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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Figueroa/Serrato/Ortez/Garratt/Sariñana</u>	<b>LAST UPDATED</b> <u>2/15/23</u> <b>ORIGINAL DATE</b> <u>2/3/2023</u>
<b>SHORT TITLE</b> <u>Legislative Session Changes, CA</u>	<b>BILL NUMBER</b> <u>House Joint Resolution 2/aHGEIC/aHJC</u>
	<b>ANALYST</b> <u>Daly</u>

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

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	\$0.0	\$0.0	\$150.0 – 200.0	\$150.0 – 200.0	Nonrecurring	General Fund
				See fiscal implications for future year costs	Recurring	General Fund

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

Relates to House Joint Resolution 8, Legislative Salaries

### Sources of Information

LFC Files

Responses Received From  
 New Mexico Attorney General (NMAG)  
 Secretary of State (SOS)

## SUMMARY

### Synopsis of HJC Amendments to House Joint Resolution 2

The House Judiciary Committee amendments to HJR2 strike language in the title and in the substance of the resolution that would have allowed pending legislation at the end of a regular session in an odd-numbered year to be carried over for consideration in committee or on the floor of each chamber during the next legislative session.

### Synopsis of HGEIC Amendments to House Joint Resolution 2

The House Government, Elections and Indian Affairs Committee amendments to HJR2 revise the title of this joint resolution to more accurately reflect the substance of the resolution.

## Synopsis of Original House Joint Resolution 2

House Joint Resolution 2 proposes to amend Section 4 of the New Mexico Constitution to change the length of every regular legislative session to 60 days. It allows all subject matters to be considered, requires a five day recess, and allows pending legislation from a regular session in an odd-numbered year be carried over for consideration during the next regular legislative session.

HJR2 is to be submitted for approval by the people of the state in the next general election (November 2024) or any special election called for that purpose.

## FISCAL IMPLICATIONS

Under Section 1-16-4 NMSA 1978 and the New Mexico Constitution, the Secretary of State (SOS) is required to print samples of the text of each constitutional amendment in both Spanish and English in an amount equal to 10 percent of the registered voters in the state. SOS is also required to publish the samples once a week for four weeks preceding the election in newspapers in every county in the state. The estimated cost per constitutional amendment is \$150 thousand to \$200 thousand depending on the size and number of ballots and if additional ballot stations are needed.

The estimated cost increase from a 30-day session to a 60-day session is \$3 million. It is assumed session staff will continue to work during the five-day recess, which slightly increases session costs. A five day paid recess for legislators is estimated to cost between \$100-120 thousand. The per diem rate is set by the federal government and varies from year to year. There will also be a budget impact for the full-time legislative agencies: Legislative Council Service, Legislative Finance Committee, and Legislative Education Study Committee. Each of these agencies hires temporary and contract staff to work during legislative sessions.

## SIGNIFICANT ISSUES

Upon further reflection, one additional issue is raised by the language in HJR2 as originally drafted and remains after HGEIC and HJC amendments. Section 1(B), while removing the limitations as to what bills may be considered in a regular legislative session in an even-numbered year, expressly provides for consideration of veto override for bills of the last previous regular session vetoed by the governor. It might be argued that by providing for this specific action, any other actions are not authorized during a regular session during an even-numbered year.

HJR2 will, after the HJR amendment:

- Replace a 30 day session in even-numbered years with a 60 day session;
- Remove the limitation for regular sessions during even-numbered years to budgets, appropriations, revenue bills and bills drawn pursuant to special messages of the governor;
- Allow consideration during even-numbered regular sessions in even-numbered years of veto override bills from the previous regular session vetoed by the governor; and
- Impose a five day recess following the 30th day of the every regular session. The recess is excluded in computing the number of days of the regular session, and members of the Legislature receive per diem for the days the Legislature is in recess.

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NMAG notes that existing law imposes a time limit within which bills may be introduced during sessions of the Legislature. Section 2-6-1(B), NMSA 1978. While not in conflict with HJR2, this section limits introduction of most bills to the 30<sup>th</sup> legislative day in sessions held in the odd-numbered years and the 15<sup>th</sup> legislative day in sessions held in even-numbered years. These limitations appear to remain in effect, if HJR2 is approved by the voters.

### **RELATIONSHIP**

Relates to House Joint Resolution 8, Legislative Salaries.

MD/al/ne