

1 SENATE JOINT RESOLUTION 4

2 **55TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2021**

3 INTRODUCED BY

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10 A JOINT RESOLUTION

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

16  
17 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

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

20 "A. The "state ethics commission" is established as  
21 an independent state agency under the direction of seven  
22 commissioners, no more than three of whom may be members of the  
23 same political party, whose terms and qualifications shall be  
24 as provided by law. The governor shall appoint one  
25 commissioner. One commissioner each shall be appointed by the

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1 president pro tempore of the senate, the minority floor leader  
2 of the senate, the speaker of the house of representatives and  
3 the minority floor leader of the house of representatives, all  
4 as certified by the chief clerks of the respective chambers.

5 Two commissioners, who shall not be members of the same  
6 political party, shall be appointed by the four legislatively  
7 appointed commissioners.

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

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

24 D. The state ethics commission shall review and  
25 establish the salaries of all elected state officers effective

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

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

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

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

22 SECTION 3. It is proposed to amend Article 6, Section 26  
23 of the constitution of New Mexico to read:

24 "The legislature shall establish a magistrate court to  
25 exercise limited original jurisdiction as may be provided by

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1 law. The magistrate court shall be composed of such districts  
2 and elective magistrates as may be provided by law.  
3 Magistrates shall be qualified electors of, and reside in,  
4 their respective districts, and the legislature shall prescribe  
5 other qualifications. ~~[Magistrates shall receive compensation~~  
6 ~~as may be provided by law, which compensation shall not be~~  
7 ~~diminished during their term of office]~~ Metropolitan court  
8 judges shall be chosen as provided in this constitution."

9 SECTION 4. It is proposed to amend Article 6, Section 28  
10 of the constitution of New Mexico to read:

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

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

22 When necessary, the chief justice of the supreme court may  
23 designate any justice of the supreme court, or any district  
24 judge of the state, to act as a judge of the court of appeals,  
25 and the chief justice may designate any judge of the court of

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1 appeals to hold court in any district, or to act as a justice  
2 of the supreme court."

3 SECTION 5. It is proposed to amend the constitution of  
4 New Mexico by repealing:

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

9 SECTION 6. The amendments proposed by this resolution  
10 shall be submitted to the people for their approval or  
11 rejection at the next general election or at any special  
12 election prior to that date that may be called for that purpose  
13 and if so approved, the provisions of:

- 14 A. Section 1 shall take effect on January 1, 2023;
- 15 and
- 16 B. Sections 2 through 5 shall take effect on July  
17 1, 2024.