

FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021

HJR 12/a

March 12, 2021

Mr. President:

Your **RULES COMMITTEE**, to whom has been referred

HOUSE JOINT RESOLUTION 12

has had it under consideration and reports same with recommendation that it **DO PASS**, amended as follows:

1. Strike all items of House Floor Amendment number 1.

2. On page 1, line 11, after "MEXICO", strike the remainder of the line, strike lines 12 through 18 in their entirety and insert in lieu thereof "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."

3. On page 1, strike lines 21 through 25 in their entirety, strike pages 2 through 5 in their entirety and insert in lieu thereof the following sections:

"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.

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

SRC/HJR 12

Page 2

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 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

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

SRC/HJR 12

Page 3

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

**FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021**

SRC/HJR 12

Page 4

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.".,

and thence referred to the **JUDICIARY COMMITTEE.**

FIFTY-FIFTH LEGISLATURE
FIRST SESSION, 2021

SRC/HJR 12

Page 5

Respectfully submitted,

DANIEL A. IVEY-SOTO, CHAIRMAN

Adopted _____ Not Adopted _____
(Chief Clerk) (Chief Clerk)

Date _____

The roll call vote was 7 For 2 Against

Yes: 7

No: Baca, Pirtle

Excused: Duhigg, Lopez

Absent: None

HJR12RU1.wpd

.220706.1