

HOUSE VOTERS AND ELECTIONS COMMITTEE SUBSTITUTE FOR
HOUSE BILL 935

49TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2009

AN ACT

RELATING TO THE PUBLIC PEACE, HEALTH, SAFETY AND WELFARE;
CREATING AN INDEPENDENT CONSTITUTIONAL REVISION COMMISSION
PURSUANT TO ARTICLE 19, SECTION 1 OF THE CONSTITUTION OF NEW
MEXICO; MAKING AN APPROPRIATION; DECLARING AN EMERGENCY.

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

Section 1. CONSTITUTIONAL REVISION COMMISSION--CREATION--
COMPOSITION.--The "constitutional revision commission" is
created as an independent commission pursuant to Article 19,
Section 1 of the constitution of New Mexico. The commission
shall be composed of fifteen voting members and two advisory,
nonvoting members. Members shall be appointed pursuant to the
following provisions:

A. three public members shall be appointed by the
speaker of the house of representatives, of whom no more than

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underscored material = new
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1 two shall belong to the same political party;

2 B. three public members shall be appointed by the
3 president pro tempore of the senate, of whom no more than two
4 shall belong to the same political party;

5 C. three public members shall be appointed by the
6 governor, of whom no more than two shall belong to the same
7 political party;

8 D. six public members shall be appointed by the New
9 Mexico legislative council in consultation with the governor;

10 E. the appointments shall be coordinated to ensure
11 that the different geographical areas of the state are
12 represented and that the members reflect the cultural,
13 economic, professional and ethnic diversity of New Mexico;

14 F. no more than eight members shall belong to the
15 same political party; and

16 G. the chief justice of the New Mexico supreme
17 court or the chief justice's designee and the attorney general
18 or the attorney general's designee shall serve in an advisory,
19 nonvoting capacity.

20 Section 2. OFFICERS--VACANCIES.--The constitutional
21 revision commission shall elect a chair and other necessary
22 officers from among its members. Vacancies on the commission
23 shall be filled by appointment by the respective appointing
24 authority that made the original appointment, and those
25 appointments shall be subject to the same criteria applicable

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1 to the initial appointments.

2 Section 3. POWERS AND DUTIES.--The constitutional
3 revision commission shall examine the constitution of New
4 Mexico and the constitutions of other states to recommend
5 changes in the constitution of New Mexico as it deems desirable
6 and necessary. Upon majority approval of the fifteen voting
7 members, legislation shall be drafted and submitted to the
8 legislature for its review in accordance with the provisions of
9 Article 19, Section 1 of the constitution of New Mexico.

10 Section 4. REPORTS AND RECOMMENDATIONS.--The
11 constitutional revision commission shall make a full report of
12 its findings and recommendations. The report and any
13 recommended constitutional revisions shall be made to the
14 governor and to each member of the fiftieth legislature not
15 later than thirty days prior to the convening of its first
16 regular session.

17 Section 5. STAFFING.--The staff and research work shall
18 be done under the supervision of the chair of the
19 constitutional revision commission by employees approved by the
20 commission, assisted, upon request, by the legislative council
21 service.

22 Section 6. SUBCOMMITTEES.--In the performance of its
23 duties, the constitutional revision commission may divide into
24 subcommittees, but the findings and recommendations of the
25 commission shall be adopted and reported only upon a majority

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1 vote of the commission.

2 Section 7. PER DIEM AND MILEAGE.--Members of the
3 constitutional revision commission shall receive per diem and
4 mileage as provided for in the Per Diem and Mileage Act and
5 shall receive no other compensation, perquisite or allowance.

6 Section 8. APPROPRIATION.--One hundred thousand dollars
7 (\$100,000) is appropriated from legislative cash balances to
8 the legislative council service for expenditure in fiscal years
9 2009 through 2011 in order to carry out the provisions of this
10 act. Any unexpended or unencumbered balance remaining at the
11 end of fiscal year 2011 shall revert to legislative cash
12 balances.

13 Section 9. DELAYED REPEAL.--The provisions of this act
14 are repealed effective April 1, 2011.

15 Section 10. EMERGENCY.--It is necessary for the public
16 peace, health and safety that this act take effect immediately.