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FISCAL IMPACT REPORT

SPONSOR Payne DATE TYPED 1/30/05 HJR 7

SHORT TITLE Law & Amendment Initiative Process SB _____

ANALYST Fernandez

APPROPRIATION

Appropriation Contained		Estimated Additional Impact		Recurring or Non-Rec	Fund Affected
FY05	FY06	FY05	FY06		
			Indeterminate		

(Parenthesis () Indicate Expenditure Decreases)

SOURCES OF INFORMATION

LFC Files

SUMMARY

Synopsis of Bill

House Joint Resolution 7 proposes to amend the constitution of New Mexico to add a new section that authorizes an initiative process for voters to propose, adopt or reject statutes and amendments to the constitution of New Mexico.

This resolution shall be submitted to the people for approval or rejection at the next general election or any special election called for that purpose.

Significant Issues

An amendment to the constitution proposed by initiative would require a petition signed by qualified voters of not less than 8 percent of the votes cast for all candidates for governor at the last gubernatorial election. The question of whether to approve or reject a petition for a constitutional amendment shall be submitted to the voters by the Secretary of State at the next general or special statewide election called for that purpose occurring not less than 4 months after the initial petition is filed.

A statute proposed by initiative would require a petition signed by qualified voters of not less than 5 percent of the votes cast for all candidates for governor at the last gubernatorial election.

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A petition for a statute must be filed with the Secretary of State at least 90 days prior to a regular, special or extraordinary session of the Legislature. If the initiative is enacted into law by the Legislature, the law is effective upon signature of the Governor unless a later date is specified. If the initiative as proposed, is not enacted into law by the Legislature, it shall be placed on the ballot at the next general or special statewide election called for that purpose occurring at the end of the legislative session during which the initiative was considered. If the proposed initiative is amended and enacted into law by the Legislature, neither the proposed initiative nor the enacted law shall be effective and both must be placed on the ballot at the next general or special statewide election called for that purpose occurring at the end of the legislative session during which the initiative was considered.

A statutory initiative that has been approved by the voters may only be amended or repealed by two-thirds vote of members of each house.

An initiative for a statute or constitutional amendment that has been rejected by the voters cannot be placed on a ballot for a period of two years.

HJR 7 would also make it a felony for a person to sign a petition with a name other than his own or if they signed more than once for the same measure or if they signed a petition and they is not a qualified elector.

FISCAL IMPLICATIONS

HJR7 specifies that no statutory initiative shall create a public debt or provide for local or special laws.

The costs to enforce the felony provision and costs to the judicial branch to prosecute felons cannot be determined.

Depending on the number of initiatives to be placed on the ballot, Secretary of State may incur additional costs over and above current expenses.

CTF/sb