

1 HOUSE JOINT RESOLUTION 5

2 **54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020**

3 INTRODUCED BY

4 Rod Montoya

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10 A JOINT RESOLUTION

11 PROPOSING AN AMENDMENT TO ARTICLES 4 AND 8 OF THE CONSTITUTION
12 OF NEW MEXICO TO LIMIT THE LEGISLATURE'S ABILITY TO INCREASE
13 STATE EXPENDITURES AND PROVIDE FOR THE DISTRIBUTION OF ANY
14 REVENUE IN EXCESS OF THE EXPENDITURE LIMIT TO UNITED STATES
15 CITIZENS WHO ARE RESIDENTS OF THE STATE AND THEIR DEPENDENTS
16 AND TO SUPPORT PUBLIC SCHOOLS, TO REQUIRE A THREE-FIFTHS VOTE
17 OF THE MEMBERS OF EACH HOUSE FOR PASSAGE OF A NEW TAX OR TAX
18 INCREASE AND TO REQUIRE A NEW TAX OR TAX INCREASE TO EXPIRE
19 THREE YEARS AFTER THE EFFECTIVE DATE OF THE NEW TAX OR TAX
20 INCREASE.

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22 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

23 SECTION 1. It is proposed to amend Article 4 of the
24 constitution of New Mexico by adding a new Section 43 to read:

25 "A. Except as provided in Subsection B of this

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1 section, for fiscal year 2022 and each fiscal year thereafter,
2 the legislature during its regular session shall set an
3 expenditure limit to limit general fund expenditures in the
4 following fiscal year to no more than the total expenditures
5 from the general fund made in the immediately prior fiscal year
6 plus the sum of:

7 (1) the product of the percent increase in the
8 population of New Mexico in the most recent prior calendar year
9 for which there is population data available, as provided by
10 law, multiplied by the total expenditures from the general fund
11 made in the immediately prior fiscal year; plus

12 (2) the product of three and six-tenths
13 percent multiplied by the total expenditures from the general
14 fund made in the immediately prior fiscal year.

15 B. The legislature may exceed the expenditure limit
16 provided in Subsection A of this section only by a three-
17 fifths' majority vote of both houses of the legislature.

18 C. Any unexpended or unencumbered balance in the
19 general fund at the end of a fiscal year in excess of the
20 expenditure limit set annually by the legislature for that
21 fiscal year pursuant to this section shall be transferred in
22 the following manner:

23 (1) fifty percent, on an equal per capita
24 basis, to United States citizens who are residents of the
25 state, as determined by law, including allowance for

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1 dependents; and

2 (2) fifty percent to support public schools,
3 as provided by law."

4 SECTION 2. It is proposed to amend Article 4, Section 17
5 of the constitution of New Mexico to read:

6 "A. Except as provided in Subsection B of this
7 section, no bill shall be passed except by a vote of a majority
8 of the members present in each house, nor unless on its final
9 passage a vote be taken by yeas and nays, and entered on the
10 journal.

11 B. Beginning January 1, 2021, no bill imposing or
12 increasing a tax shall be passed except by a vote of three-
13 fifths of the members present in each house, nor unless on its
14 final passage a vote be taken by yeas and nays, and entered on
15 the journal."

16 SECTION 3. It is proposed to amend Article 8 of the
17 constitution of New Mexico by adding a new section to read:

18 "Beginning January 1, 2021, a law imposing or increasing a
19 tax shall expire within three years of the effective date of
20 the imposition or increase."

21 SECTION 4. The amendment proposed by this resolution
22 shall be submitted to the people for their approval or
23 rejection at the next general election or at any special
24 election prior to that date that may be called for that
25 purpose.

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