SENATE JOINT RESOLUTION 7

54TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2020

INTRODUCED BY

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A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY PROVIDING
TO THE STATE ETHICS COMMISSION THE SOLE AUTHORITY TO REVIEW AND
ESTABLISH SALARIES EVERY TWO YEARS FOR ALL ELECTED STATE
OFFICERS AND ALL ELECTED COUNTY OFFICERS.

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
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 set
the salary of all elected state officers and elected county
officers effective on January 1, 2023 and thereafter effective
on January 1 of each odd-numbered year."

SECTION 2. It is proposed to amend Article 6, Section 23 of the constitution of New Mexico to read:

"A probate court is hereby established for each county, which shall be a court of record, and, until otherwise provided by law, shall have the same jurisdiction as heretofore exercised by the probate courts of New Mexico and shall also have jurisdiction to determine heirship with respect to real property in all proceedings for the administration of decedents' estates. The legislature shall have power from time to time to confer upon the probate court in any county in this state jurisdiction to determine heirship in all probate proceedings, and shall have power also from time to time to confer upon the probate court in any county in this state general civil jurisdiction coextensive with the county; provided, however, that such court shall not have jurisdiction in civil causes in which the matter in controversy shall exceed in value three thousand dollars [(3,000.00)] ($3,000) exclusive of interest and cost; nor in any action for malicious prosecution, slander and libel; nor in any action against officers for misconduct in office; nor in any action for the specific performance of contracts for the sale of real estate; nor in any action for the possession of land; nor in any matter wherein the title or boundaries of land may be in dispute or drawn in question, except as title to real property may be
affected by the determination of heirship; nor to grant writs
of injunction, habeas corpus or extraordinary writs.
Jurisdiction may be conferred upon the judges of said court to
act as examining and committing magistrates in criminal cases,
and upon said courts for the trial of misdemeanors in which the
punishment cannot be imprisonment in the penitentiary, or in
which the fine cannot be in excess of one thousand dollars
($1,000). A jury for the trial of such cases shall consist of
six persons. The legislature shall prescribe the
qualifications of probate judges."

SECTION 3. 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 the district attorney's district,
shall be elected for a term of four years and shall perform
such duties 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 the district attorney
SECTION 4. 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 5. 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 6. 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 7. 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, 2021; and
B. Sections 2 through 6 shall take effect on January 1, 2023.