the contact information of all staff, the Aging and Long-Term Services Department (ALTSD) notes there may be increased confusion regarding who best to call for certain issues, and “this may potentially overwhelm staff whose job duties do not include providing direct support to the public” if they receive these calls. Further, ALTSD notes “best practices for content management advise against listing every staff member’s direct contact information” and instead recommend including just those contact forms or general numbers to reach live persons to provide constituent services.

CYFD echoes this concern, noting:

If the purpose is to ensure that a constituent finds the person who can help them in the shortest amount of time possible, requiring that constituent to read through the entire employee directory with no guarantee that the person they finally call can assist seems counterintuitive.

ADMINISTRATIVE IMPLICATIONS

Some agencies have existing employees working on making website changes, such as IAD, which reports having two FTEs in place that may experience a duplication of workload or may need to restructure their work to meet requirements of HB479. Other agencies, such as the State Land Office, the Office of the State Engineer, and New Mexico Corrections Department, report it already meets the requirements of the bill, so the administrative implications are likely to vary widely depending on the existing status of each agency’s website compliance.

As mentioned above, the administrative impact will also depend on the size of the agency. The Department of Finance and Administration (DFA) note HB479 will be more difficult for larger agencies to meet, including “the Department of Transportation (2,642.5 FTE), the Department of Health (3,811 FTE) and the Children, Youth and Families Department (2,147 FTE).”

The bill may also duplicate the existing phone directory updated by the Governor’s Office.

OTHER SUBSTANTIVE ISSUES

Some agencies, such as IAD, noted it currently includes some of the required information but that organizational charts may include technical classifications, rather than common working titles. IAD’s existing charts “reflect State Personnel Office classification and working titles often differ which may cause unintended confusion for the public.”

CYFD also notes:

It is unclear exactly what granularity of organizational chart is requested. If the bill intends for these to be the organizational charts which are provided in agency annual reports, there will be minimal impact. If the bill intends for these to be the position-level organizational charts which are produced for the State Personnel Office and other precision purposes, the bill’s mandate that the charts be kept up to date seems to require a significant amount of work for no clear purpose.

ALTERNATIVES

Agencies may not experience monthly changes to their organizational chart or employee roster, so requiring a less frequent update of certain information or requiring updates only when changes occur could cut down on the administrative burden amongst agencies while preserving much of the intention of the bill to provide accurate and transparent information. For example, the New Mexico Tourism Department notes it already updates its website when there are staff changes.

AMENDMENTS

DPS notes “NMSP already posts contact information for districts around the state and has dispatch centers available 24 hours a day for the public to contact. For this reason, along with the officer safety issues related to identifying certain NMSP personnel, the agency would request NMSP be exempted from this bill.” DPS provides the following proposed amendment:

A. State agencies that maintain a website for the public shall make available on that website:

- (1) a high-level agency organizational chart to include program, division and bureau names.
- (2) a brief explanation of the responsibilities of each organizational unit within the agency to the bureau level;
- (3) a list of staff that includes job titles and contact information for key positions at the agency’s discretion; and
- (4) allow an agency to define and exempt the publication of employees in safety-sensitive positions.

JH/al/ne