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FISCAL IMPACT REPORT

SPONSOR Hanosh DATE TYPED 2/7/05 HJR 1

SHORT TITLE Lieutenant Governor Appointment, CA SB _____

ANALYST Hadwiger

APPROPRIATION (in \$000s)

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
	None				

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

Responses Received From
Office of the Attorney General (AG)
Office of the Governor

SUMMARY

Synopsis of Bill

House Joint Resolution 1 would amend the Constitution to provide that, when a vacancy in the Lieutenant Governor position occurs, the governor would appoint a replacement who must be confirmed by a majority vote of both houses of the legislature.

This amendment would be submitted for voter approval at the next general election or any special election prior to that date.

Significant Issues

Currently, there is no provision in the New Mexico Constitution setting out a process for replacing a lieutenant governor who dies, leaves office, or succeeds to the governorship in the middle of a term. HJR1 would address this gap.

OTHER SUBSTANTIVE ISSUES

The Office of the Governor indicated that, under Article IV, Section 42 of the Constitution, the Senate is vested with the authority to confirm gubernatorial appointments. No constitutional basis has been identified to give the House such authority. Therefore, it appears that any language regarding confirmation of a newly appointed Lieutenant Governor could only include confirmation before the Senate.

ALTERNATIVES

According to the Office of the Governor, although an amendment is necessary to address the gap in succession if a Lieutenant Governor leaves office before the end of a term, the amendment should occur in Article V, Section 7 regarding the succession to governorship. Another sentence could be added to this provision addressing this particular scenario whereby the new Governor (former Lieutenant Governor) appoints the successor for the Lieutenant Governor position. The title of Article V, Section 7 would then address succession to governorship and lieutenant governorship.

DH/njw