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## FISCAL IMPACT REPORT

ORIGINAL DATE 01/25/13

SPONSOR Cervantes LAST UPDATED \_\_\_\_\_ HB \_\_\_\_\_

SHORT TITLE Constitutional Revision Commission SB 187

ANALYST Cerny

### APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY13	FY14		
\$ 100.0		Nonrecurring	Legislative Council

(Parenthesis ( ) Indicate Expenditure Decreases)

### SOURCES OF INFORMATION

LFC Files

#### Responses Received From

Attorney General's Office (AGO)  
 Administrative Office of the Courts (AOC)  
 Secretary of State (SOS)

### SUMMARY

#### Synopsis of Bill

Senate Bill 187 creates a 15-member "Constitutional Revision Commission" ("commission"). The objective of this commission would be to recommend constitutional changes. The members would study the Constitution of the State of New Mexico and consult other state constitutions for recommendations. A report of findings and recommendation shall be made to the governor and each member of the Fifty-first legislature thirty days prior to convening the 2014 legislature.

The bill provides that upon majority approval of the 15 voting members, legislation shall be drafted and submitted to the Fifty-first Legislature for review, in accordance with Article XIX, Section 1 of the Constitution of the State of New Mexico.

SB 187 provides for the following make-up of the commission:

- 3 public members appointed by the Speaker of the House, with no more than two belonging to the same political party;
- 3 public members appointed by the President Pro Tem of the Senate, with no more than two belonging to the same political party;

- 3 public members appointed by the Governor, with no more than two belonging to the same political party; and
- 6 public members appointed by the New Mexico Legislative Council.

The bill requires the appointments be coordinated to ensure that the different geographical areas of the state are represented and that the members reflect the cultural, economic, professional and ethnic diversity of New Mexico and provides that no more than 8 members shall belong to the same political party. Members considered for appointment to the commission are prohibited from having changed party affiliation for at least one year prior to appointment.

SB 187 provides that the Chief Justice of the New Mexico Supreme Court and the Attorney General, or their designees, shall serve in an advisory, non-voting capacity.

Commission members are to receive per diem and mileage under the Per Diem and Mileage Act but shall receive no other compensation.

SB 187 provides that the staff and research work will be carried out under the supervision of the chair of the commission, by employees approved by the commission, assisted, upon request, by the Legislative Council Service (LCS).

The bill contains an emergency clause and calls for repeal as of April 1, 2014.

### **FISCAL IMPLICATIONS**

SB 187 appropriates \$100.0 from Legislative Council cash balances to the LCS for the purpose of paying the expenses of the commission.

The appropriation of \$100.0 contained in this bill is a non-recurring expense. Any unexpended or unencumbered balance remaining at the end of FY14 shall revert to the general fund.

AOC states that there will be a minimal fiscal impact to the judiciary for travel and other costs associated with participation in the commission.

### **SIGNIFICANT ISSUES**

The appropriation of \$100.0 contained in this bill may not be sufficient to permit the commission to hire dedicated staff, and to pay per diem and mileage, for a year's worth of meetings.

There is a question regarding the intended duration of the commission's work. The wording on page 3, line 17 refers to the Fifty-first Legislature, thus calling for the commission's work to be concluded in December 2013 (see Technical Issues below).

### **TECHNICAL ISSUES**

AGO states: "Page 3, line 17 refers to the "fifty-first legislature"—it is unclear whether this is a vestige of House Bill 207 (2011 Session) covering the same topic or whether the sponsor wants the deadline to remain in approximately December 2013."

**OTHER SUBSTANTIVE ISSUES**

SOS addressed fiscal implications for their agency upon completion of the commission’s work, which would conclude in mid- FY14: “The state constitution provides that ‘amendments initiated by an independent commission created by law for that purpose may be submitted to the legislature separately or as a single ballot question, and any such commission-initiated amendments that are not substantially altered by the legislature may be submitted to the electors in the separate or single ballot question form recommended by the commission.’ The submission of questions to the voters has a fiscal impact.”

The SOS also states that it expended approximately \$45,000 for each constitutional amendment question that appeared on the 2012 general election ballot. Those costs included publication of the amendments in newspapers around the state, publication of the voter guide, and translation and recording of the amendments in Native American languages. The bond questions and constitutional amendments filled most of the back of the ballots statewide. If the questions posed caused the ballot length to increase to two separate pages, it would result in a significant increase in the costs of providing the ballots for a general election.

CC/svb