

LFC Requester:

Jeannae Leger

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

SECTION I: GENERAL INFORMATION

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

Check all that apply:

Original X **Amendment** _____
Correction _____ **Substitute** _____

Date Prepared: 01/24/2024

Bill No: HJR5

Sponsor: Rep. N. Figueroa

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
FY24	FY25		

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		

(Parenthesis () Indicate Expenditure Decreases)

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY24	FY25	FY26	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

House Joint Resolution (“HJR”) 5 proposes to ask the voter so amend Article 4 Section 5 of the New Mexico Constitution to eliminate alternating 30-day and 60-day legislative sessions, and instead establish annual 60-day legislative sessions, with special sessions not to exceed 30 days. The amendments would also eliminate restrictions that are currently applicable to a 30-day session but allow consideration of veto override bills from a previous regular session, special session, or extraordinary session within the same legislative biennium.

FISCAL IMPLICATIONS

Note: major assumptions underlying fiscal impact should be documented.

Note: if additional operating budget impact is estimated, assumptions and calculations should be reported in this section.

SIGNIFICANT ISSUES

If approved, the proposed constitutional amendment must be submitted to the voters at the next regular election or at a special election to be held not less than six months after the adjournment of the legislature. An amendment that is ratified by a majority of the electors voting on the amendment shall become part of the constitution. N.M. Const. Art. XIX, §1.

The proposed amendments to Subsection B could cause some confusion. As proposed, subsection B would state that “Every regular session of the legislature convening during an even-numbered year may consider for veto override bills of a previous regular, special or extraordinary session within the same legislative biennium.” It is unclear whether the intent of the amendment is to limit veto override bills only to sessions during even-numbered years. If the intent is to permit any session to consider a veto override regardless of whether the legislation was vetoed in an even or odd-numbered year, then Subsection B should be amended to delete the phrase “convening during an even-numbered year”.

PERFORMANCE IMPLICATIONS

None to this office

ADMINISTRATIVE IMPLICATIONS

None to this office

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

CONFLICT: with SJR 3, HJR 1, and HJR 9. SJR 3 and HJR 1, which are duplicates, would establish 45-day regular sessions which is in direct conflict of this bill which states regular sessions cannot exceed 60 days. HJR 9 also states 45-day regular sessions in conflict with this bill's 60-day regular session. HJR 9 also removes the language in subsection B that states, "convening during an odd numbered year" which this bill includes.

DUPLICATE with SJR 4

COMPANION: HJR 2 proposes to amend Article 4, Section 22 of the New Mexico State Constitution, to require any veto of a bill to include full explanation of the veto. In addition, the bill and veto explanation shall be returned to the house in which the bill originated or deposited with the secretary of state.

Consideration of veto override bills as contemplated by the HJR 1 amendments would likely include additional review if HJR 2 is passed.

TECHNICAL ISSUES

None

OTHER SUBSTANTIVE ISSUES

None

ALTERNATIVES

None

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

Status quo

AMENDMENTS