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FISCAL IMPACT REPORT

SPONSOR Egolf ORIGINAL DATE 01/30/13
LAST UPDATED _____ HJR 3
SHORT TITLE Marriage Certificates & Ceremonies, CA SB _____
ANALYST Daly

ESTIMATED ADDITIONAL OPERATING BUDGET IMPACT (dollars in thousands)

	FY13	FY14	FY15	3 Year Total Cost	Recurring or Nonrecurring	Fund Affected
Total	NFI	\$45.0*	NFI	\$45.0*	Nonrecurring	General Fund

(Parenthesis () Indicate Expenditure Decreases)

*See Fiscal Impact

Conflicts with HJR 4

SOURCES OF INFORMATION

LFC Files

Responses Received From

Attorney General's Office (AGO)

Children, Youth & Families Department (CYFD)

SUMMARY

Synopsis of Bill

House Joint Resolution 3 is a proposed amendment to the New Mexico Constitution (Art. 20) which, if approved by the voters, would add a new section barring the denial of a marriage license to a same sex couple. It also specifies that the state shall not require a church or other religious institution to perform a same sex marriage ceremony or to recognize a same sex marriage for religious purposes that conflict with the church's or institution's beliefs.

FISCAL IMPLICATIONS

Other analyses from the SOS indicate that that office expended approximately \$45,000 for each constitutional amendment question that appeared on the 2012 general election ballot. Those costs included publication of the amendments in newspapers around the state, publication of the voter guide, and translation and recording of each amendment in Native American languages.

In addition, the AGO notes it may be called upon to defend the constitutionality of a provision specifically recognizing same sex marriages, which could fiscally impact its budget.

SIGNIFICANT ISSUES

The AGO advises that currently there is no constitutional provision addressing the legality of same sex marriages in New Mexico. Further, New Mexico's marriage law does not mention gender, but NMSA 1978, Section 40-1-1 defines marriage as a civil contract between contracting parties.

CONFLICT

HJR 3 conflicts with HJR 4, defining marriage to consist only of the union of one man and one woman.

MD/svb