

SENATE BILL 367

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

INTRODUCED BY

Joseph Cervantes

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.

AN ACT

RELATING TO THE CONSTITUTION OF NEW MEXICO; 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. [NEW MATERIAL] CONSTITUTIONAL REVISION COMMISSION--CREATION--COMPOSITION.--The "constitutional

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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. twelve public members shall be appointed by the New Mexico legislative council, of whom no more than six shall belong to the same political party;

B. three public members shall be appointed by the governor, of whom no SRC→~~more than~~←SRC two shall belong to the same political party;

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

D. no more than SRC→~~eight~~←SRC SRC→~~nine~~←SRC members appointed shall belong to the same political party;

E. the chief justice of the New Mexico supreme court or the chief justice's designee and the attorney general or the attorney general's designee shall serve in an advisory, nonvoting capacity; and

SRC→~~F. members considered for appointment to the commission shall not have changed party affiliation for at least one year prior to being appointed to the commission.~~←SRC

SRC→~~F. no member considered for appointment shall~~

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have changed party registration in the two years preceding the member's appointment in such a manner that the member's prior party registration would make the member ineligible to serve on the commission; and a member of the commission shall not continue to serve on the commission if the member changes party registration after the date of appointment in such a manner to make the member ineligible to serve on the commission. ←SRC

SECTION 2. [NEW MATERIAL] OFFICERS--VACANCIES.--The constitutional revision commission shall elect a chair and other necessary officers from among its members. Vacancies on the commission shall be filled by appointment by the respective appointing authority that made the original appointment, and those appointments shall be subject to the same criteria applicable to the initial appointments.

SECTION 3. [NEW MATERIAL] POWERS AND DUTIES.--

A. The constitutional revision commission shall:

(1) examine the constitution of New Mexico and the constitutions of other states to recommend changes in the constitution of New Mexico as it deems desirable and necessary;

(2) review the findings of the 1967 constitutional revision commission, the 1969 constitutional convention and the 1994 constitutional revision commission; and

(3) meet at least four times in 2021 and at the call of the chair.

B. Upon Sfl1 → **three-fifths** ← Sfl1 majority approval

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of the fifteen voting members, legislation shall be drafted and submitted to the legislature for its review in accordance with the provisions of Article 19, Section 1 of the constitution of New Mexico.

SECTION 4. [NEW MATERIAL] REPORTS AND RECOMMENDATIONS.--

The constitutional revision commission shall make a full report of its findings and recommendations. The report and any recommended constitutional revisions shall be made to the governor and to each member of the fifty-fifth legislature not later than thirty days prior to the convening of its second regular session.

SECTION 5. [NEW MATERIAL] STAFFING.--The staffing and

research work shall be done under the supervision of the chair of the constitutional revision commission by contractors selected through a competitive bid process conducted by the director of the legislative council service, in coordination and consultation with the chair. Additional staffing and research work may be done by the legislative council service upon the request of the commission and approval by the New Mexico legislative council.

SECTION 6. [NEW MATERIAL] SUBCOMMITTEES.--In the

performance of its duties, the constitutional revision commission may divide into subcommittees, but SRC→the←SRC findings and recommendations SRC→of the commission←SRC shall be adopted and reported only SRC→upon majority approval of the

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~~fifteen voting members~~←SRC SRC→by the commission←SRC .

SECTION 7. [NEW MATERIAL] PER DIEM AND MILEAGE.--Members of the constitutional revision commission shall receive per diem and mileage as provided for in the Per Diem and Mileage Act and shall receive no other compensation, perquisite or allowance.

SECTION 8. APPROPRIATION.--One hundred fifty thousand dollars (\$150,000) is appropriated from the general fund to the legislature to be administered by the legislative council service for expenditure in fiscal years 2021 and 2022 to carry out the provisions of this act. Any unexpended or unencumbered balance remaining at the end of fiscal year 2022 shall revert to the general fund.

SECTION 9. DELAYED REPEAL.--The provisions of this act are repealed effective April 1, 2022.

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