

**LEGISLATIVE EDUCATION STUDY COMMITTEE
BILL ANALYSIS**

Bill Number: HJR 18

50th Legislature, 2nd Session, 2012

Tracking Number: .188270B.1

Short Title: Leave from Work for Legislators, CA

Sponsor(s): Representatives James Smith, Tim Lewis, Nora Espinoza, and Others

Analyst: David Harrell

Date: January 30, 2012

Bill Summary:

HJR 18 proposes to amend Article 4, Section 10 of the Constitution of New Mexico to require that a legislator who receives a salary paid from public money elect to take annual leave or leave without pay for attendance at legislative sessions and meetings. The election must be filed with the chief clerk by the first day of a legislative session.

Fiscal Impact:

HJR 18 makes no appropriation.

According to the analysis of HJR 18 by the Office of the Secretary of State, the cost of publication of a proposed amendment required under both the constitution and state law is approximately \$104,000.

Substantive Issues:

The analysis of HJR 18 by the Office of the Attorney General says, "It is unclear whether the proposed amendment intends to cover (1) private employees with a government contract, as well as (2) private employees whose position is paid for by a government grant. In both cases, these private sector employees receive 'a salary paid from public money.'"

Presumably, a legislator to whom HJR 18 applies must file the election by the first day of each legislative session, whether regular or special. In that case, unless circumstances change, a legislator may be filing the same information multiple times during a year.

Background:

Article 4, Section 10 was most recently amended in 1996, when voters adopted HJR 3 (1996), which substituted the per diem and standard mileage rate used by the Internal Revenue Service for what had been \$75. per diem and \$.25 per mile.

Related Bills:

HJR 5 *Limit Agency Compensation for Legislators, CA*