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FISCAL IMPACT REPORT

SPONSOR Chavez, D. **ORIGINAL DATE** 01/24/11
LAST UPDATED _____ **HB** 121
SHORT TITLE One Subject In A Constitutional Convention **SB** _____
ANALYST Haug

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Non-Rec	Fund Affected
FY11	FY12		
NFI	NFI		

(Parenthesis () Indicate Expenditure Decreases)

Relates to HJR 5

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General (AGO)

Secretary of State (SOS)

SUMMARY

Synopsis of Bill

House Bill 121 proposes a restraint on New Mexico Delegates to a United States Constitutional convention, stating that such delegates shall not have the authority to vote or consider any proposed amendment other than the amendment, word for word, contained in the joint resolution of states requesting such a convention. The bill further proposes that any delegate who violates the proposed restraint would be guilty of a fourth degree felony and would forfeit any and all licenses to conduct business or engage in any profession that requires a license in New Mexico.

FISCAL IMPLICATIONS

There is no fiscal impact.

SIGNIFICANT ISSUES

The AGO notes the punishment clause of the bill may raise constitutional challenges as cruel and unusual punishment prohibited by the US and NM constitutions. The clause as it relates to licensees may also raise equal protection challenges on the ground that there is no rational

relationship between the crime and the loss of licensure.

RELATIONSHIP

House Bill 121 is related to House Joint Resolution 5 which asks that New Mexico call for a constitutional convention to propose an amendment to the United States Constitution, allowing for a convention upon the application of two thirds of the states.

GH/bym