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HOUSE JOINT RESOLUTION 10

**55TH LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 2022**

INTRODUCED BY

Angelica Rubio and Javier Martínez and Daymon Ely

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO BY CREATING A PUBLIC OFFICER SALARY COMMISSION TO ESTABLISH AND LIMIT THE SALARIES OF ELECTED STATE OFFICERS AND OTHER PUBLIC OFFICERS AS PROVIDED BY LAW; REPEALING THE CONSTITUTIONAL PROVISION PROVIDING FOR LEGISLATIVE PER DIEM AND MILEAGE AND THE PROHIBITION OF LEGISLATIVE COMPENSATION; AMENDING AND REPEALING CONSTITUTIONAL PROVISIONS FOR THE ESTABLISHMENT OF CERTAIN EXECUTIVE AND JUDICIAL SALARIES BY LAW.

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

SECTION 1. It is proposed to amend Article 4 of the constitution of New Mexico by adding a new section to read:

"A. The "public officer salary commission" is established as a state agency under the direction of seven commissioners, who shall be appointed with due regard to

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1 geographic diversity, no more than four of whom may be members  
2 of the same political party, and shall not have changed their  
3 party affiliation within two years of appointment. Terms and  
4 qualifications of members shall be as provided by law.

5 B. The governor shall appoint two commissioners who  
6 are not from the same political party. The chief justice of  
7 the supreme court shall appoint two commissioners who are not  
8 from the same political party. One commissioner each shall be  
9 appointed by the president pro tempore of the senate and the  
10 speaker of the house of representatives, all as certified by  
11 the chief clerks of the respective chambers. One commissioner  
12 shall be appointed by the six commissioners appointed by the  
13 governor, the chief justice of the supreme court, the president  
14 pro tempore of the senate and the speaker of the house of  
15 representatives. No member of the commission shall be a:

- 16 (1) current state officer;  
17 (2) current employee of state government;  
18 (3) current or former lobbyist registered  
19 pursuant to New Mexico law; or  
20 (4) spouse, domestic partner, parent, child or  
21 sibling, by consanguinity or affinity, of a person identified  
22 in Paragraphs (1) through (3) of this subsection.

23 C. The public officer salary commission shall  
24 establish and limit salaries for:

- 25 (1) the governor, lieutenant governor,

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1 attorney general, secretary of state, state treasurer, state  
2 auditor and commissioner of public lands;

3 (2) justices of the supreme court, judges of  
4 the court of appeals, district court judges and magistrates;

5 (3) legislators;

6 (4) district attorneys; and

7 (5) other public officers as provided by law.

8 D. The public officer salary commission shall  
9 establish and limit salaries to take effect for the first full  
10 pay period in July 2024 and each full pay period through June  
11 2026. For each biennium thereafter, the commission shall  
12 establish and limit salaries for the pay periods within the  
13 biennium. The commission shall take into account any other  
14 compensation, perquisite, allowance or reimbursement provided  
15 to persons identified in Subsection C of this section by the  
16 state of New Mexico. The commission shall provide public  
17 notice of the salaries it establishes or limits no later than  
18 December 1 of the year preceding the effective date of the  
19 establishment of or change to a salary.

20 E. The commission may establish and limit any  
21 compensation, perquisite, allowance or reimbursement other than  
22 salary for the persons provided for in Subsection C of this  
23 section."

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

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1 "There shall be a district attorney for each judicial  
2 district, who shall be learned in the law, and who shall have  
3 been a resident of New Mexico for three years next prior to  
4 [his] election, shall be the law officer of the state and of  
5 the counties within [his] the district attorney's district,  
6 shall be elected for a term of four years and shall perform  
7 such duties [~~and receive such salary~~] as may be prescribed by  
8 law.

9 The legislature shall have the power to provide for the  
10 election of additional district attorneys in any judicial  
11 district and to designate the counties therein for which the  
12 district attorneys shall serve; but no district attorney shall  
13 be elected for any district of which [he] the district attorney  
14 is not a resident."

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

17 "The legislature shall establish a magistrate court to  
18 exercise limited original jurisdiction as may be provided by  
19 law. The magistrate court shall be composed of such districts  
20 and elective magistrates as may be provided by law.  
21 Magistrates shall be qualified electors of, and reside in,  
22 their respective districts, and the legislature shall prescribe  
23 other qualifications. [~~Magistrates shall receive compensation~~  
24 ~~as may be provided by law, which compensation shall not be~~  
25 ~~diminished during their term of office.~~] Metropolitan court

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1 judges shall be chosen as provided in this constitution."

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

4 "The court of appeals shall consist of not less than seven  
5 judges, who shall be chosen as provided in this constitution,  
6 whose qualifications shall be the same as those of justices of  
7 the supreme court [~~and whose compensation shall be as provided~~  
8 ~~by law. The increased qualifications provided by this 1988~~  
9 ~~amendment shall not apply to court of appeals judges serving at~~  
10 ~~the time this amendment passes or elected at the general~~  
11 ~~election in 1988].~~

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

15 When necessary, the chief justice of the supreme court may  
16 designate any justice of the supreme court, or any district  
17 judge of the state, to act as a judge of the court of appeals,  
18 and the chief justice may designate any judge of the court of  
19 appeals to hold court in any district, or to act as a justice  
20 of the supreme court."

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

- 23 A. Article 4, Section 10;
- 24 B. Article 5, Section 12;
- 25 C. Article 6, Section 11; and

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D. Article 6, Section 17.

SECTION 6. The amendment 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 of this resolution shall take effect on January 1, 2023; and

B. Sections 2 through 5 of this resolution shall take effect on July 1, 2024.