

1 HOUSE JOINT RESOLUTION 06
2 47TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2005

3 INTRODUCED BY
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10 A JOINT RESOLUTION
11 PROPOSING AN AMENDMENT TO ARTICLE 4, SECTION 1 OF THE
12 CONSTITUTION OF NEW MEXICO TO REQUIRE VOTER APPROVAL OF LAWS
13 THAT INCREASE STATE REVENUES THROUGH THE IMPOSITION OF NEW
14 TAXES OR INCREASES IN TAX RATES.
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16 BE IT RESOLVED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

17 Section 1. It is proposed to amend Article 4, Section 1
18 of the constitution of New Mexico to read:

19 "A. Except as otherwise provided in this article,
20 the legislative power shall be vested in a senate and house of
21 representatives which shall be designated the legislature of
22 the state of New Mexico, and shall hold its sessions at the
23 seat of government.

24 B. After January 1, 2007, the legislature shall not
25 enact a new tax or increase the rate of an existing tax except

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1 as provided in this subsection. When the legislature, by a
2 two-thirds' vote of the members elected to each house, votes in
3 favor of submitting to the voters of the state a proposal to
4 provide for an increase in state revenues in the form of the
5 imposition of a new tax or an increase in a tax rate, the
6 legislature shall submit the question of approval of that
7 proposal to the voters of the state at the next general
8 election. The legislature shall provide for publication of
9 notice of the question to the voters. If a majority of all of
10 the qualified voters votes in favor of approval of the
11 proposal, the proposal shall become law effective immediately
12 upon certification of the results by the state canvassing
13 board, unless a later effective date is specified by the
14 proposal. If two or more proposals are initiated by the
15 legislature pursuant to this subsection, the proposals shall be
16 submitted to the voters separately to enable the voters to vote
17 on each of the proposals separately.

18 C. The provisions of Subsection B of this section
19 do not apply to tax levies approved by the qualified electors
20 pursuant to Article 9, Section 8 of the constitution of New
21 Mexico.

22 D. The people reserve the power to disapprove,
23 suspend and annul any law enacted by the legislature, except
24 general appropriation laws; laws providing for the preservation
25 of the public peace, health or safety; for the payment of the

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1 public debt or interest thereon, or the creation or funding of
2 the same, except as in this constitution otherwise provided;
3 for the maintenance of the public schools or state
4 institutions, and local or special laws. Petitions
5 disapproving any law other than those above excepted, enacted
6 at the last preceding session of the legislature, shall be
7 filed with the secretary of state not less than four months
8 prior to the next general election. Such petitions shall be
9 signed by not less than ten per centum of the qualified
10 electors of each of three-fourths of the counties and in the
11 aggregate by not less than ten per centum of the qualified
12 electors of the state, as shown by the total number of votes
13 cast at the last preceding general election. The question of
14 the approval or rejection of such law shall be submitted by the
15 secretary of state to the electorate at the next general
16 election; and if a majority of the legal votes cast at such
17 general election, be cast for the rejection of such law, it
18 shall be annulled and thereby repealed with the same effect as
19 if the legislature had then repealed it, and such repeal shall
20 revive any law repealed by the act so annulled; otherwise, it
21 shall remain in force unless subsequently repealed by the
22 legislature. If such petition or petitions by signed by not
23 less than twenty-five per centum of the qualified electors
24 under each of the foregoing conditions, and be filed with the
25 secretary of state within ninety days after the adjournment of

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1 the session of the legislature at which such law was enacted,
2 the operation thereof shall be thereupon suspended and the
3 question of its approval or rejection shall be likewise
4 submitted to a vote at the next ensuing general election. If a
5 majority of the votes cast thereon and not less than forty
6 percentum of the total number of votes cast at such general
7 election be cast for its rejection, it shall be thereby
8 annulled; otherwise, it shall go into effect upon publication
9 of the certificate of the secretary of state declaring the
10 result of the vote thereon.

11 E. It shall be a felony for any person to sign any
12 such petition with any name other than his own, or to sign his
13 name more than once for the same measure, or to sign such
14 petition when he is not a qualified elector in the county
15 specified in such petition; provided, that nothing herein shall
16 be construed to prohibit the writing thereon of the name of any
17 person who cannot write, and who signs the same with his mark.
18 The legislature shall enact laws necessary for the effective
19 exercise of the power hereby reserved."

20 Section 2. The amendment proposed by this resolution
21 shall be submitted to the people for their approval or
22 rejection at the next general election or at any special
23 election prior to that date that may be called for that
24 purpose.