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FISCAL IMPACT REPORT

SPONSOR Cervantes **ORIGINAL DATE** 2/24/19
LAST UPDATED _____ **HB** _____

SHORT TITLE Constitutional Revision Commission **SB** 368/ec

ANALYST Daly

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY19	FY20		
\$150.0		Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY19	FY20	FY21	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	Indeterminate but Minimal	Indeterminate but Minimal		Minimal	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

New Mexico Attorney General (NMAG)

SUMMARY

Synopsis of Bill

Senate Bill 368 creates an independent commission to propose constitutional amendments to the Legislature. The Constitutional Revision Commission (CRC) is composed of 17 members: 12 voting public members appointed by the Legislative Council, three voting public members appointed by the governor, and the chief justice of the Supreme Court (or the chief's designee) and the attorney general (or the attorney general's designee), who act as advisory, nonvoting members. Provisions for appointment of public members require diversity in relation to geographic, cultural, economic professional, ethnic, and party affiliation factors. CRC must meet at least four times in 2019 and is to be staffed primarily by contractors competitively selected by the director of the Legislative Council in coordination with the CRC chair. CRC must report its findings and recommendations, including any recommended constitutional revisions, no later than 30 days prior to the 2020 legislative session.

SB368 contains an emergency clause and would become effective immediately upon signature by the governor. It also carries a delayed repeal date of April 1, 2020.

FISCAL IMPLICATIONS

The appropriation of \$150 thousand contained in this bill is a nonrecurring expense to the general fund, to be expended in FY19 and FY20. Any unexpended or unencumbered balance remaining at the end of FY20 shall revert to the general fund.

SB368 provides CRC members shall receive per diem and mileage as provided for in the Per Diem and Mileage Act, but no other compensation, perquisite, or allowance. AOC reports the fiscal impact on the judiciary would be proportional to the resources, including staff time of the chief justice or designee, required to prepare and participate on CRC. NMAG reports no fiscal impact. LFC staff estimates the impact to be minimal.

SIGNIFICANT ISSUES

AOC provides this background information:

Since its adoption in 1910, the New Mexico State Constitution has been subjected to a comprehensive review by a Constitutional Review Commission, once in 1967, 1968 and again in 1991-93. More information on the history on amendments to the New Mexico Constitution is available by following these links:

https://www.worldcat.org/search?q=au%3ANew+Mexico.+Constitutional+Revision+Commission.&qt=hot_author,

<https://digitalrepository.unm.edu/cgi/viewcontent.cgi?referer=&httpsredir=1&article=3566&context=nj>

While all states provide for constitutional amendments by their legislature, only one other state has adopted a similar approach by creating a CRC without necessitating a constitutional convention to employ change. The Florida Constitutional Revision Commission (FCRC) convenes every twenty years. The FCRC convened in 2017: <http://flcrc.gov/PublishedContent/AdministrativePublications/ballotguide-2.pdf>

NMAG notes it is unclear if SB368 intends NMAG to also serve as CRC's legal counsel.

PERFORMANCE IMPLICATIONS

AOC reports the courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts depending on the ultimate impact to staff time and resources from participating on the commission or providing support to the work of the commission.