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SENATE JOINT RESOLUTION 11
42ND LEGISLATURE - STATE OF NEW MEXICO - SECOND SESSION, 1996
INTRODUCED BY
DUNCAN SCOTT

A JOINT RESOLUTION
PROPOSING AN AMENDMENT TO ARTICLE 10, SECTION 6 OF THE
CONSTITUTION OF NEW MEXICO TO PROVIDE MUNICIPALITIES WITH
EXPRESS AUTHORITY TO ENACT TERM LIMITS LAWS FOR ELECTED
MUNICIPAL OFFICERS.

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

Section 1. It is proposed to amend Article 10, Section 6
of the constitution of New Mexico to read:

"A. For the purpose of electing some or all of the
members of the governing body of a municipality:

(1) the legislature may authorize a
municipality by general law to be districted;

(2) if districts have not been established as
authorized by law, the governing body of a municipality may, by
resolution, authorize the districting of the municipality. The

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1 resolution shall not become effective in the municipality until
2 approved by a majority vote in the municipality; and

3 (3) if districts have not been established as
4 authorized by law or by resolution, the voters of a
5 municipality, by a petition which is signed by not less than
6 five percent of the registered qualified electors of the
7 municipality and which specified the number of members of the
8 governing body to be elected from districts, may require the
9 governing body to submit to the registered qualified electors of
10 the municipality, at the next regular municipal election held
11 not less than sixty days after the petition is filed, a
12 resolution requiring the districting of the municipality by its
13 governing body. The resolution shall not become effective in
14 the municipality until approved by a majority vote in the
15 municipality. The signatures for a petition shall be collected
16 within a [~~six-months~~] six-month period.

17 B. Any member of the governing body of a
18 municipality representing a district shall be a resident of, and
19 elected by, the registered qualified electors of that district.

20 C. The registered qualified electors of a
21 municipality may adopt, amend or repeal a charter in the manner
22 provided by law. In the absence of law, the governing body of a
23 municipality may appoint a charter commission upon its own
24 initiative or shall appoint a charter commission upon the filing
25 of a petition containing the signatures of at least five percent

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1 of the registered qualified electors of the municipality. The
2 charter commission shall consist of not less than seven members
3 who shall draft a proposed charter. The proposed charter shall
4 be submitted to the registered qualified electors of the
5 municipality within one year after the appointment of the
6 charter commission. If the charter is approved by a majority
7 vote in the municipality, it shall become effective at the time
8 and in the manner provided in the charter.

9 D. A municipality which adopts a charter may
10 exercise all legislative powers and perform all functions not
11 expressly denied by general law or charter. This grant of
12 powers shall not include the power to enact private or civil
13 laws governing civil relationships except as incident to the
14 exercise of an independent municipal power, nor shall it include
15 the power to provide for a penalty greater than the penalty
16 provided for a petty misdemeanor. No tax imposed by the
17 governing body of a charter municipality, except a tax
18 authorized by general law, shall become effective until approved
19 by a majority vote in the charter municipality.

20 E. The purpose of this section is to provide for
21 maximum local self-government. A liberal construction shall be
22 given to the powers of municipalities, including the power to
23 enact term limits laws for elected municipal officers."

24 Section 2. The amendment proposed by this resolution shall
25 be submitted to the people for their approval or rejection at

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1 the next general election or at any special election prior to
2 that date which may be called for that purpose.

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