

LFC Requester:

Jeannae Leger

AGENCY BILL ANALYSIS - 2025 REGULAR SESSION

SECTION I: GENERAL INFORMATION

{Indicate if analysis is on an original bill, amendment, substitute or a correction of a previous bill}

Date Prepared: January 23, 2025

Check all that apply:

Bill Number: SJR1

Original X Correction
Amendment Substitute

Sponsor: Sen. Natalie Figueroa
Sen. Peter Wirth
Sen. Joy Garratt
Sen. Angelica Rubio
Sen. Katy M. Duhigg

Agency Name and Code Number: 305 – New Mexico
Department of Justice

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SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY25	FY26		

(Parenthesis () indicate expenditure decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY25	FY26	FY27		

(Parenthesis () indicate revenue decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY25	FY26	FY27	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total						

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to:
 Duplicates/Relates to Appropriation in the General Appropriation Act

SECTION III: NARRATIVE

This analysis is neither a formal Opinion nor an Advisory Letter issued by the New Mexico Department of Justice. This is a staff analysis in response to a committee or legislator’s request. The analysis does not represent any official policy or legal position of the NM Department of Justice.

BILL SUMMARY

Synopsis: Senate Joint Resolution 1 (“SJR1”) proposes to amend Article 4 of the Constitution of New Mexico to create an independent state agency composed of a nine-member citizen commission (“commission”) responsible for establishing, adjusting, and limiting the salaries of members of the New Mexico Legislature. SJR1 proposes the commission shall review, research, and consider legislative salaries and adopt a report of its determinations with an affirmative vote of at least five commission members. SJR1 proposes the commission’s report shall be filed with the secretary of state on or before October 1, 2028, and at least every four years thereafter. The salaries adopted in the report shall become effective on the first full state employee pay period in July following the filing of the report.

SJR1 proposes that no more than four of the nine commission members shall belong to the same political party at the time of appointment. Commission members shall serve without compensation but shall receive per diem and mileage as provided by law for similar boards and commissions.

SJR1 requires the amendment to be submitted to voters of the state for approval in next general election or at a special election called for that purpose.

SJR1 also changes the per diem rate from the IRS to the rate set by the federal general services administration or successor thereto.

FISCAL IMPLICATIONS

N/A

SIGNIFICANT ISSUES

This resolution could have some partisan issues in application. The proposal is that the commission is established as a bipartisan commission, comprised of 9 members, no more than four of which can belong to the same political party at the time of appointment. That commission is then required to adopt a report with the secretary of state. A vote of at least 5 members of the commission is required for adoption of the report. The salaries established by the report “shall become effective” on a date following the filing of the report.

In other words, 5 people—4 of whom may be from the same political party—would unilaterally be able to set and change salaries for the legislators, without any oversight. Even if the partisan aspect is not a concern (if, e.g., the public and legislators generally agree on an appropriate salary and there would be no dispute along party lines), it still raises questions about why 5 people, who are not paid and can be appointed by an unknown person or entity, can set legislator salaries without any potential for review of that decision. Perhaps this is something to be hammered out in related legislation.

As indicated above, it is also not clear from the resolution who appoints members to the citizen commission. The resolution does state that appointments, terms, and qualifications shall be provided by law.

PERFORMANCE IMPLICATIONS

See above

ADMINISTRATIVE IMPLICATIONS

None.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

None.

TECHNICAL ISSUES

None.

OTHER SUBSTANTIVE ISSUES

This resolution also begs the question of whether legislators, upon receiving a salary, would still be entitled to hold separate jobs. For instance, will the salaries be sufficient to constitute a livable wage, or is it intended for some other purpose? E.g., to encourage more people to become legislators by providing some financial benefit. It seems that this small clarification could go a long way in ensuring that the commission arrive at an appropriate salary in accordance with the drafters' intentions.

ALTERNATIVES

Adding limited language could resolve the issues identified above.

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo.

AMENDMENTS

None.