

LFC Requester:	Davidson, Austin
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**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

AgencyAnalysis.nmlegis.gov

{Analysis must be uploaded as a PDF}

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 **Amendment** _____
Correction _____ **Substitute** _____

Date 1/23/24
Bill No: HJR 7

Sponsor: Rep. Angelica Rubio
Short Title: Commission on Legislative Salaries, CA

Agency Name and Code AOC 218
Number: _____
Person Writing Kathleen Sabo
Phone: 505-470-3214 **Email** aoccaj@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
None	None	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

REVENUE (dollars in thousands)

Estimated Revenue			Recurring or Nonrecurring	Fund Affected
FY24	FY25	FY26		
Unknown	Unknown	Unknown	Rec.	General

(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	Unknown	Unknown	Unknown	Unknown	Rec.	General

(Parenthesis () Indicate Expenditure Decreases)

Duplicates/Conflicts with/Companion to/Relates to: Relates to HJR 1, HJR 5, SJR 3 and SJR 4, proposing legislative session changes.

Duplicates/Relates to Appropriation in the General Appropriation Act: None.

SECTION III: NARRATIVE

BILL SUMMARY

Synopsis: HJR 7 proposes to amend Article 4 of the Constitution of New Mexico to create the 9-member Citizen Commission (hereinafter “commission”) on Legislative Salary to establish, adjust and limit the salaries of members of the legislature. The commission is required to review, research and consider salaries and adopt a final report upon affirmative vote of at least 6 members of the commission on its determination to establish, adjust or limit those salaries, which report is to be filed with the Secretary of State (SOS) on or before January 1, 2026 and at least every 4 years thereafter. Under HJR 7, the salaries adopted in the report shall become effective on the first full state employee pay period in July immediately following the adoption of the report.

HJR 7 prohibits more than five members of the commission belonging to the same political party at the time of appointment and provides that members of the commission shall serve without compensation but shall receive per diem and mileage as provided by law for similar boards and commissions.

HJR 7 also proposes to amend Article 4, Section 10 of the Constitution of NM to provide that each member of the legislature shall receive:

- Per diem at the per diem rate set by the federal General Services Administration or successor agency for federal employees and officials for the City of Santa Fe for each day’s attendance during each session of the legislature and the Internal Revenue Service standard mileage rate, as specified. (Subsection A)
- Per diem expense and mileage at the same rates as provided in Subsection A for service at meetings required by legislative committees established by the legislature to meet in the interim between sessions. (Subsection B)
- A salary established or adjusted by the commission; and
- No other compensation, perquisite or allowance.

HJR 7 requires the amendment be submitted for approval by the voters of the state in the next general election or any special election called for that purpose.

FISCAL IMPLICATIONS

There will be a minimal administrative cost for statewide update, distribution and documentation

of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the approval of this constitutional amendment and any challenges to the amendment. New laws, amendments to existing laws and new hearings have the potential to increase caseloads in the courts, thus requiring additional resources to handle the increase.

SIGNIFICANT ISSUES

- 1) New Mexico is the only state with an unsalaried legislature. In the FIR for the amended House Judiciary Committee Substitute for HJR 8, introduced in 2023, the Legislative Finance Committee provided a chart detailing examples of select states' legislative salary and per diem. See <https://www.nmlegis.gov/Sessions/23%20Regular/firs/HJR08.PDF> .
- 2) Many groups have advocated for “modernization” of the NM legislature, producing reports and studies. Links to some of these as well as additional resources can be found at Common Cause NM's legislative modernization webpage at <https://www.commoncause.org/new-mexico/our-work/protect-the-constitution-courts-other-democracy-reforms/modernize-the-nm-legislature/>.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the district courts in the following areas:

- Cases disposed of as a percent of cases filed
- Percent change in case filings by case type

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

Relates to HJR 1, HJR 5, SJR 3 and SJR 4, proposing legislative session changes.

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS