

SENATE JOINT RESOLUTION 5

**45TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2002**

INTRODUCED BY

Allen V. Hurt

A JOINT RESOLUTION

PROPOSING AN AMENDMENT TO THE CONSTITUTION OF NEW MEXICO TO PROHIBIT THE LEGISLATURE FROM ENACTING ANY LAW THAT MANDATES THE STATE OR ANY AGENCY, POLITICAL SUBDIVISION, INSTITUTION OR INSTRUMENTALITY OF THE STATE TO ENGAGE IN ANY NEW ACTIVITY, TO PROVIDE ANY NEW SERVICE OR TO INCREASE ANY CURRENT LEVEL OF ACTIVITY OR TO PROVIDE ANY SERVICE BEYOND THAT REQUIRED BY EXISTING LAW UNLESS THE LEGISLATURE ALSO PROVIDES SUFFICIENT NEW FUNDING OR A MEANS OF NEW FUNDING TO PAY THE COST OF PERFORMING THE MANDATED ACTIVITY OR SERVICE FOR THE PERIOD OF TIME DURING WHICH THE ACTIVITY OR SERVICE IS REQUIRED TO BE PERFORMED.

BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

Section 1. It is proposed to amend Article 4 of the constitution of New Mexico by adding a new section to read:

"No law shall be enacted that mandates the state, or any agency, political subdivision, institution or instrumentality of the state to engage in any new activity, to provide any new service or to increase any current level of activity or to

underscored material = new  
~~[bracketed material] = delete~~

1 provide any service beyond that required by existing law  
2 unless the legislature also provides sufficient new funding or  
3 a means of new funding to pay the cost of performing the  
4 mandated activity or service for the period of time during  
5 which the activity or service is required to be performed."

6 Section 2. The amendment proposed by this resolution  
7 shall be submitted to the people for their approval or  
8 rejection at the next general election or at any special  
9 election prior to that date that may be called for that  
10 purpose.