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FISCAL IMPACT REPORT

SPONSOR Cervantes **ORIGINAL DATE** 2/27/2015
LAST UPDATED 3/19/15 **HB** _____

SHORT TITLE Legislative Power to Compel Witnesses **SJR** 17/aSRC

ANALYST Leger

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY14	FY15	FY16	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total			\$15.2 +	\$15.2 +	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of SRC Amendment

Senate Rules Committee Amendment for Senate Joint Resolution 17 strikes reference to “joint rules of both houses”. Therefore the proposed amendment would be pursuant to the procedural rules of each house.

Synopsis of Bill

Senate Joint Resolution 17 proposes an amendment to Article 4 of the Constitution of New Mexico to clarify the power of the Legislature and its committees to compel witnesses to attend legislative hearings, to require sworn testimony and to compel persons to produce documents, electronically stored information or tangible items.

FISCAL IMPLICATIONS

Under Section 1-16-13 NMSA 1978 and the New Mexico constitution, the SOS is required to print samples of the text of each constitutional amendment, in both Spanish and English, in an amount equal to ten percent of the registered voters in the state. The SOS is also required to publish them once a week for four weeks preceding the election in newspapers in every county in the state. In 2014, the SOS estimated the cost per constitutional amendment to be \$15,217. However, if the ballot size is greater than one page, front and back, it would increase the cost of conducting the general election. In addition to the cost of the ballot, there will be added time for

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processing voters to vote and would mean additional ballot printing systems would be required to avoid having lines at voting convenience centers.

SIGNIFICANT ISSUES

SJR 17 proposed the following as a new section to Article 4 of the Constitution of New Mexico:

“Each of the legislature and any committee of either house or joint committee of both houses, pursuant to procedural rules of each house or joint rules of both houses, shall have the power to compel the attendance and testimony of a witness before either house or a committee or to command a person to produce documents, electronically stored information or tangible items in that person’s custody or control. The presiding officer of the senate, the speaker of the house of representatives or the chair of a committee of either house or joint committee of both houses of the legislature may administer an oath to a witness who has been compelled to appear and testify pursuant to this section.”

JLL/je/aml