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FISCAL IMPACT REPORT

ORIGINAL DATE 02/05/12

SPONSOR Feldman LAST UPDATED _____ HB _____

SHORT TITLE Set Legislative Compensation Every Decade SB SJR 13

ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY12	FY13	FY14	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	\$0.0	\$104.0*	\$0.0	\$104.0*	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Implications for financial data provided by the SOS.

SOURCES OF INFORMATION

LFC Files

Responses Received From

Administrative Office of the Courts (AOC)

Attorney General's Office (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

Senate Joint Resolution 13 is a proposed amendment to the New Mexico Constitution (Art. IV, Sec. 10) which, if approved by the voters, would repeal the existing constitutional provision limiting legislator compensation to mileage and per diem. In its place, this resolution would create a legislative compensation commission to be appointed every decade (in a year ending in "6") to establish compensation for legislators from July 1 of the year following the commission's appointment until a new commission is appointed (the following decade).

The legislative compensation commission would be a bi-partisan five-member commission. Four would be appointed by the legislative council, and the fifth appointed by these four. No more than two could be from the same party, and none could be legislators, public officers or employees of the state or any of its subdivisions, state contractors, lobbyists or their employers, or household members of any of these groups.

FISCAL IMPLICATIONS

The SOS reports that in accordance with Section 1-16-4 NMSA 1978, upon receipt of the certified proposed constitutional amendment or other question from the Secretary of State, the county clerk shall include it in the proclamation to be issued and shall publish the full text of each proposed Constitutional amendment or other question in accordance with the constitution of New Mexico.

Although the county clerk includes the proposed amendments in the clerk's proclamation, it is the responsibility of the State to pay for the costs associated with the publication per Section 1-16-13 NMSA 1978, including printing samples of the text of each constitutional amendment in both Spanish and English in an amount equal to ten percent of the registered voters of the state. There are currently 1.7 million registered voters in the state. Voters whose election mail is returned as undeliverable will be sent the proper notice under federal law in 2012, and if they do not vote in the next two federal elections, may be purged in 2015. Under these timelines, the voter roll is expected to increase until the purge in 2015.

The SOS reports that in 2010, the publication cost was \$520,000 for 5 constitutional amendments, or approximately \$104,000 per amendment. Although the SOS is continually seeking ways to reduce publication costs, it believes the 2010 figure is a reasonable projection for 2012 costs, given the increasing number of voter registrations.

Other than the costs incurred by the SOS relating to the ballot question, any actual impact would not occur in the three years represented in the table above. Rather the impact of this constitutional amendment, if approved by the voters, would first occur in FY 2017, given the express obligation that the legislature provide adequate resources and staff to the commission. The impact of any change in actual compensation itself would not occur in FY 2018.

SIGNIFICANT ISSUES

The AGO reports that New Mexico is among seventeen states—including Georgia, Idaho, Indiana, Kansas, Maine, Mississippi, Montana, Nevada, New Hampshire, North Dakota, Rhode Island, South Dakota, Utah, Vermont, West Virginia, and Wyoming—that pay little to no compensation to their legislators.

Proposed amendments to this constitutional provision to create a legislative compensation commission were defeated by the voters in 1974 and 1992. This section of the constitution was last amended by the voters in 1996 to substitute the internal revenue service per diem and standard mileage rates for rates previously specified.

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