

LFC Requester:	Austin Davidson
-----------------------	------------------------

**AGENCY BILL ANALYSIS
2024 REGULAR SESSION**

WITHIN 24 HOURS OF BILL POSTING, UPLOAD ANALYSIS TO:

Analysis.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: SB 158

Sponsor: Cervantes/Wirth
Short Title: Constitutional Revision Commission

Agency Name and Code 218
Number: _____
Person Writing Kristen Frueh Leyba
Phone: 505/470-9505 **Email** aockrf@nmcourts.gov

SECTION II: FISCAL IMPACT

APPROPRIATION (dollars in thousands)

Appropriation		Recurring or Nonrecurring	Fund Affected
FY24	FY25		
200,000		Nonrecurring	General

(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

BILL SUMMARY

Synopsis: Senate Bill 158 (SB158) would create a commission to propose constitutional amendments to the governor and the legislature. The bill creates a 21-member commission with 15 voting members, five from each congressional district of which two must be enrolled members of Indian nations, tribes or pueblos. Also included in the commission would be an additional six non-voting members consisting of two from the house of representatives; two from the senate; as well as the chief justice of the supreme court and the attorney general, or their designees.

FISCAL IMPLICATIONS

There will be a minimal administrative cost to the judiciary for statewide update, distribution and documentation of statutory changes. Any additional fiscal impact on the judiciary would be proportional to the resources, including staff time of the chief justice or designee, required to prepare and participate on the CRC. SB 158 provides that members of the constitutional revision commission shall receive per diem and mileage as provided for in the Per Diem and Mileage Act, but no other compensation, perquisite or allowance. There is a \$200 thousand appropriation to the general fund that is nonrecurring.

SIGNIFICANT ISSUES

Since its adoption, the New Mexico Constitution has twice been evaluated by a constitutional review commission (CRC). The first attempt at constitutional revision by a CRC began in 1963 with the work being completed in 1968. The resulting voter-approved 1969 constitutional convention convened for 60 days but their proposed amended constitution failed to pass the required public election process. According to the Legislative Council Service document *Piecemeal Amendment of the Constitution Since 1911*, 26 piecemeal amendments were passed from 1961-1970 arguing the point that ultimately, the work of the CRC review did much to impact constitutional change.

The second constitutional review commission was created by the legislature in 1993, completing its work in December of 1995. Five of the CRC recommended constitutional amendments were adopted by general election in 1996.

PERFORMANCE IMPLICATIONS

The courts are participating in performance-based budgeting. This bill may have an impact on the measures of the courts depending upon the ultimate impact to staff time and resources from participating on the commission or providing support to the work of the commission.

ADMINISTRATIVE IMPLICATIONS

See “Fiscal Implications,” above.

CONFLICT, DUPLICATION, COMPANIONSHIP, RELATIONSHIP

TECHNICAL ISSUES

OTHER SUBSTANTIVE ISSUES

More information on the history on amendments to the New Mexico Constitution by following these links:

https://www.worldcat.org/search?q=au%3ANew+Mexico.+Constitutional+Revision+Commission.&qt=hot_author

https://www.nmlegis.gov/Publications/New_Mexico_State_Government/Piecemeal_Amendment_Dec2016.pdf

Information on recent and total constitutional amendments in the 50 states:

[Constitutional amendments from 2006 through 2023 - Ballotpedia](#)

[2023’s Most Significant State Constitutional Cases | State Court Report](#)

[Number of state constitutional amendments in each state - Ballotpedia](#)

ALTERNATIVES

WHAT WILL BE THE CONSEQUENCES OF NOT ENACTING THIS BILL

AMENDMENTS