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## FISCAL IMPACT REPORT

<b>SPONSOR</b> <u>Cervantes/Stewart/Wirth</u>	<b>LAST UPDATED</b> <u>3/3/2023</u> <b>ORIGINAL DATE</b> <u>2/16/2023</u>
<b>SHORT TITLE</b> <u>Constitutional Revision Committee</u>	<b>BILL NUMBER</b> <u>Senate Bill 308/ec/aSJC/aSFI#1</u>
<b>ANALYST</b> <u>Gray</u>	

### APPROPRIATION\* (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY23	FY24		
\$200.0		Nonrecurring	General fund

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

### ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT\* (dollars in thousands)

	FY23	FY24	FY25	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
	No fiscal impact	No fiscal impact	No fiscal impact			General Fund

Parentheses ( ) indicate expenditure decreases.  
 \*Amounts reflect most recent analysis of this legislation.

Relates to SJR5

### Sources of Information

LFC Files

#### Responses Received From

Administrative Office of the Courts (AOC)  
 New Mexico Attorney General (NMAG)

## SUMMARY

### Synopsis of SFI#1 Amendment to Senate Bill 308

The Senate Floor amendment to Senate Bill 308 provides that two of the 15 members of the constitutional commission appointed by the governor shall be enrolled members of Indian nations, tribes, or pueblos to give consideration for the state's historical and cultural communities.

### Synopsis of SJC Amendment to Senate Bill 308

The Senate Judiciary Committee amendment to Senate Bill 308 makes two changes. First, the amendment provides that, in addition to there being no more than eight members of the

constitutional commission who belong to the same party, members also shall not have changed their party affiliation in the preceding two years. Second, the amendment provides that the constitutional commission shall make its report to the 57<sup>th</sup> legislature (2025 and 2026 sessions) not the 56<sup>th</sup> legislature (2024 session).

### **Synopsis of Original Bill**

Senate Bill 308 appropriates \$200 thousand from the general fund for the purpose of establishing an independent constitutional commission to propose amendments to the legislature. The bill creates a 21-member commission, with 15 voting members and six nonvoting members. Nonvoting members include two members from the House of Representatives, two members from the Senate, the chief justice of the Supreme Court, and the attorney general.

This bill contains an emergency clause and would become effective immediately on signature by the governor.

### **FISCAL IMPLICATIONS**

The appropriation of \$200 thousand contained in this bill is a nonrecurring expense to the general fund. Any unexpended or unencumbered balance remaining at the end of FY26 shall revert to the general fund.

SB308 provides that members of the constitutional revision commission shall receive per diem and mileage as provided for in the Per Diem and Mileage Act.

### **SIGNIFICANT ISSUES**

The Administrative Office of the Courts (AOC) writes, since its adoption in 1911, the New Mexico State Constitution has twice been subject to a comprehensive review by a Constitutional Review Commission: once in 1967 and again in 1991-93. Both instances led to the calling of a constitutional convention.

Analysis from the New Mexico Attorney General’s office notes the extent of responsibilities for the Attorney General is unclear.

### **CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP**

SB308 is related to Senate Joint Resolution 5, which calls for a U.S. Constitutional Convention pursuant to Article 5 for the purpose of proposing amendments to the U.S. Constitution.

### **TECHNICAL ISSUES**

The bill mandates the required report and any recommended legislation shall be made to the Legislature “not later than thirty days prior to the convening of its second regular session.” The bill does not include any other language as to when sessions are to begin or how many session the constitutional convention commission might be required to convene.