

SENATE JOINT RESOLUTION

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

INTRODUCED BY

DISCUSSION DRAFT

A JOINT RESOLUTION

PROPOSING TO AMEND THE CONSTITUTION OF NEW MEXICO TO PROVIDE TO THE STATE ETHICS COMMISSION THE SOLE AUTHORITY TO REVIEW AND ESTABLISH SALARIES EVERY TWO YEARS FOR ALL ELECTED OFFICERS OF THE LEGISLATIVE, EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT; TO REMOVE EXISTING AUTHORITY TO SET SALARIES BY LAW FOR ELECTED OFFICERS OF THE EXECUTIVE AND JUDICIAL BRANCHES OF STATE GOVERNMENT; TO REMOVE EXISTING LIMITATIONS ON AND REQUIREMENTS FOR LEGISLATIVE COMPENSATION; AND TO TRANSFER TO THE SUPREME COURT THE AUTHORITY OF THE LEGISLATIVELY APPOINTED MEMBERS OF THE STATE ETHICS COMMISSION TO APPOINT TWO MEMBERS OF DIFFERENT PARTIES TO THE STATE ETHICS COMMISSION.

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

SECTION 1. It is proposed to amend Article 5, Section 17 of the constitution of New Mexico to read:

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1 "A. The "state ethics commission" is established as
2 an independent state agency under the direction of seven
3 commissioners, no more than three of whom may be members of the
4 same political party, whose terms and qualifications shall be
5 as provided by law. The governor shall appoint one
6 commissioner. One commissioner each shall be appointed by the
7 president pro tempore of the senate, the minority floor leader
8 of the senate, the speaker of the house of representatives and
9 the minority floor leader of the house of representatives, all
10 as certified by the chief clerks of the respective chambers.
11 Two commissioners, who shall not be members of the same
12 political party, shall be appointed by the [~~four legislatively~~
13 ~~appointed commissioners~~] supreme court, both as certified by
14 the clerk of the supreme court.

15 B. The state ethics commission may initiate,
16 receive, investigate and adjudicate complaints alleging
17 violations of, and issue advisory opinions concerning,
18 standards of ethical conduct and other standards of conduct and
19 reporting requirements, as may be provided by law, for state
20 officers and employees of the executive and legislative
21 branches of government, candidates or other participants in
22 elections, lobbyists or government contractors or seekers of
23 government contracts and have such other jurisdiction as
24 provided by law.

25 C. The state ethics commission may require the

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1 attendance of witnesses or the production of records and other
2 evidence relevant to an investigation by subpoena as provided
3 by law and shall have such other powers and duties and
4 administer or enforce such other acts as further provided by
5 law.

6 D. The state ethics commission shall review and
7 establish the salaries of all elected state officers every two
8 years. The salaries established by the state ethics commission
9 shall be published no later than December 1 of each odd-
10 numbered year and shall be effective the first full pay period
11 of the following fiscal year."

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

14 "There shall be a district attorney for each judicial
15 district, who shall be learned in the law, and who shall have
16 been a resident of New Mexico for three years next prior to
17 [~~his~~] election, shall be the law officer of the state and of
18 the counties within [~~his~~] the district attorney's district,
19 shall be elected for a term of four years and shall perform
20 such duties [~~and receive such salary~~] as may be prescribed by
21 law.

22 The legislature shall have the power to provide for the
23 election of additional district attorneys in any judicial
24 district and to designate the counties therein for which the
25 district attorneys shall serve; but no district attorney shall

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1 be elected for any district of which [~~he~~] the district attorney
2 is not a resident."

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

5 "The legislature shall establish a magistrate court to
6 exercise limited original jurisdiction as may be provided by
7 law. The magistrate court shall be composed of such districts
8 and elective magistrates as may be provided by law.
9 Magistrates shall be qualified electors of, and reside in,
10 their respective districts, and the legislature shall prescribe
11 other qualifications. [~~Magistrates shall receive compensation~~
12 ~~as may be provided by law, which compensation shall not be~~
13 ~~diminished during their term of office]~~ Metropolitan court
14 judges shall be chosen as provided in this constitution."

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

17 "The court of appeals shall consist of not less than seven
18 judges, who shall be chosen as provided in this constitution,
19 whose qualifications shall be the same as those of justices of
20 the supreme court [~~and whose compensation shall be as provided~~
21 ~~by law. The increased qualifications provided by this 1988~~
22 ~~amendment shall not apply to court of appeals judges serving at~~
23 ~~the time this amendment passes or elected at the general~~
24 ~~election in 1988].~~

25 Three judges of the court of appeals shall constitute a

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1 quorum for the transaction of business, and a majority of those
2 participating must concur in any judgment of the court.

3 When necessary, the chief justice of the supreme court may
4 designate any justice of the supreme court, or any district
5 judge of the state, to act as a judge of the court of appeals,
6 and the chief justice may designate any judge of the court of
7 appeals to hold court in any district, or to act as a justice
8 of the supreme court."

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

- 11 A. Article 4, Section 10;
- 12 B. Article 5, Section 12;
- 13 C. Article 6, Section 11; and
- 14 D. Article 6, Section 17.

15 SECTION 6. The amendments proposed by this resolution
16 shall be submitted to the people for their approval or
17 rejection at the next general election or at any special
18 election prior to that date that may be called for that purpose
19 and if so approved, the provisions of:

- 20 A. Section 1 shall take effect on January 1, 2023;
- 21 and
- 22 B. Sections 2 through 5 shall take effect on July
- 23 1, 2024.