A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY CREATING A PUBLIC OFFICER SALARY COMMISSION TO ESTABLISH AND LIMIT THE SALARIES OF ELECTED STATE OFFICERS AND OTHER PUBLIC OFFICERS AS PROVIDED BY LAW; REPEALING THE CONSTITUTIONAL PROVISION PROVIDING FOR LEGISLATIVE PER DIEM AND MILEAGE AND THE PROHIBITION OF LEGISLATIVE COMPENSATION; AND AMENDING OR REPEALING CONSTITUTIONAL PROVISIONS FOR THE ESTABLISHMENT OF CERTAIN EXECUTIVE AND JUDICIAL SALARIES BY LAW.

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:

"A. The "public officer salary commission" is established as a state agency under the direction of seven commissioners, no more than four of whom may be members of the
same political party, whose terms and qualifications shall be as provided by law.

B. The governor shall appoint two commissioners who shall not be from the same political party. The chief justice of the supreme court shall appoint two commissioners who shall not be from the same political party. One commissioner each shall be appointed by the president pro tempore of the senate and the speaker of the house of representatives. One commissioner shall be appointed by the six commissioners appointed by the governor, the chief justice of the supreme court, the president pro tempore of the senate and the speaker of the house of representatives. No member of the commission shall be a:

(1) current governor, lieutenant governor, attorney general, secretary of state, treasurer, state auditor or commissioner of public lands;

(2) current member of the judiciary;

(3) current legislator;

(4) current member of the public regulation commission;

(5) current employee of state government;

(6) current or former lobbyist, within the prior three years, registered pursuant to New Mexico law; or

(7) spouse, domestic partner, parent, child or sibling, by consanguinity or affinity, of a person identified .220135.3
in Paragraphs (1) through (6) of this subsection.

C. The public officer salary commission shall establish and limit salaries for:

   (1) the governor, lieutenant governor, attorney general, secretary of state, state treasurer, state auditor and commissioner of public lands;

   (2) justices of the supreme court, judges of the court of appeals and district court judges;

   (3) legislators;

   (4) members of the public regulation commission; and

   (5) other public officers as the legislature may provide.

D. The public officer salary commission shall establish and limit salaries for the first full pay period in July 2024 and every two years thereafter, taking into account any other compensation, perquisite, allowance or reimbursement provided to persons identified in Subsection C of this section by the state of New Mexico. The commission shall provide public notice of the salaries it establishes or limits no later than December 1 of the year preceding the effective date of the establishment of or change to a salary. The commission may establish and limit compensation, perquisite, allowance or reimbursement other than salary."

SECTION 2. It is proposed to amend Article 6, Section 24
of the constitution of New Mexico to read:

"There shall be a district attorney for each judicial
district, who shall be learned in the law, and who shall have
been a resident of New Mexico for three years next prior to
[his] election, shall be the law officer of the state and of
the counties within [his] the district attorney's district,
shall be elected for a term of four years and shall perform
such duties [and receive such salary] as may be prescribed by
law.

The legislature shall have the power to provide for the
election of additional district attorneys in any judicial
district and to designate the counties therein for which the
district attorneys shall serve; but no district attorney shall
be elected for any district of which [he] the district attorney
is not a resident."

SECTION 3. It is proposed to amend Article 6, Section 28
of the constitution of New Mexico to read:

"The court of appeals shall consist of not less than seven
judges, who shall be chosen as provided in this constitution,
whose qualifications shall be the same as those of justices of
the supreme court [and whose compensation shall be as provided
by law. The increased qualifications provided by this 1988
amendment shall not apply to court of appeals judges serving at
the time this amendment passes or elected at the general
election in 1988].

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Three judges of the court of appeals shall constitute a quorum for the transaction of business, and a majority of those participating must concur in any judgment of the court.

When necessary, the chief justice of the supreme court may designate any justice of the supreme court, or any district judge of the state, to act as a judge of the court of appeals, and the chief justice may designate any judge of the court of appeals to hold court in any district, or to act as a justice of the supreme court."

SECTION 4. It is proposed to amend the constitution of New Mexico by repealing:

A. Article 4, Section 10;
B. Article 5, Section 12;
C. Article 6, Section 11; and
D. Article 6, Section 17.

SECTION 5. The amendment proposed by this resolution shall be submitted to the people for their approval or rejection at the next general election or at any special election prior to that date that may be called for that purpose and if so approved, the provisions of:

A. Section 1 shall take effect on January 1, 2023;

and

B. Sections 2 through 4 shall take effect on July 1, 2024.