

HOUSE JOINT RESOLUTION 12

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

INTRODUCED BY

Daymon Ely and Angelica Rubio

This document may incorporate amendments proposed by a committee, but not yet adopted, as well as amendments that have been adopted during the current legislative session. The document is a tool to show amendments in context and cannot be used for the purpose of adding amendments to legislation.

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO SRC→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.~~←SRC SRC→TO

.220135.3AIC March 13, 2021 (9:17am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

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. ←SRC

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

SRC→~~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 SRC→Hfll→, who shall be appointed with due regard to geographic diversity←Hfll←SRC, no more than four of whom may be members of the same political party SRC→Hfll→and shall not have changed their party affiliation within two years of appointment←Hfll←SRC, whose terms and qualifications shall be as provided by law.~~

~~B. The governor shall appoint two commissioners SRC→Hfll→who shall not be from the same political party←Hfll←SRC. The chief justice of the supreme court shall appoint SRC→Hfll→two commissioners who shall not be from the same political party←Hfll Hfll→one commissioner←Hfll←SRC. One commissioner each shall be appointed by the president pro tempore of the senate and the speaker of the house of representatives. SRC→Hfll→One commissioner shall be appointed by the six commissioners appointed by the governor, the chief~~

.220135.3AIC March 13, 2021 (9:17am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

~~justice of the supreme court, the president pro tempore of the senate and the speaker of the house of representatives~~←Hf11
Hf11→~~One commissioner each shall be appointed by the minority floor leaders of the senate and of the house of representatives~~←Hf11←SRC . 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;~~

SRC→Hf11→~~(4) current member of the public regulation commission;~~←Hf11

Hf11→~~(5)~~←Hf11 Hf11→~~(4)~~←Hf11←SRC ~~current employee of state government;~~

SRC→Hf11→~~(6)~~←Hf11 Hf11→~~(5)~~←Hf11←SRC ~~current or former lobbyist, within the prior three years, registered pursuant to New Mexico law; or~~

SRC→Hf11→~~(7)~~←Hf11 Hf11→~~(6)~~←Hf11←SRC ~~spouse, domestic partner, parent, child or sibling, by consanguinity or affinity, of a person identified in Paragraphs (1) through SRC→Hf11→(6)←Hf11 Hf11→(5)←Hf11←SRC of this subsection.~~

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

~~(1) the governor, lieutenant governor,~~

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

~~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 SRC→Hfll→and←Hfll Hfll→,←Hfll←SRC district court judges SRC→Hfll→and magistrates←Hfll←SRC;~~

~~(3) legislators; SRC→Hfll→and←Hfll←SRC SRC→Hfll→(4) members of the public regulation commission; and←Hfll~~

~~Hfll→(5)←Hfll Hfll→(4)←Hfll←SRC 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~~

underscoring material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight←
delete = →bold, red, highlight, strikethrough←

~~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."~~

~~SRG→Hf11→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.←Hf11←SRG~~

.220135.3AIC March 13, 2021 (9:17am)

underscoring material = new

[bracketed material] = delete

Amendments: new = bold, blue, highlight

delete = bold, red, highlight, strikethrough

~~SECTION SRC → Hf11 → 3. ← Hf11 Hf11 → 4. ← Hf11 ← SRC 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 SRC → Hf11 → 4. ← Hf11 Hf11 → 5. ← Hf11 ← SRC 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 SRC → Hf11 → 5. ← Hf11 Hf11 → 6. ← Hf11 ← SRC 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 SRC → Hf11 → 4 ← Hf11 Hf11 → 5 ← Hf11 ← SRC shall take effect on July 1, 2024. ← SRC~~

SRC → 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

underscored material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

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 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

.220135.3AIC March 13, 2021 (9:17am)

underscoring material = new
[bracketed material] = delete
Amendments: new = → bold, blue, highlight ←
delete = → bold, red, highlight, strikethrough ←

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~~

.220135.3AIC March 13, 2021 (9:17am)

underscored material = new
[bracketed material] = delete
Amendments: new = →bold, blue, highlight↔
delete = →bold, red, highlight, strikethrough↔

~~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;

.220135.3AIC March 13, 2021 (9:17am)

underscored material = new

[bracketed material] = delete

Amendments: new = →bold, blue, highlight←

delete = →bold, red, highlight, strikethrough←

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. ←SRC