SENATE JOINT RESOLUTION 4

55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021

INTRODUCED BY
Daniel A. Ivey-Soto and Katy Duhigg and
Roberto "Bobby" J. Gonzales

A JOINT RESOLUTION
PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE TO
THE STATE ETHICS COMMISSION THE SOLE AUTHORITY TO REVIEW AND
ESTABLISH SALARIES EVERY TWO YEARS FOR ALL ELECTED STATE
OFFICERS AND REMOVE EXISTING LEGISLATIVE AUTHORITY TO SET
CERTAIN STATE ELECTIVE OFFICER SALARIES.

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

SECTION 1. It is proposed to amend Article 5, Section 17
of the constitution of New Mexico to read:

"A. The "state ethics commission" is established as
an independent state agency under the direction of seven
commissioners, no more than three of whom may be members of the
same political party, whose terms and qualifications shall be
as provided by law. The governor shall appoint one
commissioner. One commissioner each shall be appointed by the
.218356.2
president pro tempore of the senate, the minority floor leader of the senate, the speaker of the house of representatives and the minority floor leader of the house of representatives, all as certified by the chief clerks of the respective chambers. Two commissioners, who shall not be members of the same political party, shall be appointed by the four legislatively appointed commissioners.

B. The state ethics commission may initiate, receive, investigate and adjudicate complaints alleging violations of, and issue advisory opinions concerning, standards of ethical conduct and other standards of conduct and reporting requirements, as may be provided by law, for state officers and employees of the executive and legislative branches of government, candidates or other participants in elections, lobbyists or government contractors or seekers of government contracts and have such other jurisdiction as provided by law.

C. The state ethics commission may require the attendance of witnesses or the production of records and other evidence relevant to an investigation by subpoena as provided by law and shall have such other powers and duties and administer or enforce such other acts as further provided by law.

D. The state ethics commission shall review and establish the salaries of all elected state officers effective 218356.2
for the first full pay period in July 2024 and every two years thereafter. The state ethics commission shall provide public notice of the salaries it establishes no later than December 1 of the year preceding the effective date of the establishment of or change to the salary of an elected state officer."

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 26 of the constitution of New Mexico to read:

"The legislature shall establish a magistrate court to exercise limited original jurisdiction as may be provided by
law. The magistrate court shall be composed of such districts
and elective magistrates as may be provided by law.
Magistrates shall be qualified electors of, and reside in,
their respective districts, and the legislature shall prescribe
other qualifications. [Magistrates shall receive compensation
as may be provided by law, which compensation shall not be
diminished during their term of office] Metropolitan court
judges shall be chosen as provided in this constitution."

SECTION 4. 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].

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 5. 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 6. The amendments 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 5 shall take effect on July
1, 2024.