HOUSE JOINT RESOLUTION 5

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

INTRODUCED BY

Rod Montoya

A JOINT RESOLUTION

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

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

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

"A. Except as provided in Subsection B of this .216249.5
section, for fiscal year 2022 and each fiscal year thereafter, the legislature during its regular session shall set an expenditure limit to limit general fund expenditures in the following fiscal year to no more than the total expenditures from the general fund made in the immediately prior fiscal year plus the sum of:

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

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

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

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

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

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

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

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

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

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

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

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

.216249.5